

**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  
<https://oversight.house.gov>

December 14, 2021

The Honorable Isabella Casillas Guzman  
Administrator  
Small Business Administration  
409 Third Street, S.W.  
Washington, D.C. 20416

Dear Administrator Guzman:

We are writing to request documents and information about the Small Business Administration's (SBA) efforts to mitigate the longstanding problem of fraud in small business contracting assistance or "set-aside" programs and to improve the certification process of eligible businesses. Ensuring that legitimate small businesses have a fair chance to compete for federal contracts is important to promote their growth. Although SBA has made some recent progress in addressing these issues, we are concerned that SBA may not have adequate protections in place to prevent ineligible companies from obtaining contracts. We also have concerns about whether SBA's efforts to redesign the system for certifying small businesses will be effective.

The coronavirus pandemic has made it particularly critical for the federal government to help small businesses, including disadvantaged and minority-owned businesses, access federal contracts. In August 2020, the U.S. Chamber of Commerce reported that the coronavirus pandemic had a "disproportionate impact on minority-owned small businesses." The Chamber found that two in three minority-owned small businesses were concerned about having to close permanently.<sup>1</sup>

Congress established set-aside programs to help eligible small businesses compete for federal contracts against larger and more established companies. Set-aside contracts also provide the government with a more diverse source of goods and services and help create jobs, raise wages, and distribute income more widely.<sup>2</sup> Federal agencies awarded over \$100 billion through set-aside programs in fiscal year 2020, which amounts to over 10% of the \$665 billion spent on federal contracts that year.<sup>3</sup>

---

<sup>1</sup> U.S. Chamber of Commerce, *Press Release: Coronavirus Pandemic Hits Minority-Owned Small Businesses Disproportionately Hard, New Poll Shows* (Aug. 4, 2020) (online at [www.uschamber.com/press-release/coronavirus-pandemic-hits-minority-owned-small-businesses-disproportionately-hard-new](http://www.uschamber.com/press-release/coronavirus-pandemic-hits-minority-owned-small-businesses-disproportionately-hard-new)).

<sup>2</sup> House Committee on Small Business, *Small Business Contracting Program Improvements Act*, 110th Cong. (2007) (H. Rept. 110-400).

<sup>3</sup> Congressional Research Service, *An Overview of Small Business Contracting* (Nov. 17, 2021) (R45576)

The Federal Acquisition Regulation and SBA regulations require small businesses participating in set-aside programs to meet certain eligibility criteria, typically requiring entities to be at least 51% owned and controlled by U.S. citizens who are economically and socially disadvantaged.<sup>4</sup> SBA is responsible for the verifying that participants qualify for the following set-aside programs:<sup>5</sup>

- 8(a) Business Development Program, which in 2020 awarded \$34 billion in business development assistance to businesses owned and controlled by individuals who are members of socially and economically disadvantaged groups and entities, including Alaska Native Corporations, Community Development Corporations, Indian tribes, and Native Hawaiian Organizations;
- Women-Owned Small Business (WOSB) Federal Contracting Program, which in 2020 awarded \$27.2 billion in set-aside contracts to WOSBs in industries in which women are underrepresented;
- Service-Disabled Veteran-Owned Small Business (SDVOSB) program, which in 2020 awarded \$26.1 billion in set-aside contracts to SDVOSBs; and
- Historically Underutilized Business Zone (HUBZone) program, which in 2020 awarded \$13.6 billion to small businesses located in areas with low income, high poverty, or high unemployment—a requirement to be certified as a HUBZone small business.<sup>6</sup>

---

(online at [fas.org/sgp/crs/misc/R45576.pdf](https://fas.org/sgp/crs/misc/R45576.pdf)), Government Accountability Office, *A Snapshot of government-Wide Contracting for FY 2020 (infographic)* (June 22, 2021) (online at [www.gao.gov/blog/snapshot-government-wide-contracting-fy-2020-infographic](https://www.gao.gov/blog/snapshot-government-wide-contracting-fy-2020-infographic)).

