

Congress of the United States

Washington, DC 20515

February 2, 2021

Mr. Chris Lu
Team Lead, Department of Labor
Biden-Harris Presidential Transition Team
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Mr. Lu,

We write to request information regarding the circumstances surrounding the removal of the National Labor Relations Board (NLRB) General Counsel Peter Robb and Deputy General Counsel Alice Stock. Just twenty-two minutes after speaking of unity and embracing an orderly transition of power, President Biden requested Mr. Robb resign, prior to the completion of his Senate-confirmed four-year term.¹ With 10 months of his term left, Mr. Robb declined to resign. President Biden then fired him on January 20 as one of his very first actions as President. The next day, Mr. Robb's replacement, Deputy General Counsel Alice Stock was told to resign by 5pm or she would be dismissed as well.² She declined to resign and was also fired. Given the timing of Mr. Robb's and Ms. Stock's firings, we want to understand whether they were removed for partisan political purposes, as retaliation for some action they undertook at the NLRB, or other reasons.

Mr. Robb's removal is unprecedented. The National Labor Relations Act established an independent General Counsel in 1947. No General Counsel has been asked to resign since 1950 and Mr. Robb is first to be fired from the position.³ Congress constructed the General Counsel's office to be free from political influence, ensuring it is free to investigate and prosecute potential violations of the law. By firing Mr. Robb and Ms. Stock, President Biden is setting a disturbing precedent for politicizing an office created to be independent from political pressure.

Further, firing Mr. Robb on day one of the new Administration creates needless complications and inefficiencies for the NLRB, which expected to have Mr. Robb's leadership until the completion of his term in the fall.⁴ The subsequent firing of his deputy the following day creates even more chaos for the NLRB, as their two top lawyers have been removed without appropriate transition time. The NLRB plays a vital role in protecting American worker's rights

¹ Letter from Peter B. Robb, General Counsel, Nat'l Labor Relations Board, to Amb. Cathy Russell, Assistant to the President & Dir., Office of Presidential Personnel (Jan. 20, 2021), <https://aboutblaw.com/VaB>.

² Rebecca Rainey, *Trump officials at labor board ousted by Biden after resisting removal*, POLITICO (Jan. 21, 2021), <https://www.politico.com/news/2021/01/20/trump-labor-board-460978>.

³ Ian Kullgren & Josh Eidelson, *Biden Fires NLRB General Counsel After He Refuses to Resign*, BLOOMBERG LAW (Jan. 20, 2021), <https://news.bloomberglaw.com/daily-labor-report/biden-moves-to-oust-top-labor-board-attorney-robb>.

⁴ Letter from Peter B. Robb, Gen. Counsel, Nat'l Labor Relations Board, to Amb. Cathy Russell, Assistant to the President & Dir., Office of Presidential Personnel (Jan. 20, 2021), <https://aboutblaw.com/VaB>.

in the workplace. Abruptly removing the General Counsel and the Deputy General Counsel of an independent agency—tasked with investigating cases where employers or unions are harming the American worker—will cause unnecessary delays, potentially disrupt ongoing litigation, and may result in actions by the Office of the General Counsel that are ultra vires and later deemed null and void.

Prior to President Biden's inauguration, the Service Employees International Union, one of the country's largest and most powerful labor unions, sent a memo to Mr. Biden's transition team arguing for the removal of Mr. Robb.⁵ Additionally, there have been reports of at least one other union, the Communications Workers of America, broaching the subject with the Biden-Harris transition team.⁶ This raises questions about the rationale for dismissing Mr. Robb and Ms. Stock.

To ensure that the NLRB maintains its independence and is not being influenced by partisan political schemes, we request that you produce the following documents and information to the Committee no later than February 16, 2021:

1. All documents and communications between the Biden-Harris Transition and any outside persons or organizations, including the Service Employees International Union, related to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Peter Robb and Alice Stock.
2. All documents and communications between the Biden-Harris Transition and the White House related to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Mr. Robb and Ms. Stock.
3. All documents and communications between the Biden-Harris Transition team and the NLRB related to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Mr. Robb and Ms. Stock.
4. All internal documents and communications between and among Biden-Harris Transition employees relating to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Mr. Robb and Ms. Stock.

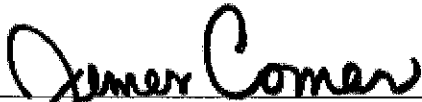
⁵ Dave Jamieson, *Union Allies Call on Joe Biden to Fire Trump's Labor Board Attorney Immediately*, HUFF. POST (Jan. 14, 2021), https://www.huffpost.com/entry/joe-biden-peter-robb-nlr-union_n_6000a47cc5b62c0057bb6301.

