

Congress of the United States
Washington, DC 20515

April 9, 2021

Dr. Scott W. Atlas
Robert Wesson Senior Fellow
Hoover Institution
434 Galvez Mall
Stanford University
Stanford, CA 94305

Dear Dr. Atlas:

The Select Subcommittee on the Coronavirus Crisis is investigating the federal government's response to the pandemic, including key public health decisions made by the previous Administration. Our investigation has shown that Trump Administration officials engaged in a persistent pattern of political interference in the nation's public health response to the coronavirus pandemic, overruling and bullying scientists and making harmful decisions that allowed the virus to spread more rapidly.

The Select Subcommittee's investigation has revealed that you may have played a role in the Trump Administration's efforts to suppress scientific information. Documents recently obtained by the Select Subcommittee indicate that you were aware of, and may have participated in, efforts to attack reports issued by the Centers for Disease Control and Prevention (CDC) in order to justify President Trump's push to reopen. The investigation has also revealed that you advocated for policies that would allow the virus to spread widely among many Americans.

In recent interviews, former White House Coronavirus Response Coordinator Deborah Birx stated that your "team" presented misleading, "parallel streams of data" about the pandemic to President Trump, and former CDC Director Robert Redfield said that your views were "allowed to ill-inform a lot of people." Dr. Birx and former Assistant Secretary for Health Brett Giroir also confirmed that you advocated for pursuing a herd immunity strategy while at the White House, with Dr. Birx noting that she told colleagues that she refused to attend meetings with you because she did not want to take action that "legitimized your position."¹ These statements add to the Select Subcommittee's concerns about your role in efforts to suppress scientific work.

The Select Subcommittee began this inquiry last year but faced repeated obstruction from the Trump Administration. We are continuing the investigation in order to understand what went wrong and determine what corrective steps are necessary to control the virus, save American

¹ *COVID WAR: The Pandemic Doctors Speak Out*, CNN (Mar. 28, 2021); *see also What the Covid-19 War Was Really Like in Trump's White House*, CNN (Mar. 28, 2021) (online at www.cnn.com/2021/03/28/health/covid-war-doctors-fauci-birx-hahn-redfield-gupta-bn/index.html).

lives, and ensure that similar mistakes can never happen again. I write today to seek documents and a transcribed interview with you regarding these issues.

Evidence of Political Interference

In September 2020, the Select Subcommittee launched an investigation into efforts by Trump Administration appointees to interfere in the scientific reports and guidance issued by CDC during the pandemic.² The Select Subcommittee found that officials at the Department of Health and Human Services (HHS) and the White House sought to suppress accurate scientific information believed to be damaging to President Trump, including attempting to alter or block at least 13 CDC reports related to the coronavirus, preparing op-eds to attack CDC reports in order to justify President Trump's push to reopen, and retaliating against officials from CDC and other agencies who provided truthful information to the public.³

Recently obtained documents indicate that you may have played a role in these efforts to suppress science during the pandemic. HHS Senior Advisor Paul Alexander—who repeatedly pressed career CDC officials to change or eliminate scientific documents about the virus—communicated directly with you about releasing op-eds to support reopening efforts and to publicly rebut CDC's reports.⁴ For example, on September 3, 2020, Dr. Alexander emailed you regarding releasing an op-ed that would push back against making children wear masks and closing schools during the pandemic, writing: "I think a short 400 word op-ed on this will help

² Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II (Sept. 14, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-09-14.Majority%20to%20Azar%20and%20Redfield%20re%20HHS%20and%20CDC%20on%20Political%20Interference%20.pdf>).

³ Memorandum from Majority Staff to Members of the Select Subcommittee on the Coronavirus Crisis, Supplemental Memorandum on Investigation into Political Interference with Coronavirus Response (Dec. 16, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Staff%20Report%20re%20Political%20Messaging%20and%20Herd%20Immunity.pdf>); Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II and Robert R. Redfield, Director, Centers for Disease Control and Prevention (Dec. 10, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-10.Clyburn%20to%20HHS%20re%20Redfield%20%281%29.pdf>); Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II and Robert R. Redfield, Director, Centers for Disease Control and Prevention (Dec. 21, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-21.Clyburn%20to%20Redfield%20and%20Azar%20re%20Subpoena%20FINAL%20_0.pdf); Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Norris Cochran, Acting Secretary, Department of Health and Human Services (Feb. 8, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-02-08.Clyburn%20to%20Cochran%20re%20WH%20Failures%20on%20Pandemic%20.pdf>).

⁴ See, e.g., Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to Scott Atlas, Special Advisor, The White House (Sept. 11, 2020) (SSCC-0015141 – 43) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/09.11.2020%20SSCC-0015141_Redacted.pdf).

people push back to school, I do think locking down our kids (and healthy adults) and masking them can dampen their functional immune systems. Do you think this can be done???"⁵

On September 8, 2020, HHS staff circulated a draft op-ed under your name advocating for keeping colleges and universities open for in-person learning during the pandemic. Dr. Alexander replied with comments, writing, "Very nicely done by Scott!"⁶ Your op-ed was published in the New York Post on September 15, and argued—contrary to CDC's public health guidance—that:

Universities should stay open, even when they see an increase in cases. ... Yes, cases will increase among young people as they socially interact, but that shouldn't be a cause for panic if people adhere to CDC mitigation measures to protect the vulnerable. ... Instead of panicking about cases with either no symptoms or mild symptoms that will generally resolve, schools should implement mitigation measures ... These measures, including testing, are aimed at protecting the vulnerable, preventing the spread into high-risk environments and keeping students in the low-risk campus environment. The point isn't to detect spread among low-risk students.⁷

On September 11, 2020, Dr. Alexander emailed you about a forthcoming CDC report on coronavirus deaths in young people, which Dr. Alexander claimed was "very duplicitous to damage the administration." He asked you to help "craft an op-ed ... disputing the reporting for on face value, it is meant to mislead." Dr. Alexander added: "The timing of this is meant to interfere with school re-opening and we need to get something out fast to pre-empt this in the next day or so and I can work with you on it." He suggested, "Let us advise the President and get permission to pre-empt this please for it will run for the weekend so we need to blunt the edge."⁸

In February 2021, CDC Director Rochelle Walensky confirmed the Select Subcommittee's finding of political interference, stating that certain coronavirus guidelines released by CDC during the Trump Administration had been "politically swayed" by political

⁵ Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to Scott Atlas, Special Advisor, The White House (Sept. 3, 2020) (SSCC-0007582) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/09.03.2020%20SSCC-0007582_Redacted.pdf).

⁶ Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to HHS Staff Sec, et al. (Sept. 8, 2020) (SSCC-0005411 – 15) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/09.08.2020%20SSCC-0005411_Redacted.pdf).

⁷ Scott Atlas, *Science Says: Colleges Should All Reopen (with Precautions)*, New York Post (Sept. 15, 2020) (online at <https://nypost.com/2020/09/15/science-says-colleges-should-all-reopen-with-precautions/>).

⁸ Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to Scott Atlas, Senior Advisor, The White House (Sept. 11, 2020) (SSCC-0015141 – 43) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/09.11.2020%20SSCC-0015141_Redacted_0.pdf).

appointees.⁹ Last month, CDC released the results of an internal review of its public health guidance documents, which found that multiple guidance documents were “not primarily authored by CDC staff,” used “less directive language than ... could be supported by existing evidence,” and were not supported by the latest science.¹⁰ For example, CDC found that August 2020 guidance asserting, contrary to the scientific consensus, that most asymptomatic people should not be tested even if they were exposed to someone with the virus, was “developed or finalized outside of the agency.”¹¹ This is consistent with evidence uncovered by the Select Subcommittee and public reporting that you and other political appointees were involved in the decision to change the testing guidance in order to reduce testing and allow the virus to spread while quickly reopening the economy.¹²

In an interview that aired on March 28, 2021, Dr. Birx suggested that you played a role in providing misleading information about the coronavirus to President Trump. Dr. Birx stated that as the pandemic progressed, there were “too many parallel streams of data” about the pandemic being presented President Trump and that concerns about the economy seemed to outweigh concerns about hospitalizations and deaths from the virus. Asked whether the parallel data streams originated with you, Dr. Birx stated: “I know some of them came from his team. I don’t know where all of them came from.” Director Redfield also asserted: “Dr. Scott Atlas, his perspective was, in my view, allowed to ill inform a lot of people.”¹³

⁹ *CDC Director Says ‘Minority’ of Coronavirus Guidelines Were ‘Politically Swayed’ Under Trump*, Washington Post (Feb. 8, 2021) (online at www.washingtonpost.com/nation/2021/02/08/coronavirus-covid-live-updates-us/#link-OL6YISXANRHE3LNT3M6E35MX3I).

¹⁰ Memorandum from Anne Schuchat, Principal Deputy Director, Centers for Disease Control and Prevention, to Rochelle P. Walensky, Director, Centers for Disease Control and Prevention, *Summary of Guidance Review* (Mar. 10, 2021) (online at www.cdc.gov/coronavirus/2019-ncov/downloads/communication/Guidance-Review.pdf).

¹¹ *See id.*; *see also* Select Subcommittee on the Coronavirus Crisis, *Press Release: Chairman Clyburn Questions Updated CDC Guidelines on Coronavirus Testing* (Aug. 26, 2020) (online at <https://coronavirus.house.gov/news/pressreleases/chairman-clyburn-questions-updated-cdc-guidelines-coronavirus-testing>).

¹² Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to Michael Caputo, Assistant Secretary for Public Affairs, Department of Health and Human Services, et al. (Aug. 27, 2020) (SSCC-0014920 – 22) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/08.27.2020%20SSCC-0014920_Redacted.pdf); *C.D.C. Testing Guidance Was Published Against Scientists’ Objections*, New York Times (Sept. 17, 2020) (online at www.nytimes.com/2020/09/17/health/coronavirus-testing-cdc.html).

¹³ *COVID WAR: The Pandemic Doctors Speak Out*, CNN (Mar. 28, 2021); *see also* *What the Covid-19 War Was Really Like in Trump’s White House*, CNN (Mar. 28, 2021) (online at www.cnn.com/2021/03/28/health/covid-war-doctors-fauci-birx-hahn-redfield-gupta-bn/index.html).

Promotion of Dangerous Herd Immunity Strategy

In October 2020, the Select Subcommittee launched an inquiry into the Trump Administration's consideration of policies that would allow the virus to spread quickly among millions of Americans in a misguided attempt to achieve herd immunity without a vaccine.¹⁴ HHS Secretary Alex Azar testified before the Select Subcommittee that herd immunity "is not the strategy of the U.S. government with regard to coronavirus,"¹⁵ but documents obtained by the Select Subcommittee showed that Trump Administration officials discussed precisely this strategy in private communications.¹⁶

You appear to have played a key role in promoting a herd immunity strategy both prior to and during your tenure in the Trump Administration. In a July 2020 television interview, you stated: "When younger, healthier people get infected, that's a good thing, because that's exactly the way that population immunity develops."¹⁷ You also told Fox News in July that preventing young people from getting infected is merely "prolonging the problem because you're preventing population immunity." You reportedly were in contact with Trump Administration officials and helped to prepare President Trump's briefing materials for news conferences in July and August.¹⁸

After being appointed as a Special Advisor to President Trump, you reportedly espoused similar views during internal White House meetings.¹⁹ On October 5, 2020, you convened a meeting with Secretary Azar and three outspoken proponents of advancing a herd immunity strategy in response to the coronavirus, Dr. Martin Kulldorff, Dr. Jay Bhattacharya, and Dr. Sunetra Gupta. Secretary Azar wrote that the meeting provided "strong reinforcement of the

¹⁴ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II (Oct. 9, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-10-09.Clyburn%20and%20Raskin%20to%20Azar%20re%20Herd%20Immunity.pdf>).

¹⁵ Select Subcommittee on the Coronavirus Crisis, Testimony of Former Secretary Alex M. Azar II, Department of Health and Human Services, *Hybrid Hearing with Secretary of Health and Human Services Alex M. Azar II* (Oct. 2, 2020) (online at <https://coronavirus.house.gov/subcommittee-activity/hearings/hybrid-hearing-secretary-health-and-human-services-alex-m-azar-ii>).

¹⁶ Memorandum from Majority Staff to Members of the Select Subcommittee on the Coronavirus Crisis, *Supplemental Memorandum on Investigation into Political Interference with Coronavirus Response* (Dec. 16, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-16.Majority%20to%20Azar%20and%20Miller%20re%20OWS%20Pfizer%20Letter_.pdf); *New Trump Pandemic Adviser Pushes Controversial 'Herd Immunity' Strategy, Worrying Public Health Officials*, Washington Post (Aug. 31, 2020) (online at www.washingtonpost.com/politics/trump-coronavirus-scott-atlas-herd-immunity/2020/08/30/925e68fe-e93b-11ea-970a-64c73a1c2392_story.html).

¹⁷ *Trump Makes Call for New White House Doctor's Virus Advice*, Associated Press (Aug. 16, 2020) (online at abcnews.go.com/Health/wireStory/trump-makes-call-white-house-doctors-virus-advice-72404816).

¹⁸ *A New Coronavirus Adviser Roils the White House with Unorthodox Ideas*, New York Times (Sept. 2, 2020) (online at www.nytimes.com/2020/09/02/us/politics/trump-scott-atlas-coronavirus.html).

¹⁹ *New Trump Pandemic Adviser Pushes Controversial 'Herd Immunity' Strategy, Worrying Public Health Officials*, Washington Post (Aug. 31, 2020) (online at www.washingtonpost.com/politics/trump-coronavirus-scott-atlas-herd-immunity/2020/08/30/925e68fe-e93b-11ea-970a-64c73a1c2392_story.html).

Trump Administration’s strategy.”²⁰ In an October 15, interview, you said that the herd immunity strategy outlined in an online manifesto—“opening schools, opening society, and protecting the high-risk people, the seniors”—is “exactly aligned with the President.”²¹ Your views were echoed by President Trump and other officials, raising the serious possibility that key Trump Administration officials pursued a deliberate or reckless policy of allowing Americans to be infected with the coronavirus.²²

Former Trump Administration officials recently confirmed that you advocated for a herd immunity strategy at the White House. Admiral Giroir stated that “Dr. Atlas’ position is that we should just sort of let it go in the healthy population and create herd immunity.” Admiral Giroir explained that your claim that we could “protect the vulnerable” while building up herd immunity through disease spread was “a fallacy.” Due to your advocacy of pursuing this dangerous herd immunity strategy, Dr. Birx stated: “I told people I would not be in a meeting with Dr. Atlas again. I felt very strongly that I didn’t want an action that legitimized in any way his position.”²³

Obstruction of the Select Subcommittee’s Investigation

The Select Subcommittee has identified numerous instances of Trump Administration appointees’ interference in the work of the nation’s public health agencies during the coronavirus pandemic.²⁴ However, the full extent of this interference and its impact on the nation’s coronavirus response remain unknown because the previous Administration refused to cooperate with the Select Subcommittee’s inquiries, blocking access to documents and witnesses.

²⁰ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II (Oct. 9, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-10-09.Clyburn%20and%20Raskin%20to%20Azar%20re%20Herd%20Immunity.pdf>).

²¹ See, e.g., *Scientists Push Back on Herd-Immunity Approach to Covid-19*, Wall Street Journal (Oct. 18, 2020) (online at www.wsj.com/articles/white-house-touts-document-calling-for-herd-immunity-approach-to-covid-19-crisis-11603051550); *Infectious-Disease Expert: Scott Atlas’ Herd Immunity Claims Are “Pseudoscience,”* Axios (Oct. 18, 2020) (online at www.axios.com/scott-atlas-herd-immunity-coronavirus-c8511115-0f39-4d0a-a1a8-44dd7560c7f1.html).

²² See, e.g., *Trump Says with ‘A Herd Mentality’ Covid-19 Coronavirus Will Go Away*, Forbes (Sept. 16, 2020) (online at www.forbes.com/sites/brucelee/2020/09/16/trump-says-with-a-herd-mentality-covid-19-coronavirus-will-go-away/); *Scientists Push Back on Herd-Immunity Approach to Covid-19*, Wall Street Journal (Oct. 18, 2020) (online at www.wsj.com/articles/white-house-touts-document-calling-for-herd-immunity-approach-to-covid-19-crisis-11603051550); *Infectious-Disease Expert: Scott Atlas’ Herd Immunity Claims Are “Pseudoscience,”* Axios (Oct. 18, 2020) (online at www.axios.com/scott-atlas-herd-immunity-coronavirus-c8511115-0f39-4d0a-a1a8-44dd7560c7f1.html).

²³ *COVID WAR: The Pandemic Doctors Speak Out*, CNN (Mar. 28, 2021); see also *What the Covid-19 War Was Really Like in Trump’s White House*, CNN (Mar. 28, 2021) (online at www.cnn.com/2021/03/28/health/covid-war-doctors-fauci-birx-hahn-redfield-gupta-bn/index.html).

²⁴ See, e.g., Select Subcommittee on the Coronavirus Crisis, *Inefficient, Ineffective, and Inequitable: The Trump Administration’s Failed Response to the Coronavirus Crisis*, Appendix B (Oct. 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/InterimStaffReport10.30.20.pdf>).

On March 31, 2021, Select Subcommittee staff reached out to you to speak about your work at the White House, but you did not respond. Many questions remain regarding efforts by Trump Administration appointees to interfere in the scientific reports and guidance issued by CDC and other public health agencies during the pandemic. As a former senior White House advisor who was actively involved in the issues under investigation by the Select Subcommittee, you possess material information that could shed light on the public health policies pursued by the Trump Administration in response to the coronavirus, the extent and impact of the political interference at CDC and other agencies, the rationale underlying attempts to alter or block certain scientific reports and guidance issued by CDC, and who in the Trump Administration led these efforts. You have previously spoken to the press regarding your work during the Trump Administration.²⁵

* * *

For all of these reasons, please produce by April 23, 2021, all documents and communications in your possession, custody, or control related to your involvement (whether formal or informal) in the federal government's response to the coronavirus, including but not limited to communications with the White House, HHS, other federal agencies, or others. This includes but is not limited to documents and communications related to:

- any formal or informal public health guidance, plans, or proposals;
- coronavirus testing, treatments, or vaccines;
- re-opening schools or businesses;
- pursuing a herd immunity strategy or allowing the virus to spread among any portion of the U.S. population prior to the development and distribution of a vaccine;
- public messaging related to the coronavirus;
- any attempt to review, revise, edit, delay, or prohibit publication of any Morbidity and Mortality Weekly Report or other CDC report, recommendation, or guidance;
- data collection practices;
- any effort to delete, conceal, or withhold information, documents, or testimony; or

²⁵ See, e.g., *Dr. Scott Atlas Blasts 'Despicable' Birx and Fauci 'Trying to Overtly Rewrite History' on Coronavirus, Trump*, Fox News (Mar. 31, 2021) (online at www.foxnews.com/politics/dr-scott-atlas-blasts-despicable-birx-and-fauci-trying-to-overtly-rewrite-history-on-coronavirus-trump); *Lockdown Sceptic Scott Atlas: 'The Big Issue Exposed by Covid Is Civil Liberties'*, Financial Times (Mar. 12, 2021) (online at www.ft.com/content/833845be-3994-4fba-b0ff-5d0c165d5ebd).

- any adverse employment action taken or considered against any employee, official, or contractor of the federal government for actions taken in the course of their employment related to the coronavirus.

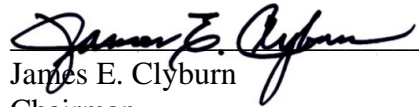
In responding to this request, responsive communications should include, but not be limited to, electronic messages sent to or from your personal email account(s), cell phone(s), or other messaging applications or software (including but not limited to text messages, instant messages, encrypted messages, and social media).

In addition, the Select Subcommittee requests a transcribed interview with you on May 3, 2021. Please confirm by April 16, 2021, that you will appear voluntarily for the interview.

These requests are consistent with the House of Representatives' authorization of the Select Subcommittee on the Coronavirus Crisis "to conduct a full and complete investigation" of "issues related to the coronavirus crisis," including the "preparedness for and response to the coronavirus crisis" and "executive branch policies, deliberations, decisions, activities and internal and external communications related to the coronavirus crisis."²⁶

An attachment to this letter provides additional instructions for responding to the Select Subcommittee's request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400.

Sincerely,



James E. Clyburn
Chairman

Select Subcommittee on the Coronavirus Crisis

Enclosure

cc: The Honorable Steve Scalise, Ranking Member
Select Subcommittee on the Coronavirus Crisis

²⁶ H.R. 8, sec. 4(f); H.R. 935, 116th Cong. (2020).

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.