

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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March 21, 2019

Mr. Pat A. Cipollone
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Cipollone:

On March 8, 2017, the Committee launched a bipartisan investigation into the use of personal email and messaging accounts by non-career officials at the White House in violation of the Presidential Records Act and White House policy. Throughout 2017 and 2018, the White House failed to produce most of the documents requested by the Committee.

On December 19, 2018, after I was selected Chairman of the Committee, I sent a letter requesting that the White House produce, by January 11, 2019, all remaining documents sought by the Committee, as well as a briefing that was promised by the White House over a year ago. The White House failed to produce any additional documents by this date—or over the past two months—and failed to provide the promised briefing during this timeframe. In fact, as you know, the White House has not produced a single piece of paper to the Committee in the 116th Congress—in this or any other investigation.

During this period, the Committee obtained additional information raising even more concerns about the use of private email and messaging applications by Jared Kushner and other White House officials.

For example, during a meeting with Mr. Kushner's attorney, Abbe Lowell, Mr. Lowell confirmed that Mr. Kushner has been using the messaging application WhatsApp as part of his official White House duties to communicate with foreign leaders. Mr. Lowell could not answer whether Mr. Kushner's communications included classified information—which would be a major security breach—but instead directed the Committee to inquire with the National Security Council and the White House.

The White House's failure to provide documents and information is obstructing the Committee's investigation into allegations of violations of federal records laws by White House officials. The Committee requests that you confirm by March 28, 2019, whether you intend to comply voluntarily with its requests or whether the Committee should consider alternative means to obtain the information it needs to conduct its investigation.

Two Years of White House Obstruction

The Presidential Records Act prohibits senior White House officials, including the President and the Vice President, from creating or sending a record “using a non-official electronic message account” unless the employee copies his or her official email account or “forwards a complete copy” to the official email account “not later than 20 days” after sending or receiving the original email.¹

In addition, on February 22, 2017, the White House Counsel’s Office issued a policy entitled, “Presidential Records Act Obligations,” which directs all White House personnel to “conduct all work-related communications on your official EOP email account.” The policy includes an exception for “emergency circumstances when you cannot access the EOP system and must accomplish time sensitive work” but requires the employee in those cases to forward the message to their official account within 20 days and, “after preserving the email,” the employee “must delete it from the non-EOP account.”²

On March 8, 2017, I joined Rep. Jason Chaffetz, who was then the Chairman of the Committee, in sending a bipartisan letter to White House Counsel Don McGahn asking whether any senior White House officials used non-official email accounts to conduct official business.³ In response, on April 11, 2017, Marc Short, the Director of Legislative Affairs at the White House, sent a letter to the Committee with this categorical assertion: “There are no senior officials covered by the PRA with multiple accounts.” Mr. Short’s letter also stated: “It is the policy of the White House to comply with the preservation requirements of the PRA regardless of where presidential records reside, how they are created, or the manner in which they are transmitted.”⁴ The White House provided a few pages of documents on policies, but nothing else.

On September 24, 2017, *Politico* reported that Jared Kushner, Senior Advisor to the President, had been using a personal email account to communicate with White House officials and others about government business.⁵ Mr. Kushner’s attorney admitted that Mr. Kushner sent

¹ 44 U.S.C. § 2209.

² Memorandum from Stefan Passantino, Deputy Counsel to the President for Compliance and Ethics, to White House Personnel, *Presidential Records Act Obligations* (Feb. 22, 2017) (online at [www.archives.gov/files/foia/Memo%20to%20WH%20Staff%20Re%20Presidential%20Records%20Act%20\(Trump,%2002-22-17\)_redacted%20\(1\).pdf](http://www.archives.gov/files/foia/Memo%20to%20WH%20Staff%20Re%20Presidential%20Records%20Act%20(Trump,%2002-22-17)_redacted%20(1).pdf)).