<sup>4</sup> Federal Acquisition Regulation Subparts 19.8, 19.13, 19.14, and 19.15; 13 C.F.R. Parts 124, 125, 126, and 127 (2021).

<sup>5</sup> Small Business Administration, *Small Disadvantaged Business* (online at [www.sba.gov/federal-contracting/contracting-assistance-programs/small-disadvantaged-business](https://www.sba.gov/federal-contracting/contracting-assistance-programs/small-disadvantaged-business)) (accessed Nov. 17, 2021). By January 1, 2023, the Department of Veterans Affairs will be transferring the Service-Disabled Veteran-Owned Small Business program to SBA, which will establish a government-wide certification program. See Pub. L. No. 116-283 (2021).

<sup>6</sup> Congressional Research Service, *An Overview of Small Business Contracting* (Aug. 2, 2021) (R45576) (online at [fas.org/sgp/crs/misc/R45576.pdf](https://fas.org/sgp/crs/misc/R45576.pdf)).

### ***Fraud in Small Business Set-Aside Programs***

Over the past several years, the SBA Office of the Inspector General (OIG) and the Government Accountability Office (GAO) have consistently identified set-aside contracting fraud as a systemic problem and serious management challenge.<sup>7</sup> In particular, SBA OIG and GAO have expressed concerns about “widespread misreporting by agencies because contract awards reported as having gone to small firms have been substantially performed by larger companies.”<sup>8</sup> The extent of set-aside fraud and its fiscal impact governmentwide is difficult to estimate because programs can incur financial losses from fraud that are never identified.<sup>9</sup>

In September 2018, SBA OIG reviewed 25 firms that had received contracts under the 8(a) program and found that 20 of these firms were no longer eligible to be in the program. In March 2019, SBA OIG reviewed 15 firms that had received contracts under the HUBZone program and found that three of these firms were not eligible to be in that program.<sup>10</sup>

In November 2019, GAO found that 20 of the 32 adjudicated cases of Department of Defense (DOD) contracting fraud involved contractors who misrepresented themselves as eligible to receive set-aside contracts. These companies were fraudulently awarded at least \$534 million dollars.<sup>11</sup> Extrapolating from the prevalence of set-aside fraud in the small number of cases reviewed in these studies, the extent of set-aside fraud governmentwide may be in the billions of dollars.

Set-aside fraud often occurs when bad actors conceal entities or individuals who own, control, or benefit financially from a business by falsifying information and certifications to SBA, such as who controls the majority of the company or makes day-to-day decisions. GAO’s 2019 analysis found that companies reported figurehead owners who did not maintain at least

---

<sup>7</sup> See, e.g., Office of Inspector General, Small Business Administration, *Top Management and Performance Challenges Facing the Small Business Administration in Fiscal Year 2021* (Oct. 16, 2020) (Report 21-01) (online at [www.oversight.gov/sites/default/files/oig-reports/SBA%20OIG%20Report%2021-01.508.pdf](http://www.oversight.gov/sites/default/files/oig-reports/SBA%20OIG%20Report%2021-01.508.pdf)); Office of Inspector General, Small Business Administration, *The Most Serious Management and Performance Challenges Facing SBA in Fiscal Year 2020* (Oct. 11, 2019) (Report 20-01) (online at [www.oversight.gov/sites/default/files/oig-reports/SBA-OIG-Report-20-01.pdf](http://www.oversight.gov/sites/default/files/oig-reports/SBA-OIG-Report-20-01.pdf)).

<sup>8</sup> Office of Inspector General, Small Business Administration, *Top Management and Performance Challenges Facing the Small Business Administration in Fiscal Year 2021* (Oct. 16, 2020) (Report 21-01) (online at [www.sba.gov/sites/default/files/2020-10/SBA%20OIG%20Report%2021-01.508\\_0.pdf](http://www.sba.gov/sites/default/files/2020-10/SBA%20OIG%20Report%2021-01.508_0.pdf)).