⁶ Braden Campbell, *Will Joe Biden Fire The Labor Board's Top Cop?*, LAW360 (Dec. 1, 2020), <https://www.law360.com/articles/1333508>.

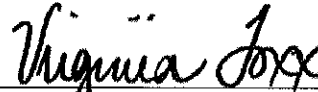
Mr. Chris Lu
February 2, 2021
Page 3

If you have any questions about this request, please contact Oversight Committee staff at (202) 225-5074. Thank you in advance for your cooperation with this inquiry.

Sincerely,



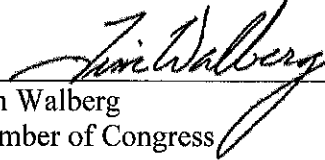
James Comer
Ranking Member
Committee on Oversight and Reform



Virginia Foxx
Ranking Member
Committee on Education and Labor



Michael Cloud
Member of Congress



Tim Walberg
Member of Congress

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Robert C. Scott, Chairman
Committee on Education and Labor

Congress of the United States

Washington, DC 20515

February 2, 2021

Ms. Dana Remus
Counsel to the President
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Ms. Remus,

We write to request information regarding the circumstances surrounding the removal of the National Labor Relations Board (NLRB) General Counsel Peter Robb and Deputy General Counsel Alice Stock. Just twenty-two minutes after speaking of unity and embracing an orderly transition of power, President Biden requested Mr. Robb resign, prior to the completion of his Senate-confirmed four-year term.¹ With 10 months of his term left, Mr. Robb declined to resign. President Biden then fired him on January 20 as one of his very first actions as President. The next day, Mr. Robb's replacement, Deputy General Counsel Alice Stock was told to resign by 5pm or she would be dismissed as well.² She declined to resign and was also fired. Given the timing of Mr. Robb's and Ms. Stock's firings, we want to understand whether they were removed for partisan political purposes, as retaliation for some action they undertook at the NLRB, or other reasons.

Mr. Robb's removal is unprecedented. The National Labor Relations Act established an independent General Counsel in 1947. No General Counsel has been asked to resign since 1950 and Mr. Robb is first to be fired from the position.³ Congress constructed the General Counsel's office to be free from political influence, ensuring it is free to investigate and prosecute potential violations of the law. By firing Mr. Robb and Ms. Stock, President Biden is setting a disturbing precedent for politicizing an office created to be independent from political pressure.

Further, firing Mr. Robb on day one of the new Administration creates needless complications and inefficiencies for the NLRB, which expected to have Mr. Robb's leadership until the completion of his term in the fall.⁴ The subsequent firing of his deputy the following day creates even more chaos for the NLRB, as their two top lawyers have been removed without

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appropriate transition time. The NLRB plays a vital role in protecting American worker's rights in the workplace. Abruptly removing the General Counsel and the Deputy General Counsel of an independent agency—tasked with investigating cases where employers or unions are harming the American worker—will cause unnecessary delays, potentially disrupt ongoing litigation, and may result in actions by the Office of the General Counsel that are ultra vires and later deemed null and void.

Prior to President Biden's inauguration, the Service Employees International Union, one of the country's largest and most powerful labor unions, sent a memo to Mr. Biden's transition team arguing for the removal of Mr. Robb.⁵ Additionally, there have been reports of at least one other union, the Communications Workers of America, broaching the subject with the Biden-Harris transition team.⁶ This raises questions about the rationale for dismissing Mr. Robb and Ms. Stock.

To ensure that the NLRB maintains its independence and is not being influenced by partisan political schemes, we request that you produce the following documents and information to the Committee no later than February 16, 2021:

1. All documents and communications between the White House and any outside persons or organizations, including the Service Employees International Union, from January 20, 2021, to present related to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Peter Robb and Alice Stock.
2. All documents and communications between the White House and the Biden-Harris Transition related to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Mr. Robb and Ms. Stock.
3. All documents and communications between the White House and the NLRB related to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Mr. Robb and Ms. Stock.
4. All internal documents and communications between and among White House employees relating to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Mr. Robb and Ms. Stock.

⁵ Dave Jamieson, *Union Allies Call on Joe Biden to Fire Trump's Labor Board Attorney Immediately*, HUFF. POST (Jan. 14, 2021), https://www.huffpost.com/entry/joe-biden-peter-robb-nlr-union_n_6000a47cc5b62c0057bb6301.

