

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074

<http://oversight.house.gov>

May 28, 2020

Michael J. Hennigan
President and Chief Executive Officer
Marathon Petroleum Corporation
539 South Main Street
Findlay, OH 45840

Dear Mr. Hennigan:

We are seeking information and documents regarding your company's involvement in the Trump Administration's efforts to degrade emissions standards for cars and light trucks and to revoke California's waiver under the Clean Air Act, which allows the state to set its own more protective emissions standards.

Based on testimony before the Subcommittee on Environment and comments filed in response to the Administration's recent regulatory proposal, it appears that the oil industry—and Marathon in particular—are driving forces behind the Trump Administration's decision to weaken tailpipe emissions standards for cars and light trucks.

We are concerned that the Safer Affordable Fuel Efficient (SAFE) Vehicles Rule, a rollback of the Obama Administration's "clean cars rule," reflects the undue influence of the fossil fuel industry over the rulemaking process and raises serious questions about whether the Trump Administration is endangering the health and safety of the American people for the sake of higher profits for oil companies.

In addition, given the large number of tax exempt, non-profit organizations that appear to have been activated in support of the oil industry's campaign to weaken emissions standards, we have questions about the relationship between industry and these organizations, as well as whether their operations are consistent with their tax exempt status.

Background on Tailpipe Emissions Standards

In 2012, the Obama Administration established a unified federal Corporate Average Fuel Economy (CAFE) and greenhouse gas emissions standard for light-duty vehicles.¹ This action was the result of extensive negotiations among the Environmental Protection Agency (EPA), the

¹ The White House, *Obama Administration Finalizes Historic 54.5 MPG Fuel Efficiency Standards* (Aug. 28, 2012) (online at <https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-MPG-fuel-efficiency-standard>).

National Highway Traffic Safety Administration (NHTSA), the California Air Resources Board (CARB), and the auto industry.²

The standard was projected to increase average fuel efficiency to 54.5 miles per gallon by 2025, cut carbon pollution from cars and light trucks in half by 2025, and save American families more than \$1.7 trillion in fuel costs, or \$8,000 per vehicle by model year 2025.³ In January 2017, as part of a planned midterm review of the standard, EPA issued its Final Determination upholding the clean cars rule.⁴

However, in March 2017, soon after President Trump took office, EPA and the Department of Transportation (DOT) announced their intent to review the Final Determination.⁵ In April 2018, EPA provided notice that that it was withdrawing the previous Final Determination, stating that the standards were based on “outdated information” and announced EPA and NHTSA would be initiating a notice and comment period to further consider “appropriate” standards.⁶

In August 2018, the Trump Administration issued a Notice of Proposed Rulemaking for the SAFE Vehicles rule, which would freeze Obama-era car emissions standards at 2020 levels.⁷ EPAS’s own Scientific Advisory Board found “significant weaknesses in the analysis supporting the 2018 notice of proposed rulemaking.”⁸

² *The Obama Administration’s National Auto Policy: Lessons from the “Car Deal,”* Harvard Environmental Law Review (July 15, 2011) (online at www.law.harvard.edu/faculty/freeman/HLE209-2.pdf).

³ The White House, *Obama Administration Finalizes Historic 54.5 MPG Fuel Efficiency Standards* (Aug. 28, 2012) (online at <https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-MPG-fuel-efficiency-standard>).

⁴ Environmental Protection Agency, *Final Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards under the Midterm Evaluation* (Jan. 12, 2017) (online at <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100QQ91.pdf>).

⁵ Environmental Protection Agency, *EPA to Reexamine Emissions Standards for Cars and Light Duty Trucks—Model Years 2022–2025* (Mar. 15, 2017) (online at <https://archive.epa.gov/epa/newsreleases/epa-reexamine-emission-standards-cars-and-light-duty-trucks-model-years-2022-2025.html>).