<sup>9</sup> Government Accountability Office, *A Framework for Managing Fraud Risks in Federal Programs* (July 2015) (GAO-15-593SP) (online at [www.gao.gov/assets/gao-15-593sp.pdf](http://www.gao.gov/assets/gao-15-593sp.pdf)).

<sup>10</sup> Office of Inspector General, Small Business Administration, *Improvements Needed in SBA’s Oversight of 8(a) Continuing Eligibility Process* (Sept. 7, 2018) (Report 18-22) (online at [www.sba.gov/document/report-18-22-improvements-needed-sbas-oversight-8a-continuing-eligibility-processes](http://www.sba.gov/document/report-18-22-improvements-needed-sbas-oversight-8a-continuing-eligibility-processes)); Office of Inspector General, Small Business Administration, *SBA’s HubZone Certification Process* (Mar. 28, 2019) (Report 19-08) (online at [www.sba.gov/document/report-19-08-sbas-hubzone-certification-process](http://www.sba.gov/document/report-19-08-sbas-hubzone-certification-process)).

<sup>11</sup> Government Accountability Office, *Defense Procurement: Ongoing DOD Fraud Risk Assessment Efforts Should Include Contractor Ownership* (Nov. 25, 2019) (GAO-20-106) (online at [www.gao.gov/assets/gao-20-106.pdf](http://www.gao.gov/assets/gao-20-106.pdf)).

51% ownership, as required by regulation, or simply used names of eligible individuals when bidding on and winning a set-aside contract.<sup>12</sup>

During a June 26, 2013, hearing, this Committee exposed a contractor who devised a “shell game” to win two Internal Revenue Service contracts amounting to \$380 million through the set-aside program by falsely qualifying as a HUBZone company. To meet the requirement that a principal office be located in a HUBZone, Strong Castle, Inc., opened a small office in a HUBZone area. To satisfy another requirement that 35% of employees reside in the HUBZone, Strong Castle worked with the football coach of a university located in another HUBZone to recruit and hire students.<sup>13</sup>

Strong Castle was not an isolated incident. In 2015, the former president of UFC Aerospace LLC (UFC) admitted to falsely representing his company as a WOSB to earn millions of dollars on defense subcontracts between 2001 and 2011 by claiming that his wife and his partner’s wife were the owners. The former UFC president agreed to pay \$20 million to settle fraud charges.<sup>14</sup> In 2019, an executive with Boykin Contracting was sentenced to over four years in federal prison for using “straw-owners within the company to pose as a female, an African-American, a disabled individual, and a veteran to qualify for over \$160 million” in construction contracts with multiple federal agencies, including the Departments of Agriculture, Defense, and Energy.<sup>15</sup>

Investigations into set-aside fraud are undertaken by joint teams of criminal and civil fraud investigators, often requiring multi-year, cross-agency efforts.<sup>16</sup> SBA uses a “pay and chase” model to manage fraud, which is the practice of detecting fraudulent transactions and attempting to recover funds after payments have been made. However, leading practices for effectively managing fraud risks call instead for focusing on prevention over detection as the

---

<sup>12</sup> *Id.*

<sup>13</sup> Committee on Oversight and Government Reform, *Press Release: Democratic Staff Briefing on IRS Contracts with Strong Castle, Inc.* (June 25, 2013) (online at [oversight.house.gov/news/press-releases/democratic-staff-briefing-memo-on-irs-contracts-with-strong-castle-inc](https://oversight.house.gov/news/press-releases/democratic-staff-briefing-memo-on-irs-contracts-with-strong-castle-inc)).