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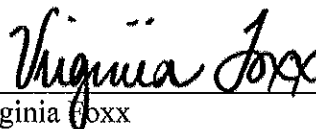
Ms. Dana Remus
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Page 3

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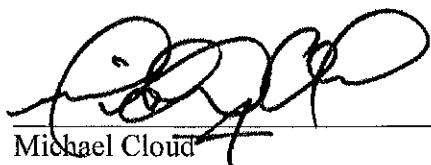
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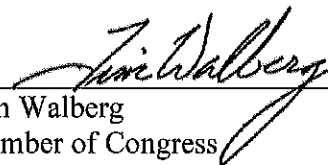
James Comer
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Virginia Foxx
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cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Robert C. Scott, Chairman
Committee on Education and Labor

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 226-5051
MINORITY (202) 226-5074
<https://oversight.house.gov>

February 4, 2021

The Honorable Alejandro Mayorkas
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas,

We are conducting oversight of President Biden's use of executive action to stop construction of the border wall and how this decision impacts the duty of the Department of Homeland Security (DHS) to protect our border. This potentially dangerous action not only harms our national security and thwarts the will of Congress, but also leaves American citizens living near the southwest border vulnerable to activities involving cartels and smugglers.

Since taking office, President Biden has used an unprecedented number of executive actions to bypass Congress.¹ On the day he was inaugurated, President Biden signed a proclamation stopping construction of the border wall for 60 days.² This is particularly concerning since Congress agreed in December 2020 that \$1,375,000,000 be appropriated "for the construction of [a] barrier system along the southwest border."³ In fact, every year since Fiscal Year 2018, Congress has provided funds for barriers and fencing along the southwest border, clearly signaling Congress's intent to secure the border with a physical barrier.⁴ The Government Accountability Office has concluded that, "Faithful execution of the law does not permit the president to substitute his own policy priorities for those that Congress has enacted

¹ See Amer Madhani, *Biden Faces Scrutiny Over Reliance on Executive Orders*, ASSOCIATED PRESS, Jan. 28, 2021, available at <https://apnews.com/article/joe-biden-donald-trump-coronavirus-pandemic-immigration-environment-f5c48846c6db54ec0ddf0f3f62485b1e>.

² Proclamation by the President, *Emergency With Respect to the Southern Border of the United States And Redirection of Funds Diverted to Border Wall Construction*, Jan. 20, 2021, available at www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/

³ See Consolidated Appropriations Act, 2021, Public Law No. 116-260, p. 275-76, Dec. 27, 2020, available at <https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf> ("... An amount equal to the amount made available in section 209(a)(1) of division D of the Consolidated Appropriations Act, 2020..."); see also Consolidated Appropriations Act, 2020, Public Law No. 116-93, Div. D, Sec. 209(a)(1), Dec. 16, 2019, available at <https://www.congress.gov/116/plaws/publ93/PLAW-116publ93.pdf>. ("\$1,375,000,000 for the construction of barrier system along the southwest border...").

⁴ See CRS, *DHS Border Barrier Funding*, Jan. 29, 2020, available at <https://crsreports.congress.gov/product/pdf/R/R45888>.

into law.”⁵ Unfortunately, in this case, President Biden has decided to use executive action to disregard the law passed by Congress and signed by President Trump.

The decision to pause border wall construction is particularly confounding given President Biden’s past support for the Secure Fence Act of 2006.⁶ Then-Senator Biden stated that the border fence would prevent “tons” of drugs from entering the country.⁷ This view is consistent with recent DHS findings. In October 2020, DHS stated that border barriers have “proved to be a critical component in gaining operational control of the border.”⁸ In many areas where the wall was constructed it resulted in a significant decrease in illegal entry while also saving taxpayer money by requiring less manpower.⁹

American citizens on the border have experienced firsthand the dangers posed by the lack of adequate physical barriers along the border. We have heard many accounts of those whose safety and security have been directly affected by the lack of a physical barrier. In one of many examples, a rancher and constituent of new Committee Member Representative Herrell, along the border in New Mexico, explained how an incomplete wall along his property has effectively become a funnel for thousands of migrants and smugglers. This has led to people crossing through his land, killing and stealing his livestock, and in one instance holding him at gunpoint and stealing his truck. Similar accounts from others who live in our border communities are unsettling and unacceptable.

In the wake of the Biden Administration’s decision to lighten border security and propose amnesty for illegal immigrants, numbers of illegal southern border crossings are steadily increasing.¹⁰ One media report found that, “smugglers are using Biden’s promises to restart asylum, legalize illegal immigrants and stop enforcement by Immigration and Customs Enforcement to encourage migrants to make the journey.”¹¹ This raises serious concerns about how the Biden Administration intends to secure the border, particularly since it decided to pause wall construction and divert the funds elsewhere.

