

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

March 9, 2020

The Honorable David Bernhardt  
Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Bernhardt:

This letter is the House Natural Resources Committee's final request for the documents and information described below. The Department of the Interior's (DOI) lack of cooperation with valid congressional oversight this Congress persists across time, venue, and subject matter. If the deadline enumerated in this letter is not met, the Committee will issue a subpoena for the documents.

The document request detailed below illustrates how DOI's lack of cooperation has impeded Congress' ability to carry out its constitutional obligation to conduct oversight over this administration and its constitutional authority to legislate on these subject matters.

***Relocation of Bureau of Land Management Headquarters***

The Committee is seeking the full record of unredacted documents and communications regarding the relocation of the Bureau of Land Management's (BLM) headquarters and its employees out of the Washington, D.C., area. The relocation is part of DOI's larger Department-wide reorganization, which was announced by former Secretary Ryan Zinke shortly after being sworn in. The Committee has repeatedly asked for information about the Department-wide reorganization since that announcement and about the BLM relocation since it was announced, but the documents produced by DOI are largely unresponsive and incomplete. The requested items listed at the end of this letter include fundamental elements of any properly planned government reorganization or relocation. As such, the Committee expects DOI to produce these items in full, unredacted form or state unequivocally which items it has not created and does not possess.

On the morning of July 15, 2019, Senator Cory Gardner announced that BLM headquarters would be moved to Grand Junction, CO,<sup>1</sup> near the hometown of Secretary David Bernhardt. Congress

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<sup>1</sup> Cory Gardner, U.S. Senator, Targeted News Service, *Sen. Gardner Issues Statement on BLM Relocating Headquarters to Grand Junction* (July 15, 2019, 8:01 AM EST). The press release uses the verbiage from the

received official notification the following day.<sup>2</sup> By mid-September, DOI had acquired new office space in Grand Junction, and, in mid-November, affected staff were given 30 days to decide whether they were willing to relocate to a new duty station. The abrupt nature of this announcement raised concerns that the relocation is being conducted without sufficient analyses or planning, which would be a drain on the budget, impede BLM's ability to effectively manage our public lands, reduce institutional knowledge through the potential loss of staff, sever connections with Congress, reduce issue expertise in the Washington, D.C., region, and which could have dramatic, negative impacts on diversity at BLM.<sup>3</sup>

It has also been suggested that DOI is using the relocation as a tool to reduce and weaken BLM's workforce, which has been reinforced by reports that the vast majority of national policy staff – up to 75 percent – may leave the agency rather than accept their relocation.<sup>4</sup> The Government Accountability Office (GAO) recently examined the BLM relocation process and found that of 179 staff that needed to relocate, “81 staff either turned down the reassignment or separated from their position between July 2019 and January 23, 2020, creating additional vacancies.”<sup>5</sup>

Attempting to relocate an agency as a way of reducing its workforce is not restricted to BLM or DOI. Mick Mulvaney, Acting White House Chief of Staff, indicated at a Republican Party gala that forcing federal workers to leave is the desired result of relocating an agency:

You've heard about “Drain the swamp.” What you probably haven't heard is what we're actually doing. I don't know if you saw the news the other day, but the USDA just tried to move—or did move—two offices out of Washington, D.C. . . . That's what we've been talking about doing. Guess what happened. Guess what happened. More than half the people quit. Now, it's nearly impossible to fire a federal worker. I know that because a lot of them work for me. And I've tried. And you can't do it. . . . What a wonderful way to sort of streamline government and do what we haven't been able to do for a long time. . . . So, it's really, really hard to drain the swamp, but we're working hard at it.<sup>6</sup>

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official news release at <https://www.gardner.senate.gov/newsroom/press-releases/gardner-announces-blm-will-relocate-headquarters-to-grand-junction>.

