

United States Senate

WASHINGTON, DC 20510

November 21, 2025

Christina Butler
Chief, FOIA/PA Unit
Criminal Division
Department of Justice
950 Constitution Ave, NW
Washington, DC 20530

Dear FOIA Officer:

Implicit in Article I of the Constitution is Congress's power of inquiry, which is an essential component of Congress's legislative and oversight functions. Concurrent with inquiries we have made to the Department of Justice pursuant to our Article I oversight authority, which have not yet received a response, we are submitting a parallel expedited request under the Freedom of Information Act, 5 U.S.C. § 552, and 28 C.F.R. Part 16, for the following records.

Requested Records

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Please produce within twenty business days the following records:

1. All communications between Justice Department officials and employees of CitiBank regarding the freezing of Greenhouse Gas Reduction Fund money. Your office is in the best position to identify where responsive records are likely to reside, but at a minimum, a reasonable search for responsive records would include:
 - a. Office of the Attorney General;
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 - c. Executive Office of U.S. Attorneys for the District of Columbia; and
 - d. Federal Bureau of Investigation, Washington Field Office.
2. All evidence predicated a criminal investigation of the administration of and distribution of funds from the Greenhouse Gas Reduction Fund, including any seizure warrant applications and accompanying affidavits and exhibits.
3. All communications and records reflecting any recommendation from Environmental Protection Agency officials regarding a criminal investigation into the Greenhouse Gas Reduction Fund. Your office is in the best position to identify where responsive records are likely to reside, but at a minimum, a reasonable search for responsive records would include communications sent or received by the following officials:

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4. All communications between Emil Bove and employees of any U.S. Attorney's Office regarding opening an investigation or seeking a warrant application related to the Greenhouse Gas Reduction Fund.
5. All court orders freezing grant funds disbursed through the Greenhouse Gas Reduction Fund.
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7. All information requests or other correspondence from Interim U.S. Attorney Ed Martin to recipients of grants from the Greenhouse Gas Reduction Fund.
8. All communications and records referencing EPA Administrator Zeldin's public comments to Fox News, the Daily Wire News, or other media outlets, regarding Greenhouse Gas Reduction Fund grant awards being a "rush job," or having "reduced oversight," as well as any allegations that the Biden Administration was trying to disperse the funds "before Inauguration Day."

For all parts of this request, please produce all responsive records from January 20, 2025, through the date the search is conducted.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k), a waiver of fees associated with processing this request is appropriate. Disclosure of the requested information is in the public interest because it (i) would shed light on the operations or activities of the government; (ii) would contribute significantly to the general public's understanding of government operations and activities; and (iii) is necessary to carry out Congress's Article I oversight functions, as opposed to for a commercial purpose.

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Kevin Krebs
Assistant Director
FOIA/Privacy Unit
Executive Office for United States Attorneys
175 N Street, NE, Suite 5.400
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Michael G. Seidel
Section Chief
Record/Information Dissemination Section
Federal Bureau of Investigation
200 Constitution Drive
Winchester, VA 22602

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Andrew Fiorillo
Chief, Initial Request Staff
Office of the Attorney General
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 - c. Executive Office of U.S. Attorneys for the District of Columbia; and
 - d. Federal Bureau of Investigation, Washington Field Office.
2. All evidence predicated a criminal investigation of the administration of and distribution of funds from the Greenhouse Gas Reduction Fund, including any seizure warrant applications and accompanying affidavits and exhibits.
3. All communications and records reflecting any recommendation from Environmental Protection Agency officials regarding a criminal investigation into the Greenhouse Gas Reduction Fund. Your office is in the best position to identify where responsive records

are likely to reside, but at a minimum, a reasonable search for responsive records would include communications sent or received by the following officials:

- a. Lee Zeldin;
 - b. Emil Bove;
 - c. Ed Martin;
 - d. Officials from the EPA Office of the Administrator;
 - e. Officials from the EPA Office of General Counsel;
 - f. Officials from the Office of the Attorney General;
 - g. Officials from the Office of the Deputy Attorney General;
 - h. Officials from the U.S. Attorney's Office for the District of Columbia; and
 - i. Officials from the Federal Bureau of Investigation, Washington Field Office.
4. All communications between Emil Bove and employees of any U.S. Attorney's Office regarding opening an investigation or seeking a warrant application related to the Greenhouse Gas Reduction Fund.
 5. All court orders freezing grant funds disbursed through the Greenhouse Gas Reduction Fund.
 6. All communications about investigating the Greenhouse Gas Reduction Fund that were sent or received by Department of Justice or FBI officials that include EPA Administrator Lee Zeldin, EPA Acting Deputy Administrator Chad McIntosh, any persons in the EPA Administrator's or Deputy Administrator's offices, any persons affiliated with the so-called "Department of Government Efficiency," or any personnel from the EPA's Office of Inspector General.
 7. All information requests or other correspondence from Interim U.S. Attorney Ed Martin to recipients of grants from the Greenhouse Gas Reduction Fund.
 8. All communications and records referencing EPA Administrator Zeldin's public comments to Fox News, the Daily Wire News, or other media outlets, regarding Greenhouse Gas Reduction Fund grant awards being a "rush job," or having "reduced oversight," as well as any allegations that the Biden Administration was trying to disperse the funds "before Inauguration Day."

For all parts of this request, please produce all responsive records from January 20, 2025, through the date the search is conducted.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k), a waiver of fees associated with processing this request is appropriate. Disclosure of the requested information is in the public interest because it (i) would shed light on the operations or activities of the government; (ii) would contribute significantly to the general public's understanding of government operations and activities; and (iii) is necessary to carry out Congress's Article I oversight functions, as opposed to for a commercial purpose.