In order for Committee Republicans to better understand the Biden Administration’s border security policies, please provide the following documents and information as soon as possible but no later than February 18, 2021:

1. All documents and communications related to President Biden’s decision to halt construction of the border wall for 60 days.

⁵ Letter from General Counsel, GAO, to OMB, Jan. 16, 2020, p.1, *available at* <https://www.gao.gov/assets/710/703909.pdf>.

⁶⁶ See Andrew Kaczynski, *Joe Biden Once Said a Fence was Needed to Stop ‘Tons’ of drugs from Mexico*, CNN, May 10, 2019, *available at* <https://www.cnn.com/2019/05/10/politics/kfile-biden-drugs-fence-2006/index.html>

⁷ *Id.*

⁸ Press Release, DHS, *The Border Wall System is Deployed, Effective, and Disrupting Criminals and Smugglers*, Oct. 29, 2020, *available at* <https://www.dhs.gov/news/2020/10/29/border-wall-system-deployed-effective-and-disrupting-criminals-and-smugglers#:~:text=CBP%20has%20seen%2079%25%20decrease,wall%20system%20in%20this%20area>.

⁹ *Id.*

¹⁰ See Adam Shaw & William La Jeunesse, *Migrant Numbers Increase Along US-Mexico Border as They Await Biden’s Immigration Action*, FOX NEWS, Feb. 2, 2021, *available at* <https://www.foxnews.com/politics/migrant-numbers-us-mexico-border-bidens-immigration-action>.


¹¹ *Id.*

2. All documents and communications related to the \$1.3 billion in funds specifically appropriated for construction of the border wall including but not limited to any repurposing of these funds.
3. All documents and communications related to the Department of Homeland Security's plan to ensure effective border security and safety of Americans living in border regions, particularly in those areas where construction of physical barriers was halted, including what additional resources will be necessary due to the halt in construction.
4. All documents sufficient to show a full accounting of funds appropriated to the Department of Homeland Security for the "construction of barrier system along the southwest border" for FY2018, FY2019, FY2020, and FY2021, including funds obligated, where and how they were obligated, and what appropriated money remains to be obligated.
5. All documents and communications from January 20, 2021 to present related to any of the following along the southwestern border: a) increased illegal entries, b) drug trafficking, c) firearms trafficking, d) violent incidents involving American citizens.

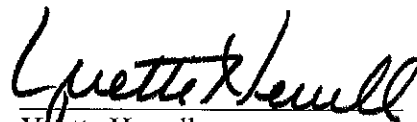
In addition, please make arrangements to schedule the briefing on these matters no later than February 11, 2021. To schedule the briefing or ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

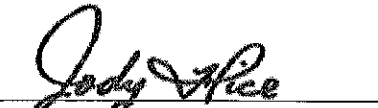
Sincerely,



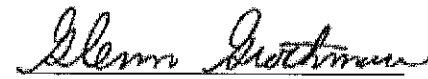
James Comer
Ranking Member
Oversight and Reform Committee



Yvette Herrell
Member of Congress



Jody Hice
Ranking Member
Subcommittee on Government Operations



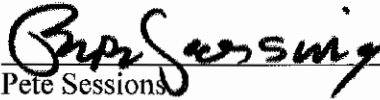
Glenn Grothman
Ranking Member
Subcommittee on National Security



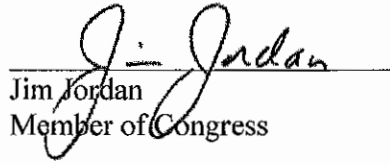
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Ralph Norman
Ranking Member
Subcommittee on Environment



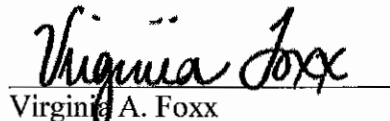
Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



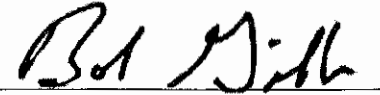
Jim Jordan
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