<sup>2</sup> Letter from Joseph R. Balash, Asst. Sec'y, Land & Minerals Mgmt., U.S. Dep't of the Interior to Tom Udall, Ranking Member, Senate Subcommittee on Interior & Env't (July 16, 2019), <https://www.washingtonpost.com/context/outline-of-blm-s-reorganization-plan/94eeb359-2e53-4bb8-b5d7-b443bb1d26a6/>.

<sup>3</sup> Letter from Raúl M. Grijalva, Chair, House Committee on Nat. Res. to David Bernhardt, Sec'y, U.S. Dep't of the Interior (December 4, 2019).

<sup>4</sup> Scott Streater, *BLM May Fire Employees Who Don't Relocate Out West*, E&E NEWS (Nov. 13, 2019), <https://www.eenews.net/stories/1061540301>.

<sup>5</sup> Letter from Anne-Marie Fennell, Director, Nat. Res. & Env't, Gov't Accountability Office & Frank Rusco, Director, Nat. Res. & Env't, Gov't Accountability Office to Raúl M. Grijalva, Chair, House Committee on Nat. Res., *Bureau of Land Management: Agency's Reorganization Efforts Did Not Substantially Address Key Practices for Effective Reforms*, GAO-20-397R (Mar. 6, 2020), <https://www.gao.gov/assets/710/705175.pdf>.

<sup>6</sup> Mick Mulvaney, *Clip Of South Carolina Republican Party Silver Elephant Gala*, C-SPAN (Aug. 2, 2019), <https://www.c-span.org/video/?c4811601/user-clip-mick-mulvaney-speech&start=2442> (starting at approx. 9:47).

The Committee requires information regarding the proposed major reorganization and relocation of a federal bureau squarely in the Committee's jurisdiction, in order to consider legislation about current and future reorganizations and relocations of any agencies in the Committee's jurisdiction. The Acting Director of the BLM admitted in testimony before this Committee that agency staff had not been consulted, that no analysis of staff retention had been completed, and that cost data were incomplete.<sup>7</sup> These failures raise concerns about potential waste and abuse of taxpayer dollars for unclear and potentially political ends. As BLM's authorizing committee, the Committee has oversight and legislative authority over the agency's activities, management, and resources.

The Committee first inquired about the relocation as soon as it was publicly reported and Congress was notified in July 2019.<sup>8</sup> DOI has provided documents, but they have been largely unresponsive or incomplete. *In camera* reviews, while providing some convenience for both parties, are not equivalent to producing responsive documents. The timeline below outlines the Committee's efforts to obtain documents and information:

**7/15/19 Committee Staff Correspondence:** Committee staff emailed DOI to inquire about the timeline, scope, and cost of the relocation.

*On July 18, 2019, former DOI Assistant Secretary Joe Balash provided a briefing to Committee staff. Staff requested documentation of comprehensive plans or analyses for the relocation. Documents were not provided.*

**7/23/19 Letter:**<sup>9</sup> Chair Grijalva requested that DOI suspend the relocation until BLM has conducted adequate tribal consultation.

*On Sept. 5, 2019, five days before a Committee hearing on the BLM relocation, DOI responded with a letter stating that tribal consultation conducted for the Department-wide reorganization would suffice.*

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<sup>7</sup> *BLM Disorganization: Examining the Proposed Reorganization and Relocation of the Bureau of Land Management Headquarters to Grand Junction, Colorado: Oversight Hearing Before the H. Comm. on Nat. Res., 116th Cong. 36 (Sept. 10, 2019), <https://www.govinfo.gov/content/pkg/CHRG-116hhrg37679/pdf/CHRG-116hhrg37679.pdf>.*

<sup>8</sup> Letter from Joseph R. Balash, *supra* note 2.

<sup>9</sup> Letter from Raúl M. Grijalva, Chair, House Committee on Nat. Res. to David Bernhardt, Sec'y, U.S. Dep't of the Interior (July 23, 2019).

