

Congress of the United States
Washington, DC 20515

October 13, 2020

The Honorable Robert Wilkie
Secretary of Veterans Affairs
810 Vermont Ave, NW
Washington, DC 20420

Dear Secretary Wilkie,

We write today to express our serious concerns that the Department of Veterans Affairs (VA) may have misused taxpayer funds and other government assets in an effort to benefit the reelection of President Trump and certain Republican candidates seeking office in 2020. To maintain the integrity of the Department you lead, we are requesting a full accounting of taxpayer-funded travel, attendance at events, and related activities by you and other Department senior leaders that appear to be in violation of the Hatch Act and relevant regulations.

Leaders at VA have historically risen above partisan politics. Unfortunately, our review of publicly available information, media reports, social media postings, and other data suggests that the travel, events, and other related official actions of VA senior leaders are steering the Department away from its apolitical mission and potentially using Department resources in an attempt to tip the scale in favor of the President and other Republican candidates. Furthermore, efforts to engage in overtly political activity may have come at the expense of legitimate functions of the Department's mission—to provide health care, benefits, and memorial services to our nation's veterans, as well as care for their families. This mission should bring together Americans and all elected officials, rather than divide us along party lines. Those who served in uniform did so without regard to party or political preference. Their focus rightly remained on our country and defending the Constitution against all enemies, foreign and domestic. Even in Congress, where political bickering and gridlock are the norm rather than the exception, the Veterans' Affairs Committees strive to remain focused on passing dozens of bipartisan laws each year to strengthen veterans' services. With this in mind, we are disappointed in the recent partisan turn of the Department.

As you may know, in the 2006-midterm elections, former VA Secretary Jim Nicholson, a previous Republican National Committee chair, engaged in inappropriate political activity using time and resources of the Department. This incident was documented in the Office of Special Counsel's (OSC) 2011 report¹ entitled "Investigation of Political Activities by White House and Federal Agency Officials During the 2006 Midterm Elections."² This report cited several cabinet secretaries, including then-Secretary Nicholson, for violations of the Hatch Act, such as for labeling events that were clearly political in nature as "official events" and paying for them with

¹ *U.S. Office of Special Counsel - Investigation of Political Activities by White House and Federal Agency Officials During the 2006 Midterm Elections*, E&E News (January 2011) (online at https://www.eenews.net/assets/2020/06/22/document_gw_09.pdf)

² *Bush officials violated Hatch Act, agency concludes*, Washington Post (Jan. 25, 2011) (online at https://www.washingtonpost.com/national/bush-officials-violated-hatch-act-agency-concludes/2011/01/24/AB26YzD_story.html)

taxpayer funds. Public information, media reports, and other information indicate that the Department, under your leadership, appears to have returned to these and other troubling practices.

Veterans and the American public deserve a VA that is devoid of improper political influence and remains focused on the work of serving veterans and their families. This is especially true during the time of a pandemic, a veteran suicide crisis, and a host of other challenges facing veterans and their loved ones. In an era when norms and customs, if not laws and regulations, are regularly flaunted by many in the executive branch,³ it is imperative for senior officials at the Department to follow both the spirit and the letter of the law and to avoid the appearance of partisanship, as well as to uphold the highest ethical standards.

Unfortunately, evidence currently available points to senior leaders at VA using the power, reach, and resources of the Department to inappropriately involve themselves in political campaigns to benefit the President and his supporters in Congress, while at the same time shirking VA leadership's responsibility to be accountable to Congress by meeting constitutional obligations to provide timely information and appear at hearings. Many of the events or trips on your and other leaders' official travel schedule contain substantial veterans-related policy discussions or Departmental management matters for which we have no objection. However, your schedules appears to mix those policy matters with overtly political activities that are "directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group"⁴ and therefore must not be paid for with taxpayer funds.⁵ There is an explicit prohibition in law against using your official authority or influence to affect the result of an election.⁶

The Hatch Act, relevant regulations, OSC advisories and VA's own policies lay out distinct rules and guidelines to prevent misuse of taxpayer funds and inappropriate political influence in an election. For example, OSC lays out a series of 12 non-exhaustive guidelines for agencies to use when deciding the appropriateness of events and whether they are political in

