



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

June 15, 2016

The Honorable Jason Chaffetz
Chairman
Oversight and Government Reform Committee
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in further response to your May 12, 2015, request regarding the review of the then-proposed Clean Water Rule conducted by the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs (OIRA). Since the Committee's initial request, OMB has acted in good faith to accommodate the Committee's interest in the rule, providing tens of thousands of pages of documents to the Committee.

Enclosed is OMB's thirteenth set of responsive documents, which are Bates stamped OMB-020167 to OMB-033871. Please note that the enclosed production includes a small number of pages (approximately five pages) that have portions redacted at the request of the Department of Justice because those portions are unrelated to the Clean Water Act rulemaking and are not responsive to the Committee's request. We have made significant efforts to provide the Committee with the information it has requested and to increase the pace of our productions over time. The production of more than 13,000 pages of documents today represents documents spanning a multiple year period from 2012 through 2015. OMB's goal is to provide all remaining documents to the Committee by June 22, or sooner. OMB does not expect to withhold documents from the Committee due to OMB equities, but consistent with established third-agency practice, we have referred documents to other agencies for review. That review will also be completed by no later than next week.

Your request examines internal deliberations of the Executive Branch on an agency rulemaking that was expected to be, and now currently is, the subject of litigation challenges. Through this accommodation, OIRA does not waive any confidentiality interests in these documents or similar documents in other circumstances. OIRA respectfully requests that the Committee and staff protect the documents and the information contained in them from further dissemination. Should the Committee determine that its legislative mandate requires further distribution of this information outside the Committee, we request that such need first be discussed with OIRA to help ensure that the Executive Branch's confidentiality interests are protected to the fullest extent possible.

If you have any further questions, please do not hesitate to contact our Office of Legislative Affairs at (202) 395-4790.

Sincerely,

Tamara L. Fucile
Associate Director for Legislative Affairs

cc The Honorable Elijah Cummings, Ranking Member