**9/10/2019 Full Committee Hearing:**<sup>10</sup> The Committee held a full committee hearing focused solely on the BLM relocation. At the hearing, members asked Acting BLM Director William Perry Pendley numerous questions about the analyses and planning conducted prior to the decision to relocate. He repeatedly stated he would get back to members or that he would have to defer to DOI Office of Congressional and Legislative Affairs (OCL) staff about whether requested documents could be provided, an unusual abrogation of authority by an Acting Director of BLM. Committee members also submitted questions for the record to Mr. Pendley that asked for analyses or plans related to the relocation.

*On Nov. 18, 2019, Acting Director Pendley provided responses to the questions for the record, but they were inadequate. Rather than addressing specific requests for documents and information, he stated that inquiries should be directed to OCL or that he couldn't provide information because it pre-dated his time as Acting Director.*

**9/25/2019 Original Document Request Letter:**<sup>11</sup> Chair Grijalva requested a variety of documents, including a five-year cost benefit analysis, a position-by-position analysis of staff to be relocated, a disparate impacts analysis, and formal documentation of tribal consultation, among others. These requests were reiterations of earlier, unfulfilled requests made to DOI in briefings, at hearings, and in questions for the record.

*On Sept. 26, 2019, DOI provided 19 documents to the Committee. Many of these were duplicative and publicly available. Moreover, the documents included only high-level cost estimates and provided no evidence of comprehensive analysis or planning.*

*On Oct. 15, 2019, DOI provided 51 documents to the Committee. All of the documents were related to tribal consultation regarding the Department-wide reorganization efforts in 2017 and did not pertain to the BLM relocation.*

**9/26/19 Full Committee Hearing:**<sup>12</sup> Subcommittee Chair Ruben Gallego asked DOI Solicitor Daniel Jorjani whether there was documentation of DOI's analyses or plans regarding the relocation.

*Mr. Jorjani said he would commit to working with BLM to provide documents. DOI still has not provided sufficient documents.*

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<sup>10</sup> *BLM Disorganization: Examining the Proposed Reorganization and Relocation of the Bureau of Land Management Headquarters to Grand Junction, Colorado: Oversight Hearing Before the H. Comm. on Nat. Res., 116th Cong. (Sept. 10, 2019), <https://www.govinfo.gov/content/pkg/CHRG-116hhrg37679/pdf/CHRG-116hhrg37679.pdf>.*

<sup>11</sup> Letter from Raúl M. Grijalva, Chair, House Committee on Nat. Res. to David Bernhardt, Sec'y, U.S. Dep't of the Interior (Sept. 25, 2019).

<sup>12</sup> *The Department of the Interior's Failure to Cooperate with Congressional Oversight Requests: Oversight Hearing Before the H. Comm. on Nat. Res., 116th Cong. 23–24 (Sept. 26, 2019), <https://www.govinfo.gov/content/pkg/CHRG-116hhrg37901/pdf/CHRG-116hhrg37901.pdf>.*

- 10/30/19 Oversight and Investigations Subcommittee Hearing:**<sup>13</sup> Subcommittee Chair TJ Cox asked DOI Assistant Secretary Susan Combs if she was aware of the business case or rationale for the relocation and expressed that the Committee would like to see those documents. Ms. Combs heads the Office of Policy, Management, and Budget, which is in charge of the Department-wide reorganization. *Ms. Combs responded that she is “not in charge” of the BLM relocation, but that she has seen a draft business case. DOI has not provided a copy of this document.*
- 11/14/19 Follow-up Letter:**<sup>14</sup> Chair Grijalva reiterated the Committee’s request for documents and information that was formalized in the September 25 letter, in a new letter to Secretary Bernhardt and expressed concerns regarding Acting Director Pendley’s continued avoidance of questions and his deference to OCL about his authority to provide documents to the Committee. *DOI provided no additional documents.*
- 12/4/19 Follow-up Letter:**<sup>15</sup> Chair Grijalva expressed concerns about BLM’s vulnerability to a Civil Rights Act lawsuit from employees because the agency could lose up to 41 percent of its Black/African-American employees through the relocation. Legal remedies could include lost wages and benefits as well as an injunction on the entire relocation. Chair Grijalva reiterated the previous request for a disparate impact analysis. *On December 20, DOI responded that it was not legally required to perform such an analysis.*
- 12/16/19 Follow-up Letter:**<sup>16</sup> Chair Grijalva, after seeing reports that BLM could lose over 75 percent of its current headquarters employees, requested information on the number of employees who have declined reassignment, the positions they held, and evidence of intent to fill those positions. *On December 20, DOI refused to provide the information and documents. On December 31, DOI sent a letter to the Chair claiming that sufficient funds were available to complete the relocation of BLM personnel.*