³ *Team Trump eyes dubious Iowa road trip for caucus members*, MSNBC (Jan. 28, 2020) (online at <https://www.msnbc.com/rachel-maddow-show/team-trump-eyes-dubious-iowa-road-trip-caucus-members-n1134001>); *It's Illegal for Federal Officials to Campaign on the Job. Trump Staffers Keep Doing It Anyway*, ProPublica (Aug. 12, 2020) (online at <https://www.propublica.org/article/its-illegal-for-federal-officials-to-campaign-on-the-job-trump-staffers-keep-doing-it-anyways>); *White House Admits Trump Is Using Official Events For Midterm Campaigning*, HuffPost (Aug. 22, 2018) (online at https://www.huffpost.com/entry/trump-official-campaign_n_5b7c896ce4b07295150dc45d); *Trump obliterates lines between governing and campaigning in service of his reelection*, Washington Post (Aug. 23, 2020) (online at https://www.washingtonpost.com/politics/trump-white-house-convention/2020/08/23/6ff3b412-e261-11ea-8181-606e603bb1c4_story.html); *Federal ethics breaches at the RNC warrant Hatch Act inquiries, experts say*, Los Angeles Times (Aug. 26, 2020) (online at <https://www.latimes.com/politics/story/2020-08-26/rnc-hatch-act-ethical-violations>); *Pompeo accused of mixing politics and diplomacy as election nears*, Washington Post (Oct. 5, 2020) (online at https://www.washingtonpost.com/national-security/pompeo-accused-of-mixing-politics-and-diplomacy-as-election-nears/2020/10/05/95ac4110-0741-11eb-991c-be6ead8c4018_story.html); *Perdue rebuked for violating ethics law by boosting Trump's reelection*, Politico (Oct. 8, 2020) (online at <https://www.politico.com/news/2020/10/08/perdue-ethics-trump-reelection-428018>)

⁴ 5 C.F.R. § 734.101

⁵ 5 U.S.C. § 7324(b)(1)

⁶ 5 U.S.C. § 7323(a)(1)

nature.⁷ Therefore, the sequence and origin of each event or trip, and the related ethics reviews and other oversight activities taken by the Department in advance of each trip, are critical to our understanding of how VA applied the appropriate rules and whether taxpayers financed the trips or events. Past Administrations, under the tenure of presidents of both parties, have had to comply with these laws and rules. VA and its leadership does not get a pass and must be held accountable.

The following trips are examples of those that raise concerns regarding your Department's observance of political travel restrictions using taxpayer funds and related rules. Further examination and scrutiny of your travel and event schedule information and documents, as requested in this correspondence, may reveal additional prohibited activity.

- In early August of 2020, you traveled, along with your Acting Chief of Staff, who was confirmed as Assistant Secretary for Congressional and Legislative Affairs, to North Carolina for the dedication of a non-profit veterans' transition facility with an incumbent Senator up for reelection. The Department promoted the event on its website.⁸ Around the same time, you also participated in at least one 14-minute videotaped discussion with the same incumbent Senator while in North Carolina.⁹ Public recordings of your various remarks appear intended to elevate the candidate for reelection. This is one of several visits to North Carolina you made in 2020 where you appeared alongside the incumbent in what appears to be a sustained effort to benefit the candidate.¹⁰ As you know well, being a native of the state, North Carolina is the site of a highly competitive 2020 U.S. Senate race, will be the site of an expected competitive 2022 U.S. Senate race, and is a battleground state in the Presidential election. It appears you conducted all of these visits in your official capacity as Secretary.

