

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>

February 15, 2019

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

Dear Mr. Cipollone:

On January 8, 2019, the Committee launched an investigation into the failure of President Donald Trump to report hundreds of thousands of dollars in payments and liabilities to his former attorney, Michael Cohen, to silence women alleging extramarital affairs during the 2016 presidential campaign. As part of this investigation, the Committee sent you a letter requesting six categories of documents that were first requested four months earlier.¹

On February 1, 2019, you sent a response that failed to provide any of the requested documents. Instead, you wrote that you are “prepared to consider” providing Committee staff with the ability to review limited portions of two of the six categories of documents *in camera*. As an initial accommodation, the Committee is willing to review any documents that you make available. However, your offer does not obviate the need for the White House to fully comply with the Committee’s request and produce all of the requested documents within the timeline specified by the Committee.

The Committee’s interest in obtaining these documents is even more critical in light of new documents obtained by the Committee from the Office of Government Ethics (OGE) that describe false information provided by the lawyers representing President Trump, including Sheri Dillon, President Trump’s personal attorney, and Stefan Passantino, the former Deputy White House Counsel for Compliance and Ethics who now has left the White House to represent the Trump Organization.

¹ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Pat Cipollone, Counsel to the President, The White House (Jan. 8, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-01-08.EEC%20to%20Cipollone-WH%20re%20Cohen%20Payments.pdf>); Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Donald F. McGahn II, Counsel to the President, The White House, and George A. Sorial, Executive Vice President and Chief Compliance Counsel, The Trump Organization (Sept. 12, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-09-12.EEC%20to%20McGahn-WH%20Sorial-TrumpOrg%20re%20Financial%20Disclosures%20Cohen%20Payments.pdf>).

President Trump's former attorney, Michael Cohen, is now going to prison in part for his role in these hush-money payments. During his guilty plea, Mr. Cohen said that he did this "in coordination with, and at the direction of" the President "for the principal purpose of influencing the election."²

It now appears that President Trump's other attorneys—at the White House and in private practice—may have provided false information about these payments to federal officials. This raises significant questions about why some of the President's closest advisers made these false claims and the extent to which they too were acting at the direction of, or in coordination with, the President.

New Documents Show "Evolving Stories" on Cohen Payments

The Committee has now obtained internal notes taken by OGE officials describing their interactions with the President's personal attorneys and White House lawyers regarding the President's payments and debts to Michael Cohen. One OGE official referred to the changing explanations and excuses from the President's legal team as "Evolving Stories."³

On June 14, 2017, the President filed his financial disclosure report with OGE covering the period from January 2016 to April 15, 2017. His report made no mention of any liability owed to Mr. Cohen for payments to women alleging affairs. The President personally signed that report, certifying that his statements were "true, complete, and correct to the best of my knowledge."⁴

Seven months later, on January 18, 2018, the *Wall Street Journal* reported that Mr. Cohen had created a shell company, Essential Consultants LLC, just days before he made a \$130,000 payment to Stephanie Clifford.⁵ On March 5, 2018, the *Wall Street Journal* reported that "[a]fter Mr. Trump's victory, Mr. Cohen complained to friends that he had yet to be reimbursed for the payment to Ms. Clifford."⁶

² Department of Justice, Southern District of New York, Transcript of Court Proceedings, Michael Cohen Plea 23:3-25 (Aug. 21, 2018), *United States v. Cohen*, S.D.N.Y. (No. 1:18 CR 00602) (online at <https://assets.documentcloud.org/documents/4780185/Cohen-Court-Proceeding-Transcript.pdf>).

³ Office of Government Ethics, *Notes to File* (received Jan. 31, 2019) (0004).

⁴ Office of Government Ethics, *Form 278e for President Donald J. Trump* (June 14, 2017) (online at www.documentcloud.org/documents/3867112-Trump-Financial-Disclosure-2017.html).

⁵ *Trump Lawyer Used Private Company, Pseudonyms to Pay Porn Star 'Stormy Daniels'*, Wall Street Journal (Jan. 18, 2018) (online at www.wsj.com/articles/trump-lawyer-used-private-company-pseudonyms-to-pay-porn-star-stormy-daniels-1516315731).

⁶ *Trump Lawyer's Payment to Stormy Daniels Was Reported as Suspicious by Bank*, Wall Street Journal (Mar. 5, 2018) (online at www.wsj.com/articles/trump-lawyers-payment-to-porn-star-was-reported-as-suspicious-by-bank-1520273701).