³ Letter from Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Donald F. McGahn, II, Counsel to the President (Mar. 8, 2017) (online at <https://republicans-oversight.house.gov/wp-content/uploads/2017/03/2017-03-08-JEC-EEC-to-McGahn-WH-Presidential-Records-Act-due-3-22.pdf>).

⁴ Letter from Marc T. Short, Assistant to the President and Director for Legislative Affairs, to Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform (Apr. 11, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-04-11%20Short-WH%20to%20JEC%20EEC%20-%20Presidential%20Records%20Act%20re%203-8_0.pdf).

⁵ *Kushner Used Private Email to Conduct White House Business*, *Politico* (Sept. 24, 2017) (online at

and received official emails on his personal email account “from January through August” of 2017.⁶ Statements by Mr. Kushner’s attorney raised concerns that, in some instances, he may not have complied with the legal requirement to forward official emails from his personal account to his official email account within 20 days.⁷

On September 25, 2017, I joined Rep. Trey Gowdy, who had subsequently become Committee Chairman, in sending another bipartisan letter to Mr. McGahn requesting documents relating to the use of private email accounts, non-governmental servers, and private domains by the President’s top advisors to communicate about official business. We requested the identities of all non-career White House employees who had used non-government email accounts for official business, the identities of all non-governmental email accounts they used, and the identities, accounts, and cellular information for all non-career White House employees who used personal text messaging, phone-based message applications, or encrypted software for official business.⁸

That same day, I sent an additional letter to Mr. Kushner requesting several categories of documents, including email addresses and accounts from which he conducted official business. My letter explicitly directed Mr. Kushner to preserve his email records, including taking reasonable steps to prevent the “relocation” of those email records.⁹

Subsequent press reports revealed that within 24 to 48 hours of receiving these letters, “President Trump’s son-in-law Jared Kushner and daughter Ivanka Trump re-routed their personal email accounts to computers run by the Trump Organization.”¹⁰ In response to these press reports, on October 5, 2017, I requested an immediate briefing by Mr. Kushner and Ms. Trump on their actions relating to their private email accounts.¹¹

www.politico.com/story/2017/09/24/jared-kushner-private-email-white-house-243071).

⁶ *Kushner Used Personal Email Account for Government Business*, New York Times (Sept. 24, 2017) (online at www.nytimes.com/2017/09/24/us/politics/kushner-personal-email.html?mcubz=3).

⁷ *See, e.g., Attorney: Kushner Used Private Email Account to Talk to WH Officials*, CNN (Sept. 25, 2017) (online at www.cnn.com/2017/09/24/politics/jared-kushner-private-email/index.html).

⁸ Letter from Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Donald F. McGahn, II, Counsel to the President (Sept. 25, 2017) (online at <https://republicans-oversight.house.gov/wp-content/uploads/2017/09/2017-09-25-TG-EEC-to-McGahn-WH-Presidential-Records-Act-due-10-9.pdf>).

⁹ Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Jared Kushner, Senior Advisor to the President (Sept. 25, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-09-25.EEC%20to%20Kushner%20WH%20re.emails.pdf>).

¹⁰ *Exclusive: Jared Kushner’s Personal Email Moved to Trump Organization Computers Amid Public Scrutiny*, USA Today (Oct. 3, 2017) (online at www.usatoday.com/story/news/politics/2017/10/03/exclusive-jared-kushners-personal-email-moved-trump-organization-computers-amid-public-scrutiny/728467001/).

¹¹ Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Jared Kushner, Senior Advisor to the President, and Ivanka Trump, Advisor to the President (Oct. 5, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-05.%20EEC%20to%20Jared%20and%20Ivanka_0.pdf).