Virginia A. Foxx
Member of Congress



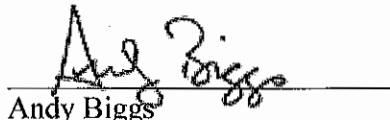
Bob Gibbs
Member of Congress



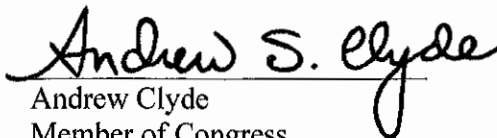
Clay Higgins
Member of Congress



Fred Keller
Member of Congress



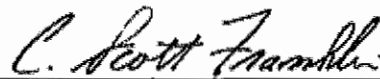
Andy Biggs
Member of Congress



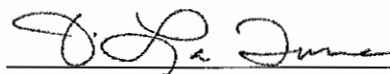
Andrew Clyde
Member of Congress



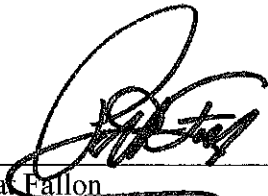
Nancy Mace
Member of Congress




Scott Franklin
Member of Congress



Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

Congress of the United States

Washington, DC 20515

February 5, 2021

The Honorable Janet Yellen
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, D.C. 20220

Dear Madam Secretary:

The ongoing COVID-19 pandemic has been devastating for Americans. Congress and the previous administration passed five separate, bipartisan bills to deliver trillions of dollars to help provide aid and relief to our nation's citizens. We continue to be committed to working with this administration to deliver yet another bipartisan bill for the American people.

In light of this effort, we write to request details on the U.S. Department of the Treasury's disbursement and recipient use of the funds provided under Title V of the CARES Act's (P.L. 116-136) Coronavirus Relief Fund (CRF). The Oversight and Ways and Means Committees have a responsibility to ensure that these direct assistance funds are being used for their congressionally intended purpose of providing emergency relief to state and local governments, which are absorbing the many pandemic-related expenses. Additionally, we seek to understand any remaining gaps in national need related to the current statutorily defined disbursement methodology and allowable use of funds. Any additional congressional funding should be allocated based on an evidence-informed assessment of the current national need, assessment of the performance of prior legislative actions, and Treasury Department management performance. As you are no doubt aware, the recent Congressional Budget Office report demonstrates states' revenues in many cases are much higher than anticipated and therefore the CRF may not need additional funds.

Specifically, we request that you provide the Committees with a full accounting of all funds appropriated to the CRF, including but not limited to the amount of disbursed funds, and which recipients have yet to expend on allowable expenses as outlined by the CARES Act's limitations on the use of funds stipulated in subsection 5001(d), as amended by Title X, Section 1001 of the Consolidated Appropriations Act, 2021 (P.L. 116-260), and in accordance with guidelines issued publicly by the Department in May of 2020.

The Honorable Janet Yellen
February 5, 2021
Page 2 of 2

Furthermore, we ask you to provide information sufficient to answer the following questions by no later than February 11, 2021:

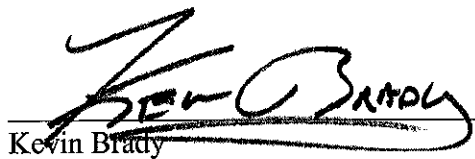
1. Of the \$139 billion distributed to states and eligible local governments, how much of the funds does the Department estimate remain unspent by the recipients and associated sub-recipients on allowable expenses? If known, please explain why such funds have not been spent.
2. Of the \$8 billion distributed to federally-recognized tribal governments, how much of the funds does the Department estimate remain unspent by the recipients and associated sub-recipients on allowable expenses? If known, please explain why such funds have not been spent.
3. Of the \$3 billion distributed to the District of Columbia and the territories how much does the Department estimate remain unspent by the recipients and associated sub-recipients on allowable expenses? If known, please explain why such funds have not been spent.
4. Please provide an estimation of the total amount of the CRF which the Department anticipates recouping under the CARES Act's subsection 5001(f) directive. If possible, please provide this information with breakdowns by state, the District of Columbia, the territories, and federally-recognized tribal government recipients.

We appreciate your attention and look forward to your response. If you have any questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074 or the Ways and Means Committee Republican staff at (202) 225-4021.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Kevin Brady
Ranking Member
Committee on Ways and Means

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Richard Neal, Chairman
Committee on Ways and Means

Congress of the United States

Washington, DC 20515

February 5, 2021

Mr. Richard K. Delmar
Deputy Inspector General
U.S. Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, D.C. 20220

Dear Mr. Delmar:

The ongoing COVID-19 pandemic has been devastating for Americans. Congress and the previous administration passed five separate, bipartisan bills to deliver trillions of dollars to help provide aid and relief to our nation's citizens. We continue to be committed to working with this administration to deliver yet another bipartisan bill for the American people.