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<sup>13</sup> *Sexual Harassment at the Department of the Interior: Oversight Hearing Before the Subcomm. on Oversight & Investigations of the H. Comm. on Nat. Res.*, 116th Cong. 23 (Oct. 30, 2019), <https://www.govinfo.gov/content/pkg/CHRG-116hhrg38652/pdf/CHRG-116hhrg38652.pdf>.

<sup>14</sup> Letter from Raúl M. Grijalva, Chair, House Committee on Nat. Res. to David Bernhardt, Sec’y, U.S. Dep’t of the Interior (Nov. 14, 2019).

<sup>15</sup> Letter from Raúl M. Grijalva, Chair, House Committee on Nat. Res. to David Bernhardt, Sec’y, U.S. Dep’t of the Interior (Dec. 4, 2019).

<sup>16</sup> Letter from Raúl M. Grijalva, Chair, House Committee on Nat. Res. to David Bernhardt, Sec’y, U.S. Dep’t of the Interior (Dec. 16, 2019).

**1/7/20 Follow-up Letter:**<sup>17</sup> Chair Grijalva responded to DOI's New Year's Eve letter, restating previous requests for documents on the BLM relocation.

*On January 7, DOI responded with statistics outlining the quantity of documents they have produced and questions to which they have responded. However, these statistics did not address the persistent non-responsiveness of DOI's letters and leadership.*

*On February 11, the day before a Committee vote to authorize the Chair to issue subpoenas, DOI dropped off four boxes containing 1,319 hard copy documents. As with prior productions, these documents did not include genuinely substantive analyses of the costs, benefits, or demonstration of need for the relocation, as would be responsive to our list of requested materials. One third of the production consisted of printouts of spreadsheets, from which it was impossible to reconstruct functional datasets. The production also included a significant volume of unrelated content, including information on wild horse management and dated GAO reports on grazing. The cover letter contained an offer for an in camera review of unspecified documents. Though an in camera review is not a substitute for providing the requested documents, the Committee accepted the offer as an accommodation. The review took place on February 28, 2020.*

**3/3/2020 Follow-up Letter:** Chair Grijalva and Ranking Republican Rob Bishop sent a letter requesting the documents made temporarily available to the Committee in the February 28, 2020 *in camera* review after confirming their importance to the Committee's oversight and legislative functions.<sup>18</sup>

*DOI has not provided the documents.*

DOI itself indicated in correspondence on September 26, 2019, and again on October 15, 2019, that the Committee's requests remained unfilled. Committee staff asked DOI staff on February 27 and March 3, 2020, whether DOI had produced all documents responsive to the Committee's requests, including the documents provided for *in camera* review. There has been no answer. At a DOI budget hearing before the Committee on March 4, 2020, Assistant Secretary of Policy, Management, and Budget, Susan Combs was unable or unwilling to say whether DOI had produced all documents responsive to the Committee's requests, despite being notified ahead of the hearing in an email from Committee staff to her that she would be asked whether the production was complete. You have provided no indication that the requested documents have been produced in full.

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<sup>17</sup> Letter from Raúl M. Grijalva, Chair, House Committee on Nat. Res. to David Bernhardt, Sec'y, U.S. Dep't of the Interior (Jan. 7, 2020).

<sup>18</sup> Letter from Raúl M. Grijalva, Chair, House Committee on Nat. Res., & Rob Bishop, Ranking Republican, House Committee on Nat. Res. to David Bernhardt, Sec'y, U.S. Dep't of the Interior (Mar. 3, 2020).

### ***DOI Pattern of Obstruction and Bad Faith***

As a larger matter, the Committee has sent twenty-six formal document or information requests to DOI since January 2019. Only two have been mostly or fully completed. The remainder have not been completed and have been met with deficient responses containing unjustified redactions and/or large amounts of nonresponsive material that have the effect of artificially inflating the numbers of pages and documents DOI cites when describing its cooperation with the Committee. Most recently, DOI has begun sending document productions in printed hard copy form without explanation, which has had the predictable effect of slowing the document review process.

The Committee has made multiple attempts to achieve its legislative and oversight goals through reasonable accommodations. DOI has repeatedly acted in bad faith. For example:

- In response to questions about DOI's lack of responsiveness to document requests in a May 15, 2019, hearing, Secretary Bernhardt suggested a separate meeting to discuss a schedule for producing documents. However, when staff from the DOI Office of Congressional and Legislative Affairs met with the Committee to negotiate the schedule, DOI refused to commit to deadlines out of concern that the Committee would hold them to their commitment.
- Ahead of a September 26, 2019, hearing, *The Department of the Interior's Failure to Cooperate with Congressional Oversight Requests*, the Committee emailed DOI a list of nine document requests that the witness could expect to be asked about. The Committee expressed flexibility about the specific witness DOI could send, stipulating only that the witness needed to be able to "talk in some detail about the status of these requests, and to have the authority to commit to providing documents by a date certain." The witness at the hearing, DOI Solicitor Daniel Jorjani, claimed ignorance about the detailed status of the documents and refused to commit to producing the documents.
- In response to a March 13, 2019, request about changes to DOI's implementation of the Freedom of Information Act, DOI provided a 12,320-page document on May 10, 2019 that was a printout of an Excel spreadsheet that was already publicly available. The format prevented the information in the original file from being reconstituted. Timely emailing a hyperlink to the document would have sufficed; instead, it took nearly two months to provide the document in a useless format. At the September 26, 2019, hearing, when questioned by a Republican member of the Committee about this production, DOI Solicitor Daniel Jorjani said, "I commit to doing better. And whether it is the saving of trees or wasted time of the Committee, I agree that is probably not the best practice, and I commit to reducing it in the future." On November 1, 2019, the Committee received a document production from DOI that contained more printouts of Excel tables totaling over 3,000 pages. Each table could have been emailed. The format prevented the information in the original file from being reconstituted. Then, on February 11, 2020, DOI again made a document production regarding the BLM relocation that contained nearly 4,000 pages of spreadsheets printed from an electronic database. These tables made up almost a third of the entire document production. Once again, the format made the information completely unusable.

- The Committee has received multiple document productions containing redactions without claiming a privilege that would provide legal justification for withholding the information. None of the document productions has contained a privilege log as required in the instructions that accompany each document request. Without a privilege log that provides descriptions and explanations for redactions, the Committee cannot fully evaluate privilege claims. When asked about privilege logs in the September 26, 2019, hearing, Mr. Jorjani claimed ignorance, saying, “I am asking because, in my two days as Solicitor, I am not aware of privilege logs being submitted.” Mr. Jorjani has effectively been the acting Solicitor since May 2017. He refused to commit to providing privilege logs unless they already existed.

The Committee has provided DOI with ample time to respond to our requests. As such, the Committee requests that DOI produce all the requested documents and information described in the attached production schedule by March 16, 2020.

Per the Committee’s repeated instructions, including our February 7, 2020, letter, responsive documents that are stored in electronic form should be produced in their native file format(s), via memory stick, thumb drive, or similar electronic storage medium. The Committee’s instructions are included below. Instructions to be carried out include, but are not limited to, providing a privilege log for content withheld on the basis of a privilege, written certification that all documents identified during the search as responsive have been produced to the Committee, written certification of the steps taken to fulfill the Committee’s requests, and unredacted documents.

Based on DOI’s ongoing and unjustified obstruction and bad faith, the Committee is prepared to issue a subpoena if the deadline enumerated in this letter is not met.

Sincerely,



Raúl M. Grijalva  
Chair

House Committee on Natural Resources



## Production Schedule

In accordance with the enclosed instructions below, produce all the following requested documents and information in complete and unredacted form by March 16, 2020:

1. Any and all cost-benefit analyses of any proposed Bureau of Land Management (BLM) relocation plan, including, but not limited to, any and all breakdown of costs by expenditure type;
2. Any and all documents and communications, such as workflow analyses and/or professional consultation and analyses, referring or related to the BLM relocation, including, but not limited to, any that demonstrate the projected benefits of this move, such as improved communication and coordination, and any performance measures, including, but not limited to, performance measures referring or related to accomplishment of benefits;
3. Any and all position-by-position analyses referring or related to the BLM relocation, including, but not limited to, any used to determine which staff would be relocated, where staff would be relocated, and the rationale(s) for the relocations;
4. Any and all staff relocation plans referring or relating to BLM staff, including, but not limited to, documents sufficient to show each title, current role, General Schedule level, planned relocation site, timeline for relocation, whether the position is encumbered, and, if unencumbered, the length of time the role has been vacant;
5. Any and all disparate impacts analyses referring or related to the BLM relocation, including, but not limited to, any demonstrating these relocations will not disproportionately impact any protected classes of employees and including any estimate of related legal exposure the Department of the Interior (DOI) faces;
6. Any and all documents and communications referring or related to consultation(s) by anyone at DOI with sovereign tribal nations on the BLM relocation, including, but not limited to, any and all documents referring or related to concerns raised by tribal leaders and DOI's responses, if any;
7. Any and all documents and communications referring or related to DOI's work with the General Services Administration to seek out alternative space in the National Capital Region to replace the capacity of the location at 20 M Street, S.E., Washington D.C., 20003;
8. Documents sufficient to show any and all efforts, including, but not limited to, surveys, conducted to determine how many employees might retire or otherwise leave the BLM as a result of these planned moves;
9. Any and all relocation plans reviewed or analyzed to outline the BLM relocation;

10. Documents sufficient to show any and all detailed planned BLM relocation costs, including, but not limited to, cost estimates for the lump sum relocation incentives, house seeking trips, and temporary housing incentives provided to staff;
11. Any and all continuity plans developed by DOI referring or related to possible disruptions to agency work product during the reorganization;
12. Any and all documents and communications referring or relating to the selection of the locations at which BLM staff in Washington, D.C. would be relocated, including, but not limited to, any criteria for selection that were considered, such as:
  - a. the process DOI used to request information on potential office locations;
  - b. reasons that these information requests were not part of a public, formal request for information;
  - c. documentation of all public (*i.e.*, non-federal) consultation done on potential office locations;
  - d. the criteria DOI used to analyze potential office locations;
  - e. the cities considered as potential office locations;
  - f. information provided to DOI by each city considered as a potential office location;
  - g. analyses used to select Grand Junction, CO as the preferred office location;
13. Documents sufficient to show the number of Washington, D.C.-based BLM employees asked to relocate who have declined the reassignment;
14. Documents sufficient to show the positions that will be vacant due to declined reassignments; and
15. Documents sufficient to show BLM's plans to fill any vacant positions as a result of the relocation.

## Responding to Committee Document Requests

In responding to document requests from the Committee on Natural Resources, please apply the instructions and definitions set forth below:

### Instructions

1. In complying with the request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or individual denoted in this request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.
3. Documents stored in electronic format must be produced in their native electronic file format (via memory stick, thumb drive, or similar medium) rather than produced as hard-copy printouts or otherwise converted to other formats. For example, emails from Microsoft Outlook should have a “.pst” file extension, Excel files should have an “.xls\_” or similar extension, and Microsoft Word documents should have a “.doc\_” extension. Consult with the Committee to determine the appropriate format in which to produce the information. Documents produced in electronic format should also be organized, identified, and indexed in the same manner in which they were stored.
4. Each document produced should be produced in a form that renders the document capable of being copied.
5. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box, or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder should contain an index describing its contents.
6. Documents produced in response to this request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production.
7. When you produce documents, you should identify the paragraph in the Committee’s schedule to which the documents respond.

8. It shall not be a basis for refusal to produce documents that any other person or entity also possesses a non-identical or identical copy of the same documents.
9. If compliance with the request cannot be made in full, compliance should be made to the extent possible and should include an explanation of why full compliance is not possible.
10. In the event that any document or part of a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document or part of a document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
  - a. Any objections or claims of privilege are waived if you fail to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the request compliance date.
  - b. In complying with the request, be apprised that (unless otherwise determined by the Committee) the Committee does not recognize: any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
  - c. Any assertion by a request recipient of any such non-constitutional legal bases for withholding documents or other materials, for refusing to answer any deposition question, or for refusing to provide hearing testimony, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committee (or the chair of the Committee, if authorized) has consented to recognize the assertion as valid.
11. If any document responsive to this request cannot be located, describe with particularity the efforts made to locate the document, including all search terms and filters used for electronic searches.
12. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
13. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
14. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been

located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

15. All documents should be Bates-stamped sequentially and produced sequentially.
16. Upon completion of the document production, you must submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; (2) documents responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee since the date of receiving the Committee's request or in anticipation of receiving the Committee's request, and (3) all documents identified during the search that are responsive have been produced to the Committee, identified in a log provided to the Committee, as described in (10) above, or identified as provided in (9), (11) or (12) above.
17. When representing a witness or entity before the Committee in response to a document request or request for transcribed interview, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (a) counsel's name, firm or organization, and contact information; and (b) each client represented by the counsel in connection with the proceeding. Submission of a notice of appearance constitutes acknowledgement that counsel is authorized to accept service of process by the Committee on behalf of such client(s), and that counsel is bound by and agrees to comply with all applicable House and Committee rules and regulations.
18. Documents produced to the Committee in response to this request should be delivered to majority staff in Room 1324A of the Longworth House Office Building.

### Definitions

1. The term "**document**" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, text messages, MMS or SMS messages, other mobile-to-mobile messages, instant messages or online chat messages, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), and electronic and mechanical records or representations of

any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term “**documents in your possession, custody, or control**” means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.
3. The term “**communication**” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, facsimile, mail, e-mail (desktop or mobile device), text message, MMS or SMS message, other mobile-to-mobile message, instant message or online chat, telexes, releases, personal delivery, or otherwise.
4. The terms “**and**” and “**or**” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms “**person**” or “**persons**” means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
6. The term “**identify**,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
7. The terms “**referring or relating**,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.
8. The term “**employee**” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.
9. The term “**Administration**” means and refers to any department, agency, division, office, subdivision, entity, official, administrator, employee, attorney, agent, advisor, consultant,

staff, or any other person acting on behalf or under the control or direction of the Executive Branch.

10. The term **“You”** or **“your”** means and refers to you as a natural person and the United States and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, contractors, or any other persons acting on your behalf or under your control or direction; and includes any other person(s) defined in the document request letter.
  
11. For any private company, the entity name means the entity including (i) its predecessors, successors, parents, wholly or partly owned direct or indirect subsidiaries, divisions, affiliates, and joint ventures and any (ii) any current, past, or future partners, officers, directors, employees, representatives, or agents of any of the above entities.