⁷ *OSC Advisory Regarding Mixed Travel by Presidentially-Appointed /Senate Confirmed (PAS) Employees*, Office of Special Counsel (October 6, 2011) (online at [https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Mixed%20Travel%20by%20Presidential%20Appointees%20with%20Senate%20Confirmation%20\(PAS\).pdf](https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Mixed%20Travel%20by%20Presidential%20Appointees%20with%20Senate%20Confirmation%20(PAS).pdf)); See, for example, the following criteria that can be used when determining what constitutes a political event: "1. **Identify the type of event, e.g. ribbon cutting, grant announcement, etc;** 2. **Ascertain whether candidates (including incumbents seeking reelection) will be present and what their role will be;** ... 10. **Consider the proximity of the event to the date of the election. Events with candidates that take place two weeks before an election are more likely to be for political purposes than events that occur, for example, eight months before an election.** 11. **Find out whether the event is open or closed to media. An event that is open to the media is more likely to be political than one that is closed to the press.**" (emphasis added) (pages 2-3)

⁸ *VA Secretary Wilkie speaks at VLC Opening*, VA (Aug. 7, 2020) (online at https://www.visn6.va.gov/VISN6/features/VA_Secretary_Wilkie_speaks_at_VLC_Opening.asp)

⁹ *Senator Thom Tillis and VA Secretary Robert Wilkie Fireside Chat*, YouTube (Aug. 10, 2020) (online at <https://www.youtube.com/watch?v=Fi1XC9tL2JU&feature=youtu.be>); *Tillis and VA Secretary Wilkie Discuss Work to Help Veterans*, U.S. Senator Thom Tillis (August 14, 2020) (online at <https://www.tillis.senate.gov/2020/8/tillis-and-va-secretary-wilkie-discuss-work-to-help-veterans>)

¹⁰ *Official Travel, Use of Private and Government Aircraft by the Secretary of Veterans Affairs*, U.S. Department of Veterans Affairs (Oct. 6, 2020) (online at <https://www.va.gov/opa/secvatravel/docs/SECVA-Public-Travel-Calendar-Wilkie.pdf>); *Town of Butner welcomes Veterans Life Center with ribbon-cutting*, WTVD (Aug. 1, 2020) (online at <https://abc11.com/sen-thom-tillis-veterans-life-center/6347291/>); *Butner, NC: Tillis Participates in Grand Opening of Veterans Life Center*, Facebook (Aug. 8, 2020) (online at <https://www.facebook.com/SenatorThomTillis/videos/butner-nc-tillis-participates-in-grand-opening-of-veterans-life-center/1449499291900662/>)

- In late August of 2020, you traveled to Maine for the groundbreaking of a new national cemetery. Maine is the site of a highly competitive 2020 U.S. Senate race and the incumbent candidate participated in the event. VA highlighted the incumbent in its media materials, and both you and the incumbent provided interviews with the media.¹¹ The event was promoted on the candidate's campaign social media account as well as your official Twitter account.¹² It appears you conducted the event in your official capacity as Secretary.
- In late September 2020, you traveled to Montana for several VA meetings and media appearances with an incumbent Senator up for reelection in a highly competitive 2020 U.S. Senate race.¹³ You provided a quote in the official press release announcing this event praising the candidate's work on veterans' issues. You led several media appearances on VA grounds, including with the incumbent, and commended his work on veterans' issues.¹⁴ It appears you conducted this travel in your official capacity as Secretary.¹⁵

In addition, your public travel schedule, as well as schedules of other VA leaders, are filled with visits (physical and virtual) to key Presidential or 2020 U.S. Senate battleground states such as Ohio, South Carolina, Michigan, Pennsylvania, Wisconsin, Maine, Arizona, Kentucky, and Florida.¹⁶ There is of course no prohibition on official travel to, or activity in, these states for legitimate departmental work, or in specific circumstances for political purposes if appropriately labeled as such and funded accordingly. But these events—and others by officials within your Department, especially over the last year—require further scrutiny to understand their origins, objectives, and how they were planned, sequenced, prioritized, and financed.

¹¹ *VA dedicates new national cemetery in rural Maine*, News Center Maine (Aug. 29, 2020) (online at <https://www.newscentermaine.com/article/news/community/va-dedicates-new-national-cemetery-in-rural-maine/97-be1185df-eda1-49e1-9691-e614c40ec4e7>)

¹² *Susan Collins for Senator*, Twitter Post, (Aug. 30, 2020; 2:28 PM) (online at <https://twitter.com/SenSusanCollins/status/1300138437903896582>); *Secretary Robert L. Wilkie*, Twitter Post, (Aug. 29, 2020; 3:16 PM) (online at <https://twitter.com/SecWilkie/status/1299787981516087298>)

¹³ *BREAKING: Daines to Bring VA Secretary Wilkie to Montana for Several Veterans Related Meetings*, U.S. Senator Steve Daines (Sept. 16, 2020) (online at <https://www.daines.senate.gov/news/press-releases/breaking-daines-to-bring-va-secretary-wilkie-to-montana-for-several-veterans-related-meetings>)

¹⁴ *Sen. Daines, VA Secretary Wilkie speak on telehealth plans*, KULR8 (Sept. 28, 2020) (online at https://www.kulr8.com/news/state/sen-daines-va-secretary-wilkie-speak-on-telehealth-plans/video_c855cb5f-ad21-52ef-a3ba-d315477ac1ee.html); *VA Secretary Wilkie praises veterans aid at Fort Harrison*, Great Falls Tribune (Sept. 28, 2020) (online at <https://www.greatfallstribune.com/story/news/2020/09/28/va-secretary-wilkie-praises-veterans-aid-fort-harrison/3563206001/>); *WATCH NOW: VA chief touts telehealth programs in Montana visit*, Missoulian (Sept. 28, 2020) (online at https://missoulian.com/news/local/watch-now-va-chief-touts-telehealth-programs-in-montana-visit/article_48b5bf72-a92a-5d2b-b899-fdb42da7778d.amp.html)

¹⁵ *Secretary Robert L. Wilkie*, Twitter Post, (Sept. 28, 2020; 12:56 PM) (online at https://twitter.com/SecWilkie/status/1310624339755241474?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet)

¹⁶ For example, see *Under Secretary Paul Lawrence Live Tele-Townhalls*, U.S. Department of Veterans Affairs (VA) (Oct. 6, 2020) (online at <https://www.benefits.va.gov/benefits/teletownhall.asp>); *Center for Women Veterans (CWV) Events Calendar*, VA (Oct. 6, 2020) (online at <https://www.va.gov/womenvet/calendar.asp>); *Second Lady Karen Pence Highlights Suicide Prevention Research in Charleston, South Carolina*, The White House (Sept. 2, 2020) (online at <https://www.whitehouse.gov/briefings-statements/second-lady-karen-pence-highlights-suicide-prevention-research-charleston-south-carolina/>)

Beyond Department officials' own travel, our initial investigation indicates that in 2020 the Department has and is preventing Democratic Members of the House and Senate from visiting their local VA facilities to conduct oversight and meetings with local VA employees and administrators while allowing Republican Members to do so. For example, VA staff were scheduled to participate in an August 19, 2020, virtual townhall event organized by Chairman Takano's congressional office regarding the Loma Linda, California facility. Shortly before the event, your staff communicated that VA would no longer attend. However, on that same day VA did participate in a different event involving a Republican Member of Congress in Louisiana physically visiting a VA facility. Inconsistent and politically driven blocking of Members of Congress conducting their oversight and legislative responsibilities is not acceptable or allowed under law.

Given these stated concerns and the need to conduct further oversight, we request that you provide the following documents and information:

1. **Secretarial Travel from Present to Election Day 2020:** Please provide a schedule for all of your planned and proposed travel, speaking events, virtual events, and any other official VA functions, political activities, or combination thereof between September 17, 2020 (the last date of your completed travel activity posted online by VA) and November 3, 2020. This information should include, at a minimum, for each event: draft or final itineraries, the location(s), proposed speaker(s), purpose, key attendees, prepared remarks and remarks as delivered, media strategy documents, media events participated in or planned, invitation source to include first record of invitation in any form, invitation date, draft and completed VA Office of General Counsel (OGC) event and trip review paperwork or worksheets, White House¹⁷ involvement, and whether the travel is official business, political, or mixed. This should include any communication regarding travel or events, using official or unofficial channels, between your office and any campaign entity, or intermediary of a campaign, to include, but not limited to, the White House, the Trump 2020 campaign, the campaign of any member of the House or Senate, or candidate for the House or Senate. Your response should also include any events you attended or plan to attend, to include, but not limited to, campaign rallies, and what type of funds and staff were used to support your travel to those events. Please include a list of all political travel, fundraisers attended or reimbursements received or submitted to a campaign entity during this time period.
2. **Other VA Officials' Travel from Present to Election Day 2020:** Please provide the same information for the time-period as requested in bullet 1, but for all other sub-offices of the Office of the Secretary as described in VA's Functional Organizational Manual,¹⁸ the Office of the Deputy Secretary, and all other organizations, administrations, and