⁶ Environmental Protection Agency, *Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022–2025 Light-Duty Vehicles*, Fed. Reg. Vol. 83, No. 72 (Apr. 13, 2018) (online at www.gpo.gov/fdsys/pkg/FR-2018-04-13/pdf/2018-07364.pdf).

⁷ Notice of Proposed Rulemaking from the Environmental Protection Agency and National Highway Traffic Safety Administration, *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks* (Aug. 24, 2018) (online at www.govinfo.gov/content/pkg/FR-2018-08-24/pdf/2018-16820.pdf).

⁸ Letter from Dr. Michael Honeycutt, Chair, Scientific Advisory Board, to Administrator Andrew R. Wheeler, Environmental Protection Agency (Feb. 27, 2020) (online at [https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthBOARD/1FACEE5C03725F268525851F006319BB/\\$File/EPA-SAB-20-003+.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthBOARD/1FACEE5C03725F268525851F006319BB/$File/EPA-SAB-20-003+.pdf)).

In September 2019, EPA announced its plans to revoke California's Clean Air Act waiver, which has enabled California to set more protective vehicle pollution standards than the federal government for almost 50 years.⁹ This waiver has never been revoked.¹⁰

Last month, in the midst of the coronavirus pandemic, the Trump Administration announced the final SAFE Vehicles rule, which was changed from a proposed freeze on standards to an "increase [in] carbon dioxide emissions standards for the nation's automakers by 1.5% a year." These standards have been critiqued by experts as relying on "cherry-pick[ed] numbers" and "messy" modeling.¹¹

Reports of Oil Industry Influence

Since the Trump Administration announced its decision to reverse the Obama Administration's rule, evidence gathered by Congressional investigators and journalists has revealed that fossil fuel companies, as well as non-profit organizations with longstanding financial ties to the oil industry, engaged in "an aggressive, multi-faceted campaign to get the Trump Administration to weaken the standards."¹²

The oil industry has a powerful incentive to weaken tailpipe emissions standards. As Senator Whitehouse testified during the Subcommittee's hearing on October 29, 2019:

While the fuel economy standards would have little effect on the number of cars sold, they would affect the amount of gasoline sold. That \$1.7 trillion saved by consumers is lost oil industry revenue.¹³

Senator Whitehouse's testimony has been partially confirmed by the statements of Gary R. Heminger, who at the time served as President and Chief Executive Officer for Marathon. Mr. Heminger reportedly informed investors that the Trump Administration's proposed freeze would reap an extra "350,000 to 400,000 barrels of gasoline per day" for the oil industry.¹⁴

⁹ Environmental Protection Agency, *Trump Administration Announces One National Program Rule on Federal Preemption of State Fuel Economy Standards* (Sept. 19, 2019) (online at www.epa.gov/newsreleases/trump-administration-announces-one-national-program-rule-federal-preemption-state-fuel).

¹⁰ *Trump to Revoke California's Authority to Set Stricter Auto Emissions Rules*, New York Times (Sept. 17, 2019) (online at www.nytimes.com/2019/09/17/climate/trump-california-emissions-waiver.html).

¹¹ *Trump Administration Weakens Auto Emissions Standards*, National Public Radio (Mar. 31, 2020) (online at www.npr.org/2020/03/31/824431240/trump-administration-weakens-auto-emissions-rolling-back-key-climate-policy).

¹² Senator Sheldon Whitehouse, *Comments on the Safer Affordable Fuel-Efficient Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks* (Oct. 26, 2018) (online at www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-5483).

¹³ Committee on Oversight and Reform, Subcommittee on Environment, *Hearing on Trump's Wrong Turn on Clean Cars: The Effects of Fuel Efficiency Rollbacks on the Climate, Car Companies and California* (Oct. 29, 2019) (online at <https://oversight.house.gov/legislation/hearings/trump-s-wrong-turn-on-clean-cars-the-effects-of-fuel-efficiency-rollbacks-on>).