False Claims That President Trump Owed No Money to Michael Cohen

From March 22, 2018, to April 26, 2018, President Trump's personal attorney, Sheri Dillon, repeatedly stated to federal officials at OGE that President Trump never owed any money to Mr. Cohen in 2016 and 2017. For example:

- On March 22, 2018, according to the OGE notes, Ms. Dillon stated: "If the filer did owe Mr. Cohen money, it would show up on the report, but she does not believe he did."⁷ OGE officials then asked Ms. Dillon: "We need you to confirm that."
- On March 30, 2018, OGE notes summarized Ms. Dillon's position: "As far as she knows he did not owe him any money." OGE officials then asked Ms. Dillon: "Can you confirm?" The OGE notes indicated: "She will confirm." OGE officials then asked again, "Like for 2017, if there was any money owed in 2016, he would have to amend to report that, so please confirm he did not owe Mr. Cohen money. ... At any point did he owe Mr. Cohen money?" Ms. Dillon again responded, "Not that I am aware of." Again, the OGE official asked, "Can you confirm that?" The notes indicated her response: "She will confirm."⁸
- On April 26, 2018, when asked about the "status of whether the filer owed Mr. Cohen money in 2016 or 2017," Ms. Dillon reportedly stated that she "confirmed that with filer," referring to President Trump. In response, the "Acting Director asked that we get that in writing."⁹

One undated note appears to summarize the position being relayed by the President's representatives: "Michael Cohen did not loan Pres Trump \$."¹⁰

False Claims of a "Retainer" Agreement

On May 2, 2018, President Trump's personal attorney, Rudy Giuliani, made a startling admission when he stated on national television that President Trump had, in fact, reimbursed Mr. Cohen for his payments to Ms. Clifford.

Mr. Giuliani claimed that these payments were part of a "retainer" agreement with Mr. Cohen for legal services. He stated: "They funneled through a law firm, and the president repaid it." He added: "That was money that was paid by his lawyer. ... The president reimbursed that over the period of several months."¹¹

⁷ Office of Government Ethics, *Notes to File* (received Jan. 31, 2019) (0007).

⁸ *Id.* at 0007.

⁹ *Id.* at 0007, 0009.

¹⁰ *Id.* at 0006.

¹¹ *Rudy Giuliani on Potential Trump Interview for Mueller*, Fox News (May 2, 2018) (online at www.foxnews.com/transcript/rudy-giuliani-on-potential-trump-interview-for-mueller); *Giuliani Says Trump Repaid*

The next day, on May 3, 2018, President Trump confirmed the payments to Mr. Cohen in a carefully worded tweet, stating that Mr. Cohen “received a monthly retainer” and “entered into, through reimbursement, a private contract between two parties, known as a non-disclosure agreement, or NDA.”¹²

On May 8, 2018, OGE officials asked Ms. Dillon about these new admissions and the new retainer claim. At that point, Ms. Dillon abandoned her previous argument that President Trump never made any payments to Mr. Cohen. Instead, she told OGE officials: “Mr. Cohen always knew that he would be reimbursed but the mechanisms for reimbursement changed over time.”¹³

The notes reflect that Ms. Dillon claimed that “all payments are in connection with legal services.”¹⁴ She stated that “Cohen incurred expenses, Trump reimbursed for those expenses.”¹⁵ She likened the expenses to “routine vendor payments, not overdue and unpaid.”¹⁶ She further “analogized the payments to payments for a kitchen remodel.”¹⁷ Ms. Dillon stated “unequivocally that Michael Cohen did not loan President Trump money in the natural sense of the word.”¹⁸ She also noted: “let the facts come out as they may and let the criticism fall on the President.”¹⁹

Stefan Passantino, the Deputy White House Counsel for Compliance and Ethics, made the same argument about the retainer agreement to OGE officials, claiming:

My understanding [sic] that in course of legal services, he was authorized to outlay and that was part of retainer agreement. Legal fees charged on monthly basis. Sees it as revolving credit as what shouldn't be disclosed.²⁰

OGE officials appeared to be skeptical of these new claims. The notes reflect that Acting OGE Director David Apol had concerns that “it doesn't seem [like] a retainer in place.”²¹ When an OGE official “asked if we could see the retainer agreement,” Ms. Dillon said she “will not

Cohen for Stormy Daniels Hush Money, New York Times (May 2, 2018) (online at www.nytimes.com/2018/05/02/us/politics/trump-michael-cohen-stormy-daniels-giuliani.html).