In light of this effort, we write to request details on the U.S. Department of the Treasury's disbursement and recipient use of the funds provided under Title V of the CARES Act's (P.L. 116-136) Coronavirus Relief Fund (CRF). The Oversight and Ways and Means Committees have a responsibility to ensure that these direct assistance funds are being used for their congressionally intended purpose of providing emergency relief to state and local governments, which are absorbing the many pandemic-related expenses. Additionally, we seek to understand any remaining gaps in national need related to the current statutorily defined disbursement methodology and allowable use of funds. Any additional congressional funding should be allocated based on an evidence-informed assessment of the current national need, assessment of the performance of prior legislative actions, and Treasury Department management performance. As you are no doubt aware, the recent Congressional Budget Office report demonstrates states' revenues in many cases are much higher than anticipated and therefore the CRF may not need additional funds.

Specifically, we request that your office provide the Committees with a full accounting of all funds appropriated to the CRF, including but not limited to the amount of disbursed funds, and which recipients have yet to expend on allowable expenses as outlined by the CARES Act's limitations on the use of funds stipulated in subsection 5001(d), as amended by Title X, Section 1001 of the Consolidated Appropriations Act, 2021 (P.L. 116-260), and in accordance with guidelines issued publicly by the Department in May of 2020.

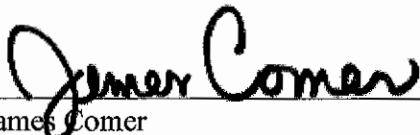
Mr. Richard K. Delmar
February 5, 2021
Page 2 of 2

Furthermore, we ask your office to provide information sufficient to answer the following questions by no later than February 11, 2021:

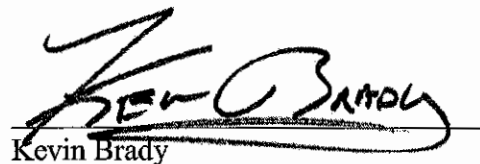
1. Of the \$139 billion distributed to states and eligible local governments, how much of the funds does the Department estimate remain unspent by the recipients and associated sub-recipients on allowable expenses? If known, please explain why such funds have not been spent.
2. Of the \$8 billion distributed to federally-recognized tribal governments, how much of the funds does the Department estimate remain unspent by the recipients and associated sub-recipients on allowable expenses? If known, please explain why such funds have not been spent.
3. Of the \$3 billion distributed to the District of Columbia and the territories how much does the Department estimate remain unspent by the recipients and associated sub-recipients on allowable expenses? If known, please explain why such funds have not been spent.
4. Please provide an estimation of the total amount of the CRF which the Department anticipates recouping under the CARES Act's subsection 5001(f) directive. If possible, please provide this information with breakdowns by state, the District of Columbia, the territories, and federally-recognized tribal government recipients.

We appreciate your attention and look forward to your response. If you have any questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074 or the Ways and Means Committee Republican staff at (202) 225-4021.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Kevin Brady
Ranking Member
Committee on Ways and Means

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Richard Neal, Chairman
Committee on Ways and Means

Congress of the United States

Washington, DC 20515

February 17, 2021

Mr. Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street, S.W.
Washington, DC 20536

Dear Acting Director Johnson:

We have serious concerns about recent media reports that under the Biden Administration, U.S. Immigration and Customs Enforcement (ICE) will no longer aggressively enforce the immigration laws of the United States in the interior of the country. According to the *Washington Post*, ICE will no longer pursue aliens affiliated with dangerous criminal gangs or those previously arrested or convicted for serious criminal offenses, which raises troubling questions about the Biden Administration's commitment to the integrity of our immigration system. These reckless changes—allowing criminal aliens to remain in our communities—place Americans at risk and will undoubtedly lead to many preventable crimes.

On January 20, 2021, the Department of Homeland Security (DHS) issued a memorandum completely gutting interior enforcement priorities.¹ This memorandum limited enforcement priorities to national security risks, those who entered the U.S. after November 1, 2020, and those released from criminal custody after January 20, 2021 who are convicted of an aggravated felony.²

Under a strict interpretation of this memorandum, individuals who entered the country prior to November 1, 2020 are not priorities for arrest and removal from the United States. Members of criminal gangs and aggravated felons who were released from custody prior to January 20, 2021 are also not priorities for the agency. Additionally, scores of individuals who have already proven themselves to be public safety threats by arrest or conviction for serious criminal offenses—such as driving under the influence of alcohol or drugs (DUI), simple assaults, or other crimes that are not considered aggravated felonies—are also *not* listed as priorities for enforcement.

¹ See Memorandum from Acting Secretary David Pekoske to Troy Miller, et. al., *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities* (Jan. 20, 2021), available at https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf

² *Id.*

Illustrating the confusion this memorandum has caused, we are even aware of an incident where ICE removed detainers on three dangerous convicted sex offenders in Texas who preyed on children.³ Those dangerous child sex offenders were almost released into the community despite being enumerated priorities under the memorandum, and it appears that ICE only relented when alarmed Texas law enforcement officials intervened. ICE agents should never be put in the position of being confused about whether to enforce the law against aliens convicted of sexual abuse of a minor, which is an aggravated felony and demonstrates a clear risk to public safety.⁴

Although the memorandum included a caveat that “nothing in this memorandum prohibits the apprehension or detention of individuals unlawfully in the United States who are not identified as priorities herein,”⁵ we have learned that ICE is preparing interim guidance that will in fact limit its ability to arrest and detain aliens in the United States who have already proven themselves to be public safety threats through their criminal misconduct.⁶ This interim guidance will no longer prioritize many convicted criminal aliens for enforcement action.⁷ According to an email that you reportedly sent, “these convictions would not include drug based crimes . . . simple assault, DUI, money laundering, property crimes, fraud, tax crimes, solicitation, or charges without convictions . . .”⁸ DUIs in particular are especially insidious offenses, killing thousands of people in the United States every year and injuring hundreds of thousands.⁹ Tragically, there are many instances in which Americans have died due to an illegal immigrant driving under the influence of alcohol.¹⁰ These deaths could have been avoided had our immigration laws been enforced.

Inexplicably, under this new guidance, even gang tattoos or “loose affiliation with gang activity” would not be considered a priority for enforcement.¹¹ This is a particularly disturbing policy considering the terror that criminal gangs reign down on their communities both in the

³ Merchant, Nomaan & Paul J. Weber, *ICE nearly released child sex abuse convicts despite Biden memo*, AP NEWS (Feb. 13, 2021), available at <https://6abc.com/ice-prepared-to-release-child-sex-convicts-biden-immigration-memo-border-patrol/10336632/>.

⁴ See INA § 101(a)(43)(A)

⁵ *Id.*

⁶ Miroff, Nick & Maria Sacchetti, *New Biden rules for ICE point to fewer arrests and deportations, and a more restrained agency*, WASH. POST (Feb. 7, 2021), available at https://www.washingtonpost.com/national/new-biden-rules-for-ice-point-to-fewer-arrests-and-deportations-and-a-more-restrained-agency/2021/02/07/faccb854-68c6-11eb-bf81-c618c88ed605_story.html.

⁷ *Id.*

⁸ *Id.*

⁹ *Statistics*, Mothers Against Drunk Driving, available at <https://www.madd.org/statistics/> (last accessed Feb. 8, 2021) (“In 2017, 10,874 people died in drunk driving crashes... and more than 300,000 were injured...”).

¹⁰ See e.g. Bandur, Michelle, *Mother of victim in 2016 drunk driving crash reacts to one that parallels her daughter's death*, KETV OMAHA ABC 7 NEWS (Jan. 3, 2018), available at <https://www.ketv.com/article/mother-of-victim-in-2016-drunk-driving-crash-reacts-to-one-that-parallels-her-daughters-death/14535147#>.

¹¹ Miroff, Nick & Maria Sacchetti, *New Biden rules for ICE point to fewer arrests and deportations, and a more restrained agency*, WASH. POST (Feb. 7, 2021), available at https://www.washingtonpost.com/national/new-biden-rules-for-ice-point-to-fewer-arrests-and-deportations-and-a-more-restrained-agency/2021/02/07/faccb854-68c6-11eb-bf81-c618c88ed605_story.html.

United States and abroad by conducting campaigns of extortion and murder. One such organization, La Mara Salvatrucha, or MS-13, is one of the largest street gangs in the United States and has as its motto to “kill, rape, control.”¹² The gang has committed numerous brutal murders in the United States, including in the New York area and National Capital Region.¹³

Despite the DHS memorandum’s lip service to the possibility of arresting non-enumerated priorities, it appears that arrests of nonpriority aliens—even those who clearly present public safety risks—will be actively discouraged. Any ICE officer who intends to arrest an alien not considered an enumerated priority would first need to go through a byzantine bureaucratic approval process, which requires the local Field Office Director—not the officer—to make a written request to ICE headquarters for senior officials to decide whether the action would serve a federal interest.¹⁴ To be clear, it should be the rule, not the exception, that ICE officers arrest inadmissible and removable aliens who have been implicated in serious criminal misconduct or gang activity. Efforts to reverse this commonsense policy are incomprehensible. We are concerned that despite ICE being the agency charged with “[s]ecuring our nation’s borders and safeguarding the integrity of our immigration system”¹⁵ these Biden Administration policy changes will prevent ICE from protecting the American people.

To assist us in understanding why this policy was implemented as well as ICE’s abilities to protect the public from inadmissible or removable aliens who have been arrested or convicted of serious criminal misconduct, please provide the following documents and information, covering the time period January 20, 2021 to the present unless otherwise noted, no later than March 3, 2021:

1. Any interim or final guidance relating to the implementation of the January 20, 2021 DHS priorities memorandum.
2. All documents and communications related to how ICE intends to prevent recidivism by removable aliens in the United States who have been arrested or convicted for serious crimes, but who are not considered enumerated priorities for enforcement.
3. All statistics regarding the number of aliens deemed inadmissible or removable from the United States encountered by ICE for each of the fiscal years beginning with FY2017 to present, who have been arrested or convicted of a DUI.

¹² U.S. Dep’t of Justice, Office of Public Affairs, Press Release, *Five Alleged MS-13 Members Charged Federally for their Participation in a Violent Racketeering Conspiracy Including Eight Murders and Four Attempted Murders*, (Oct. 20, 2020), available at <https://www.justice.gov/opa/pr/five-alleged-ms-13-members-charged-federally-their-participation-violent-racketeering>.

¹³ See Weiser, Benjamin, *14 Gang Leaders Directed MS-13 ‘Wave of Death,’ U.S. Says*, N.Y. TIMES (Jan. 14, 2021), available at <https://www.nytimes.com/2021/01/14/nyregion/ms-13-salvador-leaders-ranfla-nacional.html>.

¹⁴ Aleaziz, Hamed, *Trump Had a Mandate To Target All Undocumented Immigrants For Arrest. ICE Has A New Plan To Change That*. BUZZFEED NEWS (Jan. 27, 2021), available at <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrant-arrests-priorities-memo>.

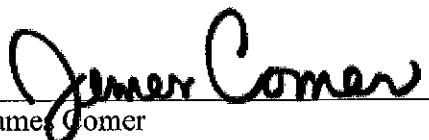
¹⁵ U.S. Immigration and Customs Enforcement, *ICE’s Mission*, available at <https://www.ice.gov/mission> (last visited Feb. 8, 2021).

4. All statistics regarding the number of aliens deemed inadmissible or removable from the United States encountered by ICE for each of the fiscal years beginning with FY2017 to present who have gang tattoos or who have been identified as a member of or an affiliate of a criminal gang.
5. All documents and communications regarding how ICE defines “loose” affiliation with gang activity, as opposed to membership, rank, or other affiliation with a gang.
6. All documents and communications regarding any resource constraints that necessitated this policy change, and documents sufficient to show whether ICE or the DHS are requesting additional resources from Congress to be able to expand its enforcement priorities.

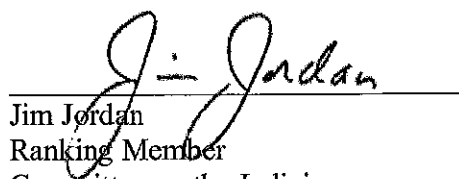
To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074 or Committee on the Judiciary staff at (202) 225-6906.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Committee on the Judiciary has jurisdiction of immigration policy and non-border enforcement pursuant to House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jim Jordan
Ranking Member
Committee on the Judiciary

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Jerrold Nadler, Chairman
Committee on the Judiciary

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

February 19, 2021

The Honorable Alejandro Mayorkas
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

We write today to express our grave concern about the humanitarian crisis on the southern border, where unaccompanied alien children (UACs) and family units continue to arrive in extremely high numbers. The Biden Administration's policies limiting immigration enforcement and weakening border security, coupled with its proposal to grant amnesty to illegal immigrants, are signaling to the world that our immigration laws can be violated with little, if any, consequence. We are particularly concerned that the Biden Administration's actions could soon lead to a health crisis at the border and surrounding communities, causing widespread COVID-19 infections and fatalities.

The numbers of UACs and family units arriving at the southwest border decreased from its peak in Fiscal Year 2019 through Fiscal Year 2020.¹ This reduction is due to a combination of health and safety reforms implemented by the prior administration, including limiting gatherings of migrants in federal facilities through enrollments in the Migrant Protection Protocols (MPP) and the use of Title 42 expulsion authority, as advised by the scientists at the U.S. Centers for Disease Control and Prevention (CDC).² However, the U.S. Department of Homeland Security (DHS) halted enrollments in MPP immediately after President Biden took office,³ and recent developments in Mexican law are causing difficulties in continuing to utilize Title 42 authorