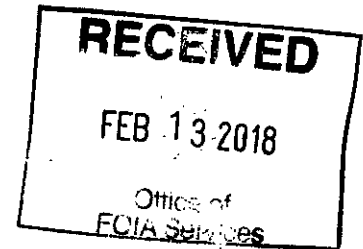


foiapa

From: [REDACTED]
Sent: Tuesday, February 13, 2018 3:04 PM
To: foiapa
Subject: Request for Document from Glawe, Justin

Justin M Glawe Glawe
[REDACTED]
United States
[REDACTED]



Request:
COMP_NAME: Committee communications
DOC_DATE: January 1, 2017 to present
TYPE: Other (fully describe)
COMMENTS: To whom it concerns,

This is a request under the Freedom of Information Act.

I request any and all records of communications, including but not limited to official requests for information, emails, text messages, recordings of phone calls and/or meeting minutes sent by any and all members of the Senate Select Committee on Intelligence and/or the Senate Permanent Subcommittee on Investigations and the Securities and Exchange Commission from January 1, 2018 to present.

If possible, please provide the records on a rolling basis and do not wait until the entirety of the records is amassed. If there are costs involved, please provide a detailed estimate and notify me if the costs exceed \$61. Please justify each deletion separately by reference to specific exemptions of the law and release all reasonably segregable portions of otherwise-exempt material.

I look forward to your response within the act's statutory time limit. Thank you for your consideration of this request.
FEE_AUTHORIZED: Willing to Pay \$61
FEE_WAIVER_REQUESTED: No
EXPEDITED_SERVICE_REQUESTED: No



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

August 1, 2018

Mr. Justin M. Glawe
Freelance Journalist

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. 18-00023-CFOI

Dear Mr. Glawe:

This letter is in response to your request, dated and received in this office on February 13, 2018, for "any and all records of communications, including but not limited to official requests for information, emails, text messages, recordings of phone calls and/or meeting minutes sent by any and all members of the Senate Select Committee on Intelligence and/or the Senate Permanent Subcommittee on Investigations and the Securities and Exchange Commission from January 1, 2018 to present."

The search for responsive records has resulted in the retrieval of 20 pages of records that may be responsive to your request. They are being provided to you with this letter.

If you have any questions, please contact me at luetkenhausj@sec.gov or (202) 551-8352. You may also contact me at foiapa@sec.gov or (202) 551-7900. You also have the right to seek assistance from Aaron Taylor as a FOIA Public Liaison or contact the Office of Government Information Services (OGIS) for dispute resolution services. OGIS can be reached at 1-877-684-6448 or Archives.gov or via e-mail at ogis@nara.gov.

Sincerely,

A handwritten signature in black ink that reads "Jason Luetkenhaus".

Jason Luetkenhaus
FOIA Lead Research Specialist

Enclosure



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

OFFICE OF
LEGISLATIVE AND
INTERGOVERNMENTAL
AFFAIRS

February 27, 2018

The Honorable Tom Carper
Ranking Member
Permanent Subcommittee on Investigations
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Ranking Member Carper:

In your February 5, 2018 letter to Chairman Clayton, you requested that the Securities and Exchange Commission (SEC) provide certain information relating to the agency's processes to solicit and accept public comment on proposed rulemakings. Chairman Clayton has asked me to respond to your letter. The following lists each of your requests and our responses.

1. Over the past five calendar years:

a. How many proposed rules did your agency publish for notice and comment?

Year	Number of Proposed Rules Published for Notice and Comment ¹
2017	6
2016	12
2015	18
2014	8
2013	8

b. How many man-hours or full-time equivalents were required to collect and review comments for those proposed rules?

For calendar years 2013 through 2017, one full-time employee performed administrative functions in support of collecting and reviewing comments for the SEC's proposed rules. This represents the time for processing of the comment letters submitted and does not include staff or man-hours related to the analysis of comment letters as part of the rulemaking process.

¹ This column includes those proposed rulemakings that are included on the SEC website under "SEC Proposed Rules" and does not include rules that were reopened for comment or had their comment period extended in the indicated year.

c. How much money did your agency provide to support Regulations.gov?

The SEC is a “non-participating agency” with respect to Regulations.gov and, therefore, during the last five years did not provide any money to Regulations.gov.²

d. In each year, which three proposed rules received the highest number of comments? How many comments did each of those proposed rules receive?

Year	Three Proposed Rules with the Highest Number of Comments³	Number of Comments⁴
2017	Proposed Amendments to Exchange Act Rule 15c2-12 (S7-01-17)	106 (including 26 form letters)
	FAST Act Modernization and Simplification of Regulation S-K (S7-08-17)	44
	Inline XBRL Filing of Tagged Data (S7-03-17)	37
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	Disclosure of Order Handling Information (S7-14-16)	82
2015	Disclosure of Payments by Resource Extraction Issuers (S7-25-15)	117,296 (including 117,231 form letters of two types)
	Investment Company Reporting Modernization (S7-08-15)	1,060 (including 434 form letters of five types)
	Use of Derivatives by Registered Investment Companies and Business Development Companies (S7-24-15)	272

² See <https://www.regulations.gov/aboutPartners> (listing participating and non-participating agencies).

³ This column includes those proposed rulemakings that are included on the SEC website under “SEC Proposed Rules” and does not include rules that were reopened for comment or had their comment period extended in the indicated year.

⁴ The number of comments includes, in addition to comment letters, memoranda of meetings between commenters and SEC Commissioners or staff.

2014	Investment Company Advertising: Target Date Retirement Fund Names and Marketing (S7-12-10)	121
	Removal of Certain References to Credit Ratings and Amendment to the Issuer Diversification Requirement in the Money Market Fund Rule (S7-07-11)	45
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2. List and describe the means by which your agency solicits and receives comments during the notice-and-comment rulemaking process.

In rulemaking releases for a proposed SEC rulemaking, the SEC provides the following instructions for submitting comments:

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form located at <http://www.sec.gov/rules/proposed.shtml>;
- Send an email to rule-comments@sec.gov, including File Number XX-XX-XX on the subject line; or

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-1090.

All submissions should refer to File Number XX-XX-XX. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The

Commission will post all comments on the Commission's Internet Website (<http://www.sec.gov/rules/proposed.shtml>). Comments are also available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE, Washington DC 20549, on official working days between the hours of 10:00 am and 3:00 pm. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. Studies, memoranda, or other substantive items may be added by the Commission or staff to the comment file during this rulemaking. A notification of the inclusion in the comment file of any such materials will be made available on the Commission's website. To ensure direct electronic receipt of such notifications, sign up through the "Stay Connected" option at www.sec.gov to receive notifications by e-mail.

Additionally, the SEC provides a summary of the comment process at: <https://www.sec.gov/rules/submitcomments.htm>.⁵

3. For comments filed through Regulations.gov or any other agency electronic filing mechanism, what fields of information are commenters required to provide? What fields are optional?

For commenters using the SEC's online form in SEC.gov, the following fields are required:

- First Name
- Last Name
- Email Address
- Comments

The following fields are optional on the online form in SEC.gov:

- Middle Initial
- Suffix
- Professional Affiliation
- City
- State/Province
- Country
- Attached file (if comments are provided on a separate document)

For commenters emailing comments to rule-comments@sec.gov, there are no required fields.

From approximately April 2004 until September 2017, Regulations.gov posted Commission rulemakings, and other releases, and allowed commenters to submit comments through Regulations.gov, which Regulations.gov then forwarded to the Commission. After

⁵ See also Investor Bulletin: Suggestions for How Individual Investors Can Comment on SEC Rulemakings (Dec 12, 2017), available at https://www.sec.gov/oiea/investor-alerts-and-bulletins/ib_secrulemaking.

September 2017, Regulations.gov continues to post Commission rulemakings, and other releases, but no longer allows commenters to comment on Commission matters through their portal due to the SEC's status as a "non-participating agency."

4. All policies and procedures regarding:

- a. The collection or validation of commenters' identities or email addresses**
- b. Detecting and preventing automated activity such as "bots" from submitting comments or spam**
- c. The determination of commenters' nationalities**
- d. Any limitations on file formats commenters may submit during the comment process and what types of files your agency accepts (e.g., portable document format, Word, executable files, audio files).**
- e. The process by which your agency makes comments available to the public, including written guidance on whether and how to review, screen, redact, or summarize any comments before they are made publicly available.**

Attached is a memorandum of the SEC's Office of the Secretary relating to posting comment letters on the SEC's public website and to logging and recording comment letters.

While not policies and procedures *per se*, the SEC has contracted with a private company for internet security services, including services for management of bot activity. In addition, SEC staff is implementing the Google ReCaptcha functionality for rule comments submitted to SEC.gov.

5. In any comment period from January 1, 2010 to the present, has your agency received any information that a commenter filed a comment under someone else's identity? If so, please provide:

- a. The proposed rule**
- b. The comment**
- c. All documents regarding whether the comment was filed under someone else's identity**
- d. All documents regarding how the agency addressed the filing of a comment under someone else's identity**

We are not aware of any information that a commenter submitted a comment under someone else's identity on an SEC rulemaking during the relevant time period. We post comments that are submitted anonymously.

Although not related to an agency rule, we are aware of two instances of commenters allegedly submitting comments under someone else's identity in the context of self-regulatory organization ("SRO") proposed changes to their rules.

In the first instance, we received an unsigned comment letter dated January 2, 2017 from Global Investigative Journalism Network ("GIJN") and posted it on www.sec.gov under the comment index for file number SR-CHX-2016-20. The notice of this SRO's rule proposal is available at <https://www.sec.gov/rules/sro/chx/2017/34-81366.pdf>. We received another letter on January 4, 2017, from GIJN's Executive Director stating that GIJN did not submit the January 2, 2017 letter. In response to the January 4, 2017 letter, we changed how the January 2, 2017 letter was posted on the comment letter index to replace the reference to GIJN with the name of the individual whose name was on the comment form submission. Both of these letters are posted on the comment letter index for SR-CHX-2016-20 at <https://www.sec.gov/comments/sr-chx-2016-20/chx201620.shtml>.

In the second instance, we received a comment submission dated February 8, 2017, from Jeffrey Wilcke, Ethereum Foundation, and posted it on www.sec.gov under the comment index for file number SR-NYSEArca-2017-06. The notice of this SRO's rule proposal is available at <https://www.sec.gov/rules/sro/nysearca/2017/34-79955.pdf>. We received another comment submission on March 28, 2017, from Jeffrey Wilcke, Ethereum Foundation, disclaiming the February 8 comment submission and requesting that his name be removed from that letter because his name and affiliation were used without his knowledge or consent. In response to the March 28 letter, we changed how the February 8 letter was posted on the comment letter index to remove the individual's name and replace it with a generic description of the date and time the letter was submitted. We also created a link to the March 28 letter immediately below the February 8 letter. Both of these letters are posted on the comment letter index for NYSEArca-2017-06 at <https://www.sec.gov/comments/sr-nysearca-2017-06/nysearca201706.htm>.

Please do not hesitate to contact me at (202) 551-2010 if you have any questions regarding these materials.

Sincerely,



Bryan Wood
Director

Attachment

MEMORANDUM

TO: Simon Park, Jennifer Saunders, Dixie Kirby, Rule-Comments staff

FROM: Elizabeth Murphy
Kevin O'Neill
Lynn Powalski

RE: Policies for Posting/Removal of Comment Letters on the Commission's Public Website

DATE: November 3, 2011

This memorandum reflects the Office of the Secretary's ("OS") policies for posting on or removal of comment letters on the Commission's public website (www.sec.gov). Additionally included are policies for logging comment letters into OS's Comment Letter Log database and forwarding comment letters to Records Management.

- 1) OS staff should not post comment letters on the Commission's website:
 - that contain obscene language;
 - that contain racial, religious, or gender slurs;
 - that contain security threats;
 - with no substantive content related to the pending proposal, release, notice, or order;
 - that are the subject of a confidential treatment request
 - that are clearly "prank" letters; or
 - that constitute "tips or complaints" rather than comments on a rule proposal.
- 2) If the comment letter falls within a category identified in No. 1 above, and OS staff is able to identify the applicable file number if not included, OS staff should enter the comment letter into Comment Letter Log and forward the letter to both staff working on the matter and Records Management with an indication that the letter has not been posted on the Commission's website.
- 3) OS staff should not log a comment letter missing a file number into Comment Letter Log unless staff can identify the file to which the comment letter should be posted.
- 4) If OS staff receives a comment letter on a rule after a rule is adopted, a final order is issued, or other final Commission action is completed (a "Final Action"), OS staff should log the letter into Comment Letter Log and forward the letter to Records Management but should not post such a letter on the Commission's website. The cut-off date for web posting is the date that OS assigns the release number to any Final Action and posts it on the website, rather than a meeting date or seriatim approval date.

5) OS staff should place electronically received comment letters that are general complaints but do not relate to any Commission or SRO proposal in an electronic archived file. If applicable, OS staff will refer the letters to OIEA or Enforcement. If the letter indicates a possible securities violation or includes a bounty application, OS staff should enter the relevant contents of the letter into the TCR system.

6) OS staff should archive letters received prior to the noticing of a self-regulatory organization ("SRO") or Commission proposal and, upon instruction by rulemaking staff, will post letters to the applicable file when the Commission notices the proposal.

7) Removal of a comment letter upon request of the author or purported author:
:

- Upon verification that a comment letter was not submitted by the named author (e.g., "spoofing"), OS staff should remove the comment letter.
- If the Commission has not completed a Final Action on an SRO or Commission proposal, release, notice, or order, OS staff generally should remove or modify or replace the comment letter on the website. OS staff should forward to Records Management the request to remove the letter placed in the Records Management file and the Comment Letter Log.
- If the Commission has completed a Final Action on an SRO or Commission proposal, release, notice, or order, OS staff should generally not remove the comment letter from the website and Comment Letter Log if the comment letter is cited in the adopting release.
- If the Commission has completed a Final Action on an SRO or Commission proposal, release, notice or order, and the comment letter is cited in the Final Action, OS generally should remove the comment from the Commission's public website upon the written request of the author or purported author. However, such a comment letter will not be removed from the Comment Letter Log or Records Management files.

8) Copyrighted material: consistent with the copyright laws, OS staff should redact known or obviously copyrighted material from comment letters posted on the website; however, such material will not be redacted from the version placed in the Records Management file. If the copyrighted material cited in the comment is available freely on a public web site, OS staff may establish a link to that content.

9) Slandorous content: OS staff generally should post on the website otherwise relevant comment letters containing potentially slanderous statements unless the content falls into a category listed in Item No. 1 above. The Commission is not liable for defamatory statements made by third parties in their comment letters. If OS staff identifies a letter containing slanderous content before posting, the letter should be brought to the attention of the Secretary or a Deputy Secretary.

10) Personally identifiable information: OS staff may redact known or obviously personally identifiable information from comment letters posted on the website; however, such material will not be redacted from the version placed in the Records Management file.



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

OFFICE OF
LEGISLATIVE AND
INTERGOVERNMENTAL
AFFAIRS

February 27, 2018

The Honorable Rob Portman
Chairman
Permanent Subcommittee on Investigations
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Portman:

In your February 5, 2018 letter to Chairman Clayton, you requested that the Securities and Exchange Commission (SEC) provide certain information relating to the agency's processes to solicit and accept public comment on proposed rulemakings. Chairman Clayton has asked me to respond to your letter. The following lists each of your requests and our responses.

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² See <https://www.regulations.gov/aboutPartners> (listing participating and non-participating agencies).

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3. For comments filed through Regulations.gov or any other agency electronic filing mechanism, what fields of information are commenters required to provide? What fields are optional?

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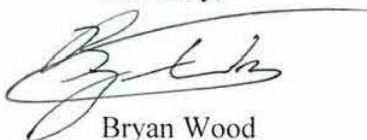
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Please do not hesitate to contact me at (202) 551-2010 if you have any questions regarding these materials.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Wood", with a long horizontal flourish extending to the right.

Bryan Wood
Director

Attachment

MEMORANDUM

TO: Simon Park, Jennifer Saunders, Dixie Kirby, Rule-Comments staff

FROM: Elizabeth Murphy
Kevin O'Neill
Lynn Powalski

RE: Policies for Posting/Removal of Comment Letters on the Commission's Public Website

DATE: November 3, 2011

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 - that contain security threats;
 - with no substantive content related to the pending proposal, release, notice, or order;
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7) Removal of a comment letter upon request of the author or purported author:
:

- Upon verification that a comment letter was not submitted by the named author (e.g., "spoofing"), OS staff should remove the comment letter.
- If the Commission has not completed a Final Action on an SRO or Commission proposal, release, notice, or order, OS staff generally should remove or modify or replace the comment letter on the website. OS staff should forward to Records Management the request to remove the letter placed in the Records Management file and the Comment Letter Log.
- If the Commission has completed a Final Action on an SRO or Commission proposal, release, notice, or order, OS staff should generally not remove the comment letter from the website and Comment Letter Log if the comment letter is cited in the adopting release.
- If the Commission has completed a Final Action on an SRO or Commission proposal, release, notice or order, and the comment letter is cited in the Final Action, OS generally should remove the comment from the Commission's public website upon the written request of the author or purported author. However, such a comment letter will not be removed from the Comment Letter Log or Records Management files.

8) Copyrighted material: consistent with the copyright laws, OS staff should redact known or obviously copyrighted material from comment letters posted on the website; however, such material will not be redacted from the version placed in the Records Management file. If the copyrighted material cited in the comment is available freely on a public web site, OS staff may establish a link to that content.

9) Slandorous content: OS staff generally should post on the website otherwise relevant comment letters containing potentially slanderous statements unless the content falls into a category listed in Item No. 1 above. The Commission is not liable for defamatory statements made by third parties in their comment letters. If OS staff identifies a letter containing slanderous content before posting, the letter should be brought to the attention of the Secretary or a Deputy Secretary.

10) Personally identifiable information: OS staff may redact known or obviously personally identifiable information from comment letters posted on the website; however, such material will not be redacted from the version placed in the Records Management file.

JOHN MCCAIN, ARIZONA
ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
JAMES LANKFORD, OKLAHOMA
MICHAEL B. ENZI, WYOMING
JOHN HOEVEN, NORTH DAKOTA
STEVE DAINES, MONTANA

CLAIRE McCASKILL, MISSOURI
THOMAS R. CARPER, DELAWARE
HEIDI HEITKAMP, NORTH DAKOTA
GARY C. PETERS, MICHIGAN
MARGARET WOOD HASSAN, NEW HAMPSHIRE
KAMALA D. HARRIS, CALIFORNIA
DOUG JONES, ALABAMA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

February 5, 2018

The Honorable Jay Clayton
Chairman
U.S. Securities & Exchange Commission
100 F Street, NE
Washington, D.C. 20549

Dear Chairman Clayton:

Pursuant to its authority under Senate Resolution 62 (115th Cong.), the U.S. Senate Permanent Subcommittee on Investigations is reviewing agencies' processes to solicit and accept public comments on proposed rulemakings.

To assist the Subcommittee, please provide the following information. If your agency includes multiple divisions that receive comments in different ways or have different policies regarding the notice and comment process, please provide information for the three divisions that received the most comments over the past five calendar years (2013 through 2017).

1. Over the past five calendar years:
 - a. How many proposed rules did your agency publish for notice and comment?
 - b. How many man-hours or full-time equivalents were required to collect and review comments for those proposed rules?
 - c. How much money did your agency provide to support Regulations.gov?
 - d. In each year, which three proposed rules received the highest number of comments? How many comments did each of those proposed rules receive?
2. List and describe the means by which your agency solicits and receives comments during the notice-and-comment rulemaking process.
3. For comments filed through Regulations.gov or any other agency electronic filing mechanism, what fields of information are commenters required to provide? What fields are optional?
4. All policies and procedures regarding:
 - a. The collection or validation of commenters' identities or email addresses
 - b. Detecting and preventing automated activity such as "bots" from submitting comments or spam
 - c. The determination of commenters' nationalities

Hon. Jay Clayton
February 5, 2018
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- d. Any limitations on file formats commenters may submit during the comment process and what types of files your agency accepts (e.g., portable document format, Word, executable files, audio files).
 - e. The process by which your agency makes comments available to the public, including written guidance on whether and how to review, screen, redact, or summarize any comments before they are made publicly available.
5. In any comment period from January 1, 2010 to the present, has your agency received any information that a commenter filed a comment under someone else's identity? If so, please provide:
- a. The proposed rule
 - b. The comment
 - c. All documents regarding whether the comment was filed under someone else's identity.
 - d. All documents regarding how the agency addressed the filing of a comment under someone else's identity.

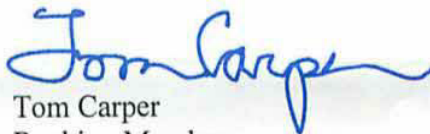
Please submit the material responsive to this request as soon as possible, but in any event, no later than February 26, 2018. In order to expedite the Subcommittee's review, we ask that you submit the material responsive to this request as it becomes available, rather than waiting to provide it all at once. To avoid any unnecessary delays in connection with this production, we ask that you carefully review the attached *Procedures for Transmitting Documents to the Permanent Subcommittee on Investigations*. If you have any questions regarding this request, please contact Amanda Neely with Senator Portman at [REDACTED] or John Kilvington with Senator Carper at [REDACTED].

Thank you for your attention to this matter.

Sincerely,



Rob Portman
Chairman
Permanent Subcommittee on Investigations



Tom Carper
Ranking Member
Permanent Subcommittee on Investigations