First, disclosure of the requested records would shed light on whether the Department of Justice complied with relevant statutes, regulations, and procedures with respect to its attempted investigation of the Greenhouse Gas Reduction Fund, a program duly authorized and funded by Congress. Public reporting and a resignation letter from the career Criminal Division Chief of the U.S. Attorney's Office for the District of Columbia raise concerns that the investigation was politically motivated and lacked sufficient predication to proceed. *See, e.g., Read the resignation letter by Denise Cheung, a veteran D.C. federal prosecutor*, Wash. Post (Mar. 6, 2025), <https://www.washingtonpost.com/dc-md-va/2025/02/18/read-resignation-letter-denise-cheung/>. Congress and the public have a strong interest in records that would shed light on the veracity of those allegations.

Second, disclosure of the requested records would contribute significantly to the general public's understanding of whether the Justice Department acted lawfully and with appropriate predication when it initiated an investigation into the Greenhouse Gas Reduction Fund. This information is not already in the public domain, despite repeated congressional oversight requests. Upon receipt of these records, we intend to disseminate pertinent information along with our analysis through publication on our offices' various platforms, which will enhance the public's understanding of the government's activities. Third, the request is wholly for non-commercial purposes. Our Senate offices operate as part of the federal government. We seek the requested information not for commercial use, but to aid in congressional oversight, good government, and transparency for the American people.

Expedited Processing Request

Pursuant to 5 U.S.C. 552(a)(6)(E) and 28 C.F.R. § 16.5(e)(1)(ii) and (iv), expedited processing is warranted. Expedition is required when there is a compelling need for the requested information, including where requests involve urgency to inform the public concerning actual or alleged federal government activity or a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. We certify to be true and correct to the best of our knowledge that circumstances warranting expedited processing exist here.

First, Congress has the constitutional authority to legislate and conduct oversight and is entitled to the expeditious disclosure of information to facilitate those processes. The requested information relates to the propriety of the Justice Department's investigation of the Greenhouse Gas Reduction Fund. Timely provision of this information is vital for Congress to perform its constitutionally mandated legislative and oversight functions.

Second, it is urgent that the public know whether the Justice Department acted appropriately in investigating a congressionally authorized and appropriated grant program. Upon receipt of these records, we intend to disseminate pertinent information along with our analysis through publication on our offices' various platforms.

Third, there is widespread and exceptional media interest in this matter, which, as explained above, raises questions about the government's integrity that affect public confidence. *See, e.g., Read the resignation letter by Denise Cheung, a veteran D.C. federal prosecutor*, Wash. Post (Mar. 6, 2025), <https://www.washingtonpost.com/dc-md-va/2025/02/18/read-resignation-letter-denise-cheung/>; Spencer Hsu, et al., *FBI takes up EPA probe amid pushback from judge, prosecutors*, Wash. Post (Feb. 27, 2025), <https://css.washingtonpost.com/dc-md-va/2025/02/27/trump-fbi-epa-grant-investigation/>; Eileen Sullivan, et al., *Prosecutor in U.S. Attorney's Office in Washington Abruptly Resigns*, N.Y. Times (Feb. 18, 2025), <https://www.nytimes.com/2025/02/18/us/politics/denise-cheung-federal-prosecutor-quits.html>.

Guidance Regarding the Search & Processing of Requested Records

Please search for responsive records regardless of format, medium, or physical characteristics. In conducting the search, please construe the terms “record,” “document,” and “information” in their broadest sense, including any written, typed, recorded, graphic, printed, or audio or video material of any kind. Any request for “records” includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. Any request for “communications” includes, but is not limited to, emails, letters, memoranda, calendar invitations, text messages, direct messages, and attachments thereto. To the extent that an email is responsive to a request, the request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.

FOIA requires agencies to disclose records to Congress that may otherwise be withheld from the public. 5 U.S.C. § 552(d). If it is your position that any of the requested documents are nonetheless exempted from disclosure requirements, please provide a *Vaughn* index as required by *Vaughn v. Rosen*, 484 F. 2d 820 (D.C. Cir. 1973); *see also Roth v. U.S. Dept. of Justice*, 642 F. 3d 1161, 1185 (D.C. Cir. 2011) (“Under our case law, agencies invoking a FOIA exemption must provide a specific, detailed explanation of why the exemption applies to the withheld materials.”). FOIA also requires agencies to release “any reasonably segregable portions” of documents that may be partially exempt and to prepare “an index relating any withheld portions to specific FOIA exemptions.” *Lykins v. U.S. Dept. of Justice*, 725 F.2d 1455, 1466 (D.C. Cir. 1984).

Where possible, please provide responsive material in an electronic format by email. Please send any responsive material being sent by email to Annie_Owens@judiciary-dem.senate.gov. Please send any material being mailed to Sheldon Whitehouse, 530 Hart Senate Office Building, Washington, D.C. 20510. If it will accelerate release of responsive records, please provide responsive material on a rolling basis.

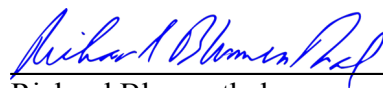
Conclusion

We look forward to working with the Department of Justice to ensure the timely and exhaustive disclosure of all non-exempt records responsive to this request. If you have any questions regarding how to construe this request or believe that further discussions regarding search and processing would facilitate a more efficient production, please do not hesitate to contact us. If the request for a fee waiver is denied in part or in full, please contact our offices immediately. Thank you for your consideration.

Sincerely,



Sheldon Whitehouse
United States Senator
Ranking Member,
Subcommittee on Federal
Courts, Oversight, Agency
Action, and Federal Rights



Richard Blumenthal
United States Senator



Adam B. Schiff
United States Senator