¹⁴ *The Oil Industry's Covert Campaign to Rewrite American Car Emissions Rules*, New York Times (Dec.

In addition, the *New York Times* reported that Marathon “worked with powerful oil-industry groups and a conservative policy network financed by the billionaire industrialist Charles G. Koch to run a stealth campaign to roll back car emissions standards.”¹⁵

One of these Koch-backed groups, Americans for Prosperity, launched a national campaign urging consumers to support weakening tailpipe emissions standards.¹⁶ Another Koch-backed organization, the American Legislative Exchange Council (ALEC), worked with Marathon to lobby state legislators with a model resolution in favor of weakening the standards and eliminating California’s ability to set its own standards.¹⁷

Almost two dozen groups, most incorporated as non-profit organizations under section 501(c)(3) of the Internal Revenue Code, wrote multiple letters urging Trump Administration officials, including President Trump, to weaken emissions standards or revoke California’s authority under the Clean Air Act to set its own standards.¹⁸ While many of these groups do not disclose their donors, all have received oil industry funding, including from Marathon, are associated with the Koch network, or both.¹⁹

In addition, reports filed in 2017 and 2018 pursuant to the Lobbying Disclosure Act show that Marathon—along with oil refiners Valero Energy Corporation and Andeavor, which was later acquired by Marathon—lobbied on the standards.²⁰

13, 2018) (online at www.nytimes.com/2018/12/13/climate/cale-emissions-rollback-oil-industry.html).

¹⁵ *Id.*

¹⁶ *How the Koch Brothers Built the Most Powerful Rightwing Group You’ve Never Heard Of*, The Guardian (Sept. 26, 2018) (online at www.theguardian.com/us-news/2018/sep/26/koch-brothers-americans-for-prosperity-rightwing-political-group); see also Americans for Prosperity, *Repeal Costly Obama-era Fuel Standards* (accessed Feb. 19, 2020) (online at <https://americansforprosperity.ivolunteers.com/Sign/Repeal-Costly-Obama-era-Fuel-Standards>).

¹⁷ Email from Marathon Petroleum Lobbyist Stephen D. Higley to Wisconsin State Rep. Mike Kuglitsch (Aug. 6, 2018) (online at www.documentcloud.org/documents/5536505-Marathon-Petroleum-CAFE-Model-Resolution.html/#p2); see also *The Oil Industry’s Covert Campaign to Rewrite American Car Emissions Rules*, New York Times (Dec. 13, 2018) (online at www.nytimes.com/2018/12/13/climate/cale-emissions-rollback-oil-industry.html).

¹⁸ See e.g., Letter from Steve Pociask, President, American Consumer Institute, et al., to Administrator Scott Pruitt, Environmental Protection Agency (Mar. 28, 2018) (online at www.theamericanconsumer.org/wp-content/uploads/2018/03/ACI-Coalition-Letter-Final.pdf).

¹⁹ Senator Sheldon Whitehouse, *Comments on the Safer Affordable Fuel-Efficient Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks* (Aug. 16, 2018) (online at www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-5483).

²⁰ *Third Quarter 2017 Lobbying Report*, Marathon Petroleum Company (online at <https://disclosurespreview.house.gov/ld/ldxmlrelease/2017/Q3/300906953.xml>) (accessed Apr. 15, 2020); see also *Second Quarter 2018 Lobbying Report*, Marathon Petroleum Company (online at <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=B2B8C5EA-87D4-4A0A-A908-1614B503BC04&filingTypeID=60>) (accessed on Apr. 15, 2020); *Second Quarter 2018 Lobbying Report*, Valero Energy Corporation (online at <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=6665CB5D-FB61-4E40-AF44-FEAE27B10193&filingTypeID=60>) (accessed Apr. 15, 2020); *Third Quarter 2018 Lobbying Report*, Andeavor (online at <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=1F5A8A9B-DB7F-4836-BB8D-59F1866BCF69&filingTypeID=69>) (accessed Apr. 15, 2020). These lobbying disclosure