<sup>14</sup> United States Attorney’s Office, Southern District of New York, *Press Release: Manhattan U.S. Attorney Files and Settles Civil Fraud Lawsuit Against UFC Aerospace and Douglas B. Davis for Engaging in Fraudulent Conduct in Violation of the Small Business Act* (Oct. 8, 2015) (online at [www.justice.gov/usao-sdny/pr/manhattan-us-attorney-files-and-settles-civil-fraud-lawsuit-against-ufc-aerospace-and](https://www.justice.gov/usao-sdny/pr/manhattan-us-attorney-files-and-settles-civil-fraud-lawsuit-against-ufc-aerospace-and)).

<sup>15</sup> United States Attorney’s Office, District of South Carolina, *Press Release: Former Company Executive Sentenced to over Four Years in Federal Prison for Construction Fraud Scheme* (Apr. 23, 2019) (online at [www.justice.gov/usao-sc/pr/former-company-executive-sentenced-over-four-years-federal-prison-construction-fraud](https://www.justice.gov/usao-sc/pr/former-company-executive-sentenced-over-four-years-federal-prison-construction-fraud)).

<sup>16</sup> In November 2019, the Department of Justice established the Procurement Collusion Strike Force, an interagency law enforcement effort to combat fraudulent procurement schemes, including set-aside contracting fraud. The Strike Force is composed of DOJ’s Antitrust Division, multiple U.S. Attorneys’ offices, the Federal Bureau of Investigation, and the inspectors general for multiple federal agencies. See Department of Justice, *Procurement Collusion Strike Force* (online at [www.justice.gov/procurement-collusion-strike-force](https://www.justice.gov/procurement-collusion-strike-force)) (accessed Oct. 7, 2021).

most cost-efficient use of resources.<sup>17</sup> Bad actors could be discouraged from fraud and abuse if they knew that preventive and anti-fraud mechanisms are in place.<sup>18</sup>

Recently introduced requirements will help combat set-aside fraud. For example, SBA published a final rule on May 11, 2020, requiring formal certifications for the WOSB program.<sup>19</sup> In addition, the National Defense Authorization Act of 2021 required the transfer of SDVOSB program certifications from the Department of Veterans Affairs to SBA by January 1, 2023.<sup>20</sup> While the requirement of formal certifications for set-aside programs is an important first step, SBA still needs to establish a fraud risk program that would prevent, detect, and respond to contracting fraud.

### ***Redevelopment of SBA's Certify System***

In 2014, SBA began developing its Certify information technology (IT) system, certify.SBA.gov, to improve small business participation. As proposed, the system would allow SBA staff to review and track small business eligibility applications, protect personally identifiable information and financial data, and reduce identity fraud risks.<sup>21</sup>

SBA spent \$30 million between 2014 and 2019 to develop Certify, but in a July 2020 report, SBA OIG found that the system lacked key functionalities and essential search, analytical, and reporting tools.<sup>22</sup> SBA program officials told OIG staff that Certify lacked “sufficient functionality to properly and reliably manage the program.” Staff also reported that “case files randomly disappeared from the certify.SBA.gov database, and they learned that the files were missing due to applicants’ complaints.”<sup>23</sup> As a result, SBA staff developed labor-intensive workarounds such as using SurveyMonkey—an online survey system—to re-collect information submitted to Certify, and Excel spreadsheets to perform basic data analysis. SBA OIG found that these manual workarounds added an average of 47 days to process each 8(a) application, a 50% increase.<sup>24</sup>

---

<sup>17</sup> Government Accountability Office, *A Framework for Managing Fraud Risks in Federal Programs* (July 2015) (GAO-15-593SP) (online at [www.gao.gov/assets/gao-15-593sp.pdf](http://www.gao.gov/assets/gao-15-593sp.pdf)).

<sup>18</sup> Deloitte, *Shutting Down Fraud, Waste, and Abuse: Moving from Rhetoric to Real Solutions in Government Benefits Programs* (May 11, 2016) (online at [www2.deloitte.com/us/en/insights/industry/public-sector/fraud-waste-and-abuse-in-entitlement-programs-benefits-fraud.html](http://www2.deloitte.com/us/en/insights/industry/public-sector/fraud-waste-and-abuse-in-entitlement-programs-benefits-fraud.html)).

<sup>19</sup> Small Business Administration, *Woman-Owned Small Business and Economically Disadvantaged Woman-Owned Small Business Certification*, 85 Fed. Reg. 27650 (May 11, 2020) (final rule).

<sup>20</sup> Pub. L. No. 116-283 (2021).

<sup>21</sup> Government Accountability Office, *Information Technology: Key Attributes of Essential Federal Mission-Critical Acquisitions* (Sept. 8, 2020) (GAO-20249SP) (online at [www.gao.gov/assets/gao-20-249sp.pdf](http://www.gao.gov/assets/gao-20-249sp.pdf)).

<sup>22</sup> *SBA Spent \$30M on Digital Service-Built App That Doesn't Work*, Nextgov (Aug. 3, 2020) (online at [www.nextgov.com/it-modernization/2020/08/sba-spent-30m-digital-service-built-app-doesnt-work/167419/](http://www.nextgov.com/it-modernization/2020/08/sba-spent-30m-digital-service-built-app-doesnt-work/167419/)).

<sup>23</sup> Office of Inspector General, Small Business Administration, *Evaluation of SBA's All Small Mentor-Protégé Program* (Sept. 17, 2019) (Report 19-17) (online at [www.sba.gov/sites/default/files/2019-09/SBA-OIG-Report-19-17.pdf](http://www.sba.gov/sites/default/files/2019-09/SBA-OIG-Report-19-17.pdf)).

<sup>24</sup> Office of Inspector General, Small Business Administration, *Evaluation of Certify.SBA.GOV* (July 30,

After spending more than \$30 million on developing the system, SBA abandoned the Certify IT system to redevelop from scratch. In 2019, SBA spent an additional \$3.5 million to migrate Certify to a Microsoft 365–based platform as part of a larger agency-wide IT initiative. The new Certify system is expected to eliminate paper applications; introduce tools to help identify waste, fraud, and abuse; and strengthen cybersecurity protections.<sup>25</sup> SBA OIG identified Certify’s redesign and implementation as a significant management challenge for fiscal year 2021.<sup>26</sup> GAO also found that there is a “very high” risk that SBA’s redevelopment of Certify is not effective.<sup>27</sup>

The failures of the Certify system, weaknesses in the certification processes, and limited fraud deterrence tools, have contributed to the government’s continued use of the resource-intensive “pay and chase” model to combat set-aside fraud.<sup>28</sup> To meet the Administration’s ambitious goals of creating more opportunities for disadvantaged small businesses, it is imperative that SBA strengthen the Certify system and implement an effective fraud risk program that will deter fraud on the front end and effectively detect these crimes on the back end.

### ***Document and Briefing Requests***

To assist the Committee with its oversight of this matter, please provide the following documents and information by December 28, 2021:

1. The total amounts awarded to small businesses in the 8(a), WOSB, SDVOSB, and HUBZone programs, including those awarded to enrolled members of federally or state-recognized Indian tribes, in fiscal year 2021 and whether these amounts met small business procurement goals;
2. All SBA guidance materials related to the prevention of, detection of, or response to eligibility fraud in all set-aside contracting programs—including 8(a), WOSB, SDVOSB, and HUBZone—including any established financial or administrative controls for identifying, responding to, or monitoring fraud risks, including data analytic approaches, such as the use of third-party sources to identify trends and

---

2020) (Report 20-17) (online at [www.sba.gov/sites/default/files/2020-07/SBA\\_OIG\\_Report\\_20-17\\_508.pdf](http://www.sba.gov/sites/default/files/2020-07/SBA_OIG_Report_20-17_508.pdf)).

<sup>25</sup> *Id.*; Government Accountability Office, *Information Technology: Key Attributes of Essential Federal Mission-Critical Acquisitions* (Sept. 8, 2020) (GAO-20249SP) (online at [www.gao.gov/assets/gao-20-249sp.pdf](http://www.gao.gov/assets/gao-20-249sp.pdf)); Office of Inspector General, Small Business Administration, *Top Management and Performance Challenges Facing the Small Business Administration in Fiscal Year 2021* (Oct. 16, 2020) (Report 21-01) (online at [www.oversight.gov/sites/default/files/oig-reports/SBA%20OIG%20Report%2021-01.508.pdf](http://www.oversight.gov/sites/default/files/oig-reports/SBA%20OIG%20Report%2021-01.508.pdf)).

<sup>26</sup> Office of Inspector General, Small Business Administration, *Top Management and Performance Challenges Facing the Small Business Administration in Fiscal Year 2021* (Oct. 16, 2020) (Report 21-01) (online at [www.oversight.gov/sites/default/files/oig-reports/SBA%20OIG%20Report%2021-01.508.pdf](http://www.oversight.gov/sites/default/files/oig-reports/SBA%20OIG%20Report%2021-01.508.pdf)).

<sup>27</sup> Government Accountability Office, *Information Technology: Key Attributes of Essential Federal Mission-Critical Acquisitions* (Sept. 8, 2020) (GAO-20249SP) (online at [www.gao.gov/assets/gao-20-249sp.pdf](http://www.gao.gov/assets/gao-20-249sp.pdf)).

<sup>28</sup> Government Accountability Office, *A Framework for Managing Fraud Risks in Federal Programs* (July 2015) (GAO-15-593SP) (online at [www.gao.gov/assets/gao-15-593sp.pdf](http://www.gao.gov/assets/gao-15-593sp.pdf)).

patterns;

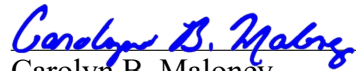
3. Analyses and/or estimates of fraud in SBA set-aside programs over the last five years;
4. SBA's plan to establish risk assessment processes that prevent and detect fraud while continuing to meet disadvantaged small businesses procurement goals;
5. All procedures used to identify indicators of potential fraud during the certification process;
6. All documents related to the process for removing ineligible firms and timely processing referrals to the suspension and debarment proceedings, reporting that information to inspectors general and Congress, and updating information in the System for Award Management;
7. All solicitations issued, bids received, and contracts awarded for the development and migration of the Certify system;
8. All documents related to the implementation of the Certify system migration and redevelopment, including:
  - a. expected functionality of the new system, including requirements for gathering information and data;
  - b. key milestones and project timing, including status of previous, current, and future releases of Certify;
  - c. project governance structure and risk assessment plans;
  - d. project cost and budget data, performance measures, and related acquisition and IT workforce data; and
  - e. cost estimates of the migration and redevelopment;
9. All documents related to existing manual processes as identified by SBA OIG that have been or are being used while the Certify redevelopment is ongoing, as well as the impact of these manual processes on customer service delays and program oversight;
10. All evaluations and reports prepared by the U.S. Digital Service for SBA on Certify's development and migration; and

11. All documents related to alternative considerations for Certify’s redesign and relevant Analysis of Alternatives for capital investments, as required by Office of Management and Budget Circular A-11.<sup>29</sup>

In addition, we request a briefing from SBA by December 21, 2021, on the agency’s planned risk framework for set-aside fraud and the status of the Certify system redevelopment.

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, including the economy, efficiency, and management of government information technology systems. An attachment to this letter provides additional instructions for responding to the Committee’s requests. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney  
Chairwoman



James Comer  
Ranking Member

Enclosure

cc: The Honorable Hannibal “Mike” Ware, Inspector General  
Small Business Administration

---

<sup>29</sup> Office of Management and Budget, *Capital Programming Guide Version 3.1—Supplement to OMB Circular A-11: Planning, Budgeting, and Acquisition of Capital Assets* (Jan. 2021) (online at [www.whitehouse.gov/wp-content/uploads/2021/01/capital\\_programming\\_guide.pdf](http://www.whitehouse.gov/wp-content/uploads/2021/01/capital_programming_guide.pdf)).



## 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.