On October 18, 2017, Committee staff received a briefing on this issue from Stefan Passantino, Deputy Counsel to the President, Uttam Dhillon, Deputy Counsel to the President, and Dan Epstein, Associate Counsel to the President. They stated that several White House employees had “confessed” that they failed to forward official records from their personal email accounts to their government accounts within 20 days, but they refused to identify the individual employees. They added that an internal review was underway and, as described in a letter from Chairman Gowdy, they “committed to share the findings of the review with the Committee as soon as practicable.”¹²

On December 22, 2017, I wrote to Chairman Gowdy requesting that he join me in a bipartisan request for copies of all emails sent or received by Jared Kushner using a non-official account that related to official business and were not forwarded to his official account within 20 days. I also asked Chairman Gowdy to “join me in requesting that Mr. Kushner provide his emails to the Office of the Inspector General of the Intelligence Community for a classification and sensitivity review.”¹³ Chairman Gowdy declined this request, as well as a related request to allow Committee Members to vote on a motion to issue a subpoena to compel Mr. Kushner to produce the requested documents.¹⁴

On November 19, 2018, the *Washington Post* reported that Ivanka Trump, Advisor to the President, also used a personal email account to communicate about official White House business.¹⁵ In response to these press reports, Chairman Gowdy wrote to White House Chief of Staff John Kelly requesting that the White House provide information regarding Ms. Trump’s use of her personal email account for official business by December 5, 2018.¹⁶

¹² Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Committee on Oversight and Government Reform (Oct. 23, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-23.EEC%20to%20Gowdy%20re%20Kushner%20PRA.pdf>); Letter from Chairman Trey Gowdy, House Committee on Oversight and Government Reform, to John F. Kelly, White House Chief of Staff (Nov. 20, 2018) (online at <https://republicans-oversight.house.gov/wp-content/uploads/2018/11/2018-11-20-TG-to-Kelly-WH-Ivanka-Trump-emails.pdf>).

¹³ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Committee on Oversight and Government Reform (Dec. 22, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-12-22.EEC%20to%20Gowdy%20re%20Presidential%20Records%20Act.pdf>).

¹⁴ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, Committee on Oversight and Government Reform (Mar. 14, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-03-14.EEC%20to%20Gowdy%20re.%20PRA1.pdf>).

¹⁵ *Ivanka Trump Used a Personal Email Account to Send Hundreds of Emails About Government Business Last Year*, *Washington Post* (Nov. 19, 2018) (online at www.washingtonpost.com/politics/ivanka-trump-used-a-personal-email-account-to-send-hundreds-of-emails-about-government-business-last-year/2018/11/19/6515d1e0-e7a1-11e8-a939-9469f1166f9d_story.html?utm_term=.6850b91bf719).

¹⁶ Letter from Chairman Trey Gowdy, Committee on Oversight and Government Reform, to John F. Kelly, White House Chief of Staff (Nov. 20, 2018) (online at <https://republicans-oversight.house.gov/wp-content/uploads/2018/11/2018-11-20-TG-to-Kelly-WH-Ivanka-Trump-emails.pdf>).

On December 5, 2018, Chairman Gowdy and I received a letter from Ms. Trump's private attorney, Abbe Lowell. Mr. Lowell asserted that any communications to or from Ms. Trump's personal account regarding official business "have been preserved and that there was never any issue about any containing classified information." Mr. Lowell offered to schedule an additional briefing for the Committee to answer our questions.¹⁷

On December 10, 2018, Emmet Flood, Counsel to the President, responded on behalf of the White House. Mr. Flood wrote:

The White House ensures compliance with all appropriate laws and regulations, including the Presidential Records Act.

I further understand that the relevant Advisor to the President's personal counsel has provided the Committee with information aimed to address your current legislative interests. I hope this resolves the matter.¹⁸

On December 19, 2018, I sent a letter to you noting that this perfunctory response from the White House was insufficient and informing you that I intended "to continue this investigation in the next Congress." I requested that you produce all of the documents requested by the Committee under Chairmen Chaffetz and Chairman Gowdy by January 11, 2019, and provide a briefing to Committee staff on the status of the White House's internal review of its recordkeeping practices by January 11, 2019.¹⁹

On January 11, 2019, you acknowledged the Committee's requests in a short letter to me. You stated that the White House needed "additional time" to prepare a response because issues concerning presidential records "involve significant executive branch equities which require our careful evaluation." You pledged to follow up with a response that would address the Committee's concerns "as soon as practicable."²⁰

More than two months have passed since your letter to me, but the White House has not provided any additional documents or information to the Committee. The White House

¹⁷ Letter from Abbe Lowell, Attorney to Ivanka Trump, to Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform (Dec. 5, 2018).