The calendars of former EPA Administrator Scott Pruitt and former Assistant Administrator for the Office of Air and Radiation William Wehrum show that, throughout 2017, both Mr. Pruitt and Mr. Wehrum met with multiple representatives from oil companies, including Marathon, ExxonMobil, British Petroleum, Chevron, and Royal Dutch Shell.²¹

Marathon also lobbied Congress to weaken the standards. Congressional investigators obtained a copy of a draft letter to then-Deputy Administrator of NHTSA Heidi King, which was drafted by a Marathon in-house lobbyist. Throughout the summer of 2018, members of the Indiana, West Virginia, and Pennsylvania congressional delegations sent letters to Ms. King mimicking the language of the Marathon draft letter by 37 percent, 40 percent and 80 percent, respectively.²²

American Fuel and Petrochemical Manufacturers (AFPM), an oil industry trade association of which Marathon is a member, pursued a similar strategy, planting arguments with Republican governors to undermine the clean cars rule.²³ AFPM ran a campaign on Facebook to generate support for the Trump Administration's proposed rollback of the standards.²⁴

reports do not reveal the positions Marathon took, how frequently it lobbied on the issue, or whom the company lobbied. See, e.g., *Second Quarter 2018 Lobbying Report*, Marathon Petroleum Company (online at <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=B2B8C5EA-87D4-4A0A-A908-1614B503BC04&filingTypeID=60>) Because companies are allowed to report lobbying activities by general issue area, they can group several different topics together. For example, Marathon reported that it lobbied on renewable fuel standards, the E15 waiver, renewable volume obligations, and tailpipe emissions standards under the same issue area code. It also listed that it lobbied the Senate, House, EPA, Office of the Vice President, White House, DOT, Office of Management and Budget, and National Economic Council on these issues. Due to the general manner in which reporting is done under the Lobbying Disclosure Act, it is impossible to discern which parties Marathon Petroleum lobbied on emissions standards.

²¹ Environmental Protection Agency, *Calendar for Scott Pruitt, Former Administrator* (online at www.epa.gov/sites/production/files/2019-04/documents/pruitt-calendar-february17-2017-july6-2018-redacted-updated-4-2-2019.pdf) (accessed Apr. 15, 2020); see also Environmental Protection Agency, *Calendar for Bill Wehrum, Assistant Administrator for the Office of Air and Radiation* (online at <https://archive.epa.gov/epa/senior-leaders-calendars/calendar-bill-wehrum-assistant-administrator-office-air-and-radiation.html>) (accessed Apr. 15, 2020).

²² Senator Sheldon Whitehouse, *Comments on the Safer Affordable Fuel-Efficient Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks* (Aug. 16, 2018) (online at www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-5483).

²³ Committee on Oversight and Reform, Subcommittee on Environment, *Hearing on Trump's Wrong Turn on Clean Cars: The Effects of Fuel Efficiency Rollbacks on the Climate, Car Companies and California* (Oct. 29, 2019) (online at <https://oversight.house.gov/legislation/hearings/trump-s-wrong-turn-on-clean-cars-the-effects-of-fuel-efficiency-rollbacks-on>); see also Email from Peter Barnes, Manager, State and Local Outreach, American Fuel and Petrochemical Manufacturers, to Whitney Lipscomb, Chief Legal Counsel, Governor of Mississippi (Sept. 21, 2018) (online at <https://documented.net/2019/07/oil-refinery-lobbyists-drafted-letter-for-governors-to-support-rollback-in-fuel-standards/>).

²⁴ *The Oil Industry's Covert Campaign to Rewrite American Car Emissions Rules*, New York Times (Dec. 13, 2018) (online at www.nytimes.com/2018/12/13/climate/cape-emissions-rollback-oil-industry.html).

Request for Information and Documents

For the reasons above, we request that you provide us with the following information by June 11, 2020:

1. All documents and communications, including emails, phone logs, and calendar entries, from January 2017 to the present regarding any interaction between any Marathon employee, lobbyist, or representative and EPA relating to tailpipe emissions standards;
2. All documents and communications, including emails, phone logs, and calendar entries, from January 2017 to the present regarding any interaction between any Marathon employee, lobbyist, or representative and DOT or NHTSA relating to tailpipe emissions standards;
3. All documents and communications, including emails, phone logs, and calendar entries from January 2017 to the present regarding any interaction between any Marathon employee, lobbyist, or representative and the following associations and groups:
 - a. AFPM;
 - b. Koch Industries;
 - c. ALEC;
 - d. American Consumer Institute;
 - e. Less Government;
 - f. Taxpayers Protection Alliance;
 - g. Consumer Action for a Strong Economy;
 - h. American Commitment;
 - i. FreedomWorks;
 - j. Competitive Enterprise Institute;
 - k. Americans for Tax Reform;
 - l. 60 Plus Association;
 - m. Frontiers of Freedom;
 - n. Center for Freedom and Prosperity;
 - o. American Energy Alliance;
 - p. Heritage Action;
 - q. Americans for Limited Government;
 - r. Americans for Prosperity;
 - s. Rhode Island Center for Freedom and Prosperity;
 - t. James Madison Institute;
 - u. Rio Grande Foundation;
 - v. Caesar Rodney Institute; and
 - w. Institute for Energy Research; and
4. An itemized list of all donations and other financial assistance Marathon has provided since January 1, 2014, to:

- a. AFPM;
 - b. ALEC;
 - c. DonorsTrust,
 - d. Donors Capital Fund;
 - e. American Consumer Institute,
 - f. Less Government,
 - g. Taxpayers Protection Alliance,
 - h. Consumer Action for a Strong Economy,
 - i. American Commitment,
 - j. FreedomWorks,
 - k. Competitive Enterprise Institute,
 - l. Americans for Tax Reform,
 - m. 60 Plus Association,
 - n. Frontiers of Freedom,
 - o. Center for Freedom and Prosperity,
 - p. American Energy Alliance,
 - q. Heritage Action,
 - r. Americans for Limited Government,
 - s. Americans for Prosperity,
 - t. Rhode Island Center for Freedom and Prosperity,
 - u. James Madison Institute,
 - v. Rio Grande Foundation,
 - w. Caesar Rodney Institute, and
 - x. Institute for Energy Research; and
5. A complete list of all meetings from January 2017 to the present between any Marathon employee, lobbyist, or representative and the following officials:
- a. President Donald Trump;
 - b. Vice President Mike Pence;
 - c. Former EPA Administrator Scott Pruitt;
 - d. Former EPA Assistant Administrator for the Office of Air and Radiation William Wehrum;
 - e. EPA Administrator Andrew Wheeler;
 - f. Former NHTSA Acting Administrator Heidi King;
 - g. Former NHTSA Acting Administrator and Executive Director Jack Danielson;
 - h. Secretary of Transportation Elaine Chao; and
 - i. Former Deputy Secretary of Transportation Jeffrey Rosen.

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. An attachment to this letter provides additional instructions for responding to the Subcommittee’s request. If you have any questions regarding this request, please contact Subcommittee staff at (202) 225-5051.

Mr. Michael J. Hennigan

Page 8

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Harley Rouda
Chairman
Subcommittee on Environment



Rashida Tlaib
Vice Chairwoman
Subcommittee on Environment



Sheldon Whitehouse
Ranking Member
Subcommittee on Clean Air and
Nuclear Safety
Senate Committee on Environment
and Public Works

Enclosure

cc: The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

The Honorable James Comer, Ranking Member
House Committee on Oversight Reform
Subcommittee on Environment

The Honorable Mike Braun, Chairman
Senate Committee on Environment and Public Works
Subcommittee on Clean Air and Nuclear Safety

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.