¹⁷ Any reference to the White House in this correspondence refers to all offices of the President, Vice President, and the Executive Office of the President as described in the 2020 U.S. Government Manual and related organizational charts (Oct. 6, 2020) (online at

<https://www.usgovernmentmanual.gov/Agency.aspx?EntityId=p0fivDxExmY=&ParentEId=+klubNygV0o=&EType=jY3M4CTKVHY>)

¹⁸ VA Functional Organizational Manual, Version 5.0, VA (Oct. 6, 2020) (online at <https://www.va.gov/FOM-5-Final-July-2019.pdf>)

offices listed on VA's website under the "all VA offices and organizations" page.¹⁹ This should include all activities whether they are or were conducted by Under Secretaries, Executives in Charge, Assistant Secretaries, or those in acting capacity or performing the duties of those positions and anyone else within those organizations who participated in such events or communications. Please also include this information for all advisory committees of the Department whether self-created or required by statute.

3. **All Secretarial Travel From Beginning of Trump Administration to Present:** Please provide the same information as requested in bullet 1, but for completed travel and events and for all time periods between January 20, 2017 to September 17, 2020, for all Secretaries, Acting Secretaries, or those performing the function of the Secretary. Please also provide this information for every Trump Administration political appointee within the Department for the same time period. Please include itemized costs for each trip/event to include how the costs of travel and time of VA staff that accompanied you and other officials mentioned in this bullet were accounted for, whether paid for by taxpayer funds, reimbursed by a campaign or political party, or other source.
4. **Under Secretary for Benefits Tele-Townhall Planning and Robocalls:** For all Tele-townhalls conducted by the Under Secretary for Benefits²⁰ in 2020, both completed and planned, to include between the date of this letter and November 3, please provide an explanation for how each Tele-townhall was scheduled, who determined the sequence of states, and who determined which states were to have two, three, or four Tele-townhalls rather than only one and for what reason. Provide a list of any office, entity, organization, including VA political appointees or White House officials who provided input or direction on the planning or execution of Tele-townhalls. Please provide the total and projected cost to conduct the Tele-town halls to include, but not limited to, government staff time, overtime, and contractor support. Please also describe the Under Secretary for Benefits' use of robocalls related to these Tele-townhalls or other Veterans Benefits Administration activities and programs and the manner, targeting, message content, scope, contract support, data security and privacy practices, and cost of the use of robocalls.
5. **Hatch Act Training, Guidance, and Oversight at VA:** Please provide information on the following: How does VA ensure compliance with the Hatch Act's restrictions on political travel? What is the formula for apportioning costs incurred during travel that has both official and political components? How do you and your staff handle travel requests from other government officials or offices, whether it be the White House, a Member of Congress, or a separate agency?
6. **Political Appointee Involvement in Departmental Travel/Event Decisions:** For every event listed in response to all questions in this correspondence, please explain the role and involvement of any official, by name, in the VA Office of Congressional and

¹⁹ *Organizations U.S. Department of Veterans Affairs*, VA (Oct. 6, 2020) (online at https://www.va.gov/landing_organizations.htm)

²⁰ *Under Secretary Paul Lawrence Live Tele-Townhalls*, U.S. Department of Veterans Affairs (VA) (Oct. 6, 2020) (online at: <https://www.benefits.va.gov/benefits/teletownhall.asp>)

Legislative Affairs (OCLA), including the Assistant Secretary for Congressional and Legislative Affairs; any official in the Office of Public and Intergovernmental Affairs (OPIA), including but not limited to, the Assistant Secretary for OPIA, Deputy Assistant Secretary for Public Affairs, Deputy Assistant Secretary for Intergovernmental Affairs and its Executive Director, and Press Secretary; the Chief of Staff and Office of the Chief of Staff; the Deputy Secretary and Office of the Deputy Secretary; and the Office of the Secretary in vetting, organizing, selecting, negotiating, directing, and managing the events and travel. The responses should also include the involvement of those officials who were or are serving in acting capacities, or were or are performing the duties of those positions since January 20, 2017 to the present.

7. **Approving/Denying Congressional Visits to VA Facilities:** Please describe how the Department processes requests by House and Senate members to visit or hold meetings, including virtually, at VA facilities, whether accompanying the Secretary, or other VA official, or independently. Specifically, please include documentation sufficient to show how VA intakes, reviews, and processes these requests to include decision-making authority, and ensures that equal treatment is afforded to Members, regardless of party. This response should include processes and procedures for all congressional requests of this nature regardless of where the request was first received (e.g. the field, Regional Office, VISN, or VA Central Office, etc.). For all requests in 2020, including requests for visits after the date of this letter, please provide a list of all requests for congressional visits (to include in-person and virtual events and visits), whether received by facilities, OCLA, or any office or entity of the Department, to include who requested the visit, the purpose of the visit and whether VA approved, approved as modified, or denied each visit and the reason for the decision. Please also provide the name and official title of the final decision maker for each congressional visit determination.
8. **Non-official Communication Channels:** Were any communications regarding matters discussed in this correspondence conducted using non-official communications channels such as, but not limited to, WhatsApp, Signal, personal e-mail, personal cell phone calls and texts? If so, please provide those communications, and any written guidance or policy documents that provide information on whether the use of those channels are approved or disapproved at the Department.

VA has a noble mission. From delivering disability compensation, to providing health care, to ensuring veterans have an appropriate final resting place, VA's impact on the everyday lives of veterans and their families cannot be understated. That is why it is important to know whether senior leaders of the Department are spending time and money, in the middle of a pandemic, focused on political activities funded at taxpayer expense.

An enclosure to this letter provides additional information regarding how to respond to our request. Further, please ensure preservation of all communications and documents (including, but not limited to, phone records, written notes, and electronic communications) concerning the planning, purpose(s), approval and authorization, scheduling, booking, reimbursement, or coordination of any trips, events, and related matters. Also, please ensure preservation of any records, receipts, files, materials, or documents concerning the planning,

The Honorable Robert Wilkie

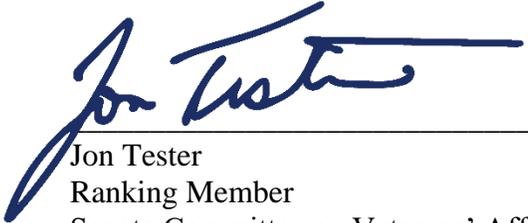
October 13, 2020

Page 8

purposes(s), approval and authorization, scheduling, booking, reimbursement, or coordination of any trips, events, and related matters. All agency staff should be notified immediately to preserve all documents and communications in accordance with this letter. We remind you that concealing, altering, removing, or destroying such records may constitute a crime, may result in the immediate disqualification from holding a position in the federal government, and may be punishable by up to three years imprisonment under federal law. Please note that this request covers communications sent or received by government e-mail accounts, or other government-approved communication applications, as well as personal e-mail accounts and other methods of communication.

We look forward to your prompt response to our requests for information and documents within seven business days of the date of this letter.

Sincerely,



Jon Tester
Ranking Member
Senate Committee on Veterans' Affairs



Mark Takano
Chairman
House Committee on Veterans' Affairs

Enclosure

cc: Henry J. Kerner, Special Counsel, U.S. Office of Special Counsel
Michael J. Missal, Inspector General, U.S. Department of Veterans Affairs

INSTRUCTIONS AND DEFINITIONS FOR RESPONDING TO DOCUMENT REQUESTS

Instructions

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. This includes all documents in telework locations, whether the telework arrangement is approved or not.
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 Committees.
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. Our 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 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 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 made.
9. When you produce documents, you should identify the paragraph(s) or request(s) in our 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 of the House Committee on Veterans' Affairs and one set to the Minority Staff of the Senate Committee on Veterans' Affairs. You should consult these respective Committee staff regarding the method of delivery prior to sending any materials.
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 Committees.

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 (e-mail), 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 e-mail (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.