¹⁸ Letter from Emmet Flood, Counsel to the President, to Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform (Dec. 10, 2018) (online at [https://oversight.house.gov/sites/democrats.oversight.house.gov/files/ETF%20to%20Gowdy_OGR%20re%20PRA%20\(2018.12.10\).pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/ETF%20to%20Gowdy_OGR%20re%20PRA%20(2018.12.10).pdf)).

¹⁹ Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Pat A. Cipollone, Counsel to the President (Dec. 19, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-12-19.EEC%20to%20Cipollone-WH%20re%20Private%20Emails.pdf>).

²⁰ Letter from Pat A. Cipollone, Counsel to the President, to Chairman Elijah Cummings, House Committee on Oversight and Reform (Jan. 11, 2019) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/WH.011119.Response%20to%20EEC%20re%20Private%20Emails.pdf).

continues to withhold the vast majority of documents and information requested by the Committee in letters on March 8, 2017, September 25, 2017, and November 20, 2018. The White House also has refused to identify the full list of individual employees who failed to comply with the Presidential Records Act and has not provided the findings of its internal review to the Committee.

New Information Obtained by the Committee

The Committee has obtained new information that raises additional security and federal records concerns about the use of private email and messaging applications by White House officials.

Jared Kushner

On December 19, 2018, then-Chairman Gowdy and I met with Abbe Lowell, personal counsel for Mr. Kushner and Ms. Trump. During this meeting, the Committee inquired about reports that Mr. Kushner used the messaging application WhatsApp to communicate with foreign leaders—communications that could be sensitive and even classified.²¹

Specifically, when asked whether Mr. Kushner had ever used WhatsApp for official business, Mr. Lowell confirmed that Mr. Kushner has used—and continues to use—WhatsApp as part of his official duties in the White House.

When asked how Mr. Kushner preserves records of his communications, Mr. Lowell stated that Mr. Kushner takes “screenshots” of these communications and forwards them to his official White House email account or to the National Security Council.

When asked why Mr. Kushner uses WhatsApp to conduct official business if White House policy prohibits it, Mr. Lowell responded that Mr. Kushner is in compliance with the law.

When asked if Mr. Kushner has ever used WhatsApp to communicate with foreign leaders, Mr. Lowell confirmed that Mr. Kushner “had communications with people outside the United States.”

When asked whether Mr. Kushner has ever used WhatsApp to discuss classified information, Mr. Lowell replied, “That’s above my pay grade.”

When asked if the White House or National Security Council have authorized Mr. Kushner to use WhatsApp to communicate with foreign leaders instead of the extensive secure communications systems provided by the U.S. government, Mr. Lowell suggested that the Committee direct its inquiries to the National Security Council and the White House.

²¹ *Khashoggi Disappearance Prompts Kushner Retreat from Saudi Frontlines*, CNN (Oct. 18, 2018) (online at www.cnn.com/2018/10/17/politics/jared-kushner-saudi-ties-jamal-khashoggi/index.html).

Ivanka Trump

Regarding Ivanka Trump, Mr. Lowell told the Committee that she continues to receive emails relating to official business on her personal email account and that she does not forward emails received through her personal account unless she responds to the email, even if the subject matter of the email relates to her official duties. This would appear to violate the Presidential Records Act, which requires that a covered employee forward “a complete copy of the Presidential or Vice Presidential record to an official electronic messaging account of the President, Vice President, or covered employee not later than 20 days after the original creation or transmission of the Presidential or Vice Presidential record.”²²

K.T. McFarland and Steve Bannon

The Committee has obtained additional documents showing the use of personal email by White House officials for their official business, while they worked at the White House.