¹² Donald J. Trump (@realdonaldtrump), Twitter (May 3, 2018) (online at <https://twitter.com/realdonaldtrump/status/991992302267785216?lang=en>).

¹³ Office of Government Ethics, *Notes to File* (received Jan. 31, 2019) (0028).

¹⁴ *Id.* at 0027.

¹⁵ *Id.* at 0027.

¹⁶ *Id.* at 0027.

¹⁷ *Id.* at 0028.

¹⁸ *Id.* at 0029.

¹⁹ *Id.* at 0028.

²⁰ *Id.* at 0020.

²¹ *Id.* at 0022.

permit OGE staff to read the agreement because it is privileged.”²² Ms. Dillon then stated: “No, not even at our office.”²³

There is no indication in the notes that Ms. Dillion or Mr. Passantino informed OGE officials that they had never seen any such retainer agreement.

Toward the end of the May 8 call, Mr. Apol stated that he “is not ready to sign at this time.” When Mr. Apol asked for additional details, Ms. Dillon reportedly noted that “OGE is overstepping its jurisdiction” and the “public will know every detail when the facts come out.”²⁴

Federal Prosecutors Reveal No Retainer Agreement for Hush-Money Payments

On August 21, 2018, federal prosecutors in the Southern District of New York revealed that there was no “retainer agreement” in place between President Trump and Mr. Cohen covering the payments to silence women alleging extramarital affairs during the 2016 presidential campaign. The complaint stated: “In truth and in fact, there was no such retainer agreement.”²⁵

On December 7, 2018, in their sentencing memorandum for Mr. Cohen, prosecutors stated:

After the election, he arranged for his own reimbursement via fraudulent invoices for non-existent legal services ostensibly performed pursuant to a non-existent “retainer” agreement. And when public reports of the payments began to surface, Cohen told shifting and misleading stories about the nature of the payment, his coordination with the candidate, and the fact that he was reimbursed.²⁶

Federal prosecutors also stated:

With respect to both payments, Cohen acted with the intent to influence the 2016 presidential election. Cohen coordinated his actions with one or more members of the campaign, including through meetings and phone calls, about the fact, nature, and timing of the payments. In particular, and as Cohen himself has now admitted, with respect to both payments, **he acted in coordination with and at the direction of Individual-1.**²⁷

²² *Id.* at 0029.

²³ *Id.* at 0024.

²⁴ *Id.* at 0029.

²⁵ Department of Justice, Southern District of New York, Government’s Information, 17 (Aug. 21, 2018), *United States v. Cohen*, S.D.N.Y. (No. 1:18 CR 00602).

²⁶ Department of Justice, Southern District of New York, Government’s Sentencing Memorandum, 24 (Dec. 7, 2018), *United States v. Cohen*, S.D.N.Y. (No. 1:18 CR 602).

²⁷ *Id.* (emphasis added).

The President's Belated Admission of Payments to Michael Cohen

On May 15, 2018, President Trump submitted his Financial Disclosure form for the calendar year 2017. In his filing, President Trump finally disclosed payments to Michael Cohen of up to \$250,000, but he claimed they were never required to be reported. In a footnote, his form stated:

In the interest of transparency, while not required to be disclosed as “reportable liabilities” on Part 8, in 2016 expenses were incurred by one of Donald J. Trump’s attorneys, Michael Cohen. Mr. Cohen sought reimbursement of those expenses and Mr. Trump fully reimbursed Mr. Cohen in 2017. The category of value would be \$100,001-\$250,000 and the interest rate would be zero.²⁸

The President again personally signed this report, certifying that his statements were “true, complete, and correct to the best of my knowledge.”²⁹

However, after President Trump filed his report, federal prosecutors disclosed that Mr. Cohen was actually paid \$420,000—not \$250,000 or less. These payments were made by a company—widely reported to be the Trump Organization—in 12 monthly installments of \$35,000 beginning in 2017. This amount included \$130,000 for the hush-money payment, \$50,000 for “tech services,” which were “gross[ed] up” to \$360,000 for tax purposes,” and a \$60,000 “bonus.”³⁰ According to the court filing, the company “falsely accounted for these payments as ‘legal expenses.’”³¹

The Committee's Oversight and Legislative Jurisdiction

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

Congress’ constitutional authority in this area is well-established and beyond question. Article I, § 8 gives Congress the power “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”³²

²⁸ Office of Government Ethics, *OGE Form 278e for President Donald J. Trump* (May 15, 2018) (online at www.documentcloud.org/documents/4464412-Trump-Donald-J-2018Annual278.html).

²⁹ *Id.*

³⁰ Department of Justice, Southern District of New York, Government’s Sentencing Memorandum, 14 (Dec. 7, 2018), *United States v. Cohen*, S.D.N.Y. (No. 1:18 CR 602).

³¹ *Id.*

³² U.S. Const. art. I, § 8, cl. 18.

This clause provides Congress with plenary authority to legislate and conduct oversight regarding compliance with ethics laws and regulations, which it has exercised numerous times in the past 30 years.³³ Congress also has broad authority to legislate and conduct oversight on issues involving campaign finance.³⁴

Squarely within the Committee's jurisdiction is the Ethics in Government Act of 1978, which requires federal officials to publicly disclose financial liabilities that could affect their decision-making on behalf of the American people. Under the Ethics in Government Act, even the President must file a public financial disclosure report containing detailed financial information, including on personal debts. The Committee is the authorizing Committee for the

³³ See, e.g., Stop Trading on Congressional Knowledge (STOCK) Act, Pub. L. No. 112-105 (2012) (amending the Ethics in Government Act of 1978 to require specified individuals, including the president and other executive officers and employees, to file disclosures after the purchase and sale of securities exceeding \$1,000); Honest Leadership and Open Government Act of 2007, Pub. L. No. 110-81 (2007) (prohibiting cabinet secretaries and other very senior executive personnel from lobbying the department or agency in which they worked for two years after leaving their position); Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458 (2004) (requiring the Office of Government Ethics to submit to Congress a report evaluating the financial disclosure process for executive branch employees); Office of Government Ethics Authorization Act of 2001, Pub. L. No. 107-119 (2002) (extending the authorization of appropriations for the Office of Government Ethics); Office of Government Ethics Authorization Act of 1996, Pub. L. No. 104-179 (1996) (extending the authorization of appropriations for the Office of Government Ethics); Lobbying Disclosure Act of 1995, Pub. L. No. 104-65 (1995) (requiring lobbyists for the executive and legislative branches to register with Senate and House officials and make certain reports and disclosures); Independent Counsel Reauthorization Act of 1994, Pub. L. No. 103-270 (1994) (reauthorizing the independent counsel and providing for administrative support for the independent counsel); Hatch Act Reform Amendments of 1993, Pub. L. No. 103-94 (1993) (specifying circumstances under which federal government employees may engage in political activities, prohibiting political activities by federal employees under certain circumstances, and creating exceptions for certain political appointees in specified circumstances); Ethics Reform Act of 1989, Pub. L. No. 101-194 (1989) (imposing lobbying restrictions on employees of executive and legislative branches, including the president and other senior personnel of the executive branch, and amending certain financial disclosure requirements in the Ethics in Government Act of 1978); Office of Government Ethics Reauthorization Act of 1988, Pub. L. No. 100-598 (1988) (establishing the Office of Government Ethics as an independent agency within the executive branch with increased oversight of executive agencies, extending appropriations for the agency, and requiring an annual report to Congress by the agency); Independent Counsel Reauthorization Act of 1987, Pub. L. No. 100-191 (1987) (revising certain requirements for the appointment, supervision, and reporting requirements of the independent counsel); Ethics in Government Act Amendments of 1982, Pub. L. No. 97-409 (1983) (renaming the "special prosecutor" in the Ethics in Government Act of 1978 "independent counsel", and revising the coverage of executive-branch officials who may be subject to the "special prosecutor" provisions in that Act); Ethics in Government Act, Pub. L. No. 95-521 (1978) (imposing financial disclosure requirements on executive branch personnel, establishing the Office of Government Ethics within the Office of Personnel Management, and providing for a special prosecutor, appointed by the Attorney General, to investigate allegations of criminal violations in the executive branch).

³⁴ See, e.g., Bipartisan Campaign Reform Act of 2002, Pub. L. No. 107-155 (2002) (prohibiting national political party committees from raising or spending any funds not subject to federal limits and reporting requirements, and prohibiting certain political advertising); District of Columbia Campaign Finance Reform and Conflict of Interest Act, Pub. L. No. 93-376 (1974) (regulating political campaign finance practices in the District of Columbia); Federal Election Campaign Act Amendments, Pub. L. No. 93-443 (1974) (amending the Federal Election Campaign Act of 1972 to impose limitations on the amount of campaign contributions and expenditures for federal elections and establishing the Federal Election Commission); Federal Election Campaign Act of 1971, Pub. L. No. 92-225 (1972) (mandating disclosures of contribution of federal campaigns).

Office of Government Ethics, which is charged with implementing the Ethics in Government Act.

Congressional Precedent

It would be a vast departure for the White House to refuse to provide documents relevant to the Committee's investigation of these matters. This Committee has a long history of investigating allegations of wrongdoing and abuse within the White House and the Executive Office of the President, including with respect to the preservation of public records, the accuracy of disclosures by the President, White House, and Executive Branch officials, and compliance with federal campaign laws. For example:

- From 1996 to 1998, the Clinton White House produced tens of thousands of pages of documents, made key officials available for depositions, and enabled White House officials to testify at public hearings as part of the Committee's investigation into campaign contributions by foreign nationals.³⁵ During its investigation, the Committee also held hearings on the White House's compliance with the Committee's subpoenas and obtained public testimony from then-White House Counsel Charles Ruff.³⁶
- From 1997 to 1998, the Committee received more than 40,000 documents and interviewed more than 40 witnesses related to possible misuse of the White House Database (WhoDB) for fundraising purposes.³⁷
- On March 30, 2000, then-White House Counsel Beth Nolan testified in public before the Committee about her and her office's knowledge about White House recordkeeping deficiencies that allegedly prevented a complete search of White House records in response to congressional and grand jury subpoenas.³⁸
- From March 2007 to February 2008, the George W. Bush White House, along with the National Archives and Records Administration, produced more than 20,000 pages of internal emails as part of a Committee investigation into the use of Republican National Committee email accounts by White House officials,

³⁵ Committee on Government Reform and Oversight, *Investigation of Political Fundraising Improprieties and Possible Violations of Law, Sixth Report*, 105th Cong. (Nov. 5, 1998) (online at www.congress.gov/congressional-report/105th-congress/house-report/829/4).

³⁶ See, e.g., Committee on Government Reform and Oversight, *Hearings on White House Compliance with Committee Subpoenas*, 105th Cong. (Nov. 6-7, 1997) (online at www.govinfo.gov/content/pkg/CHRG-105hrg45405/html/CHRG-105hrg45405.htm).

³⁷ Committee on Government Reform and Oversight, *Activities of the House Committee on Government Reform and Oversight*, 105th Cong. (Jan. 2, 1999) (online at www.govinfo.gov/content/pkg/CRPT-105hrpt843/html/CRPT-105hrpt843.htm).

³⁸ Committee on Government Reform, *Activities of the House Committee on Government Reform*, 106th Cong. (Jan. 2, 2001) (online at www.govinfo.gov/content/pkg/CRPT-106hrpt1053/pdf/CRPT-106hrpt1053.pdf).

which resulted in the potential loss of presidential records and possible violations of the Hatch Act. The Committee also interviewed or received written answers to questions from six current or former officials in the White House responsible for preserving White House records.³⁹

Conclusion

Congress has a constitutional duty to serve as an independent check on the Executive Branch. Since the earliest days of our republic, Congress has investigated how existing laws are being implemented and whether changes to the laws are necessary. For decades, this has included laws relating to financial disclosures required of the President.

For these reasons, while the Committee is willing to consider your offer to view certain documents as a temporary accommodation, the Committee requests that the White House immediately begin producing all of the documents that were requested on January 8, 2019. These documents will help the Committee determine why the President failed to report these payments and whether reforms are necessary to address deficiencies with current laws, rules, and regulations.

Please notify the Committee by February 22, 2019, whether you intend to comply voluntarily or whether the Committee should consider alternative means to obtain compliance. If you have any questions, please contact Committee staff at (202) 225-5051.

Thank you for your prompt attention to this request.

Sincerely,



Elijah E. Cummings
Chairman

Enclosure

cc: The Honorable Jim Jordan, Ranking Member

³⁹ Committee on Oversight and Government Reform, *Hearing on the Electronic Records Preservation at the White House*, 110th Cong. (Feb. 26, 2008) (online at www.c-span.org/video/?204183-1/white-house-electronic-records-preservation).

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.