The Committee has obtained a document that appears to show that K.T. McFarland, while serving as Deputy National Security Advisor, conducted official business on her personal AOL.com account. The document related to efforts by Ms. McFarland and other White House officials to transfer sensitive U.S. nuclear technology to Saudi Arabia in coordination with Tom Barrack, a personal friend of President Trump and the chairman of President Trump’s inaugural committee.²³

The Committee has also obtained a document that appears to show that Steve Bannon, former White House Chief Strategist, received documents pitching the plan from Mr. Barrack through his personal email account.²⁴ These communications appear to be sent while Mr. Bannon worked at the White House in order to inform Mr. Bannon’s official work relating to developing “broader middle east policy.”

These communications raise questions about whether these officials complied with the Presidential Records Act and whether the White House identified this personal email use during its internal review and took steps to address it. The Committee has jurisdiction over the Presidential Records Act and our oversight over compliance with the law will inform whether additional changes to strengthen the law are necessary.

Conclusion

For the reasons set forth above, I request that you provide, by April 4, 2019, all documents and information requested in my letter on December 19, 2018. Specifically, I request that you provide the following documents and information:

²² 44 U.S.C. § 2209.

²³ Email from K.T. McFarland to Michael Flynn (Feb. 6, 2017).

²⁴ Email from Tom Barrack to Steve Bannon (Jan. 29, 2017).

1. Identify any non-career official at the White House who has used a personal email account to conduct official business. Please identify the individual and the account used and provide evidence of measures to ensure compliance with federal law.
2. Identify any non-career official at the White House who has used text messages, phone-based message applications, or encryption software to conduct official business. Please identify the individual, the cellular number, and the account used, and provide evidence of measures to ensure compliance with federal law.
3. Identify with specificity the number of emails to and from Ivanka Trump's personal email account referring or relating to official business.
4. Certify whether and how each of those emails to and from Ms. Trump's personal email account was preserved and archived in accordance with relevant recordkeeping statutes, including the Presidential Records Act.
5. Describe whether the emails in question contained sensitive or classified information.
6. Provide documents sufficient to describe any regular updates and reminders to White House staff about prohibited use of private email.
7. Provide a detailed description of the electronic system being used by the White House to archive email and other electronic records.

If you continue to withhold these documents from the Committee, we will be forced to consider alternative means to obtain compliance.

In addition, in light of this new information obtained by the Committee, I request that the White House provide, by April 4, 2019, a briefing on the process used by the White House and National Security Council to safeguard sensitive or classified records sent or received by White House officials.

I also request that the White House provide by this date the briefing promised last year on the results of the internal review conducted by the White House on the recordkeeping practices of White House officials. As part of these briefings, I request that the White House answer the following questions:

1. What policies have been in place, from 2017 to the present, regarding the use of messaging applications by White House personnel to conduct official business?
2. What procedures are in place at the White House to ensure compliance with White House policies regarding the use of messaging applications?

Mr. Pat A. Cipollone

Page 9

3. What steps is the White House taking to prevent the transmission of sensitive or classified information through messaging applications by White House personnel?
4. What policies have been in place, from 2017 to the present, to ensure that White House personnel use secure methods of communication to conduct official business and communicate with foreign persons?

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. In addition, House Rule X, clause 3(i) specifically charges the Committee with conducting oversight of “the operation of Government activities at all levels, including the Executive Office of the President.”

Please contact Committee staff at (202) 225-5051 to arrange for the production of documents and to schedule the briefings requested above. Thank you for your attention to this matter.

Sincerely,



Elijah E. Cummings
Chairman

Enclosure

cc: The Honorable Jim Jordan, Ranking Member

Responding to Oversight Committee Document Requests

1. In complying with this request, 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. Produce all 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.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. 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, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. 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, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. 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 shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, 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 that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

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, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, 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, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, 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 “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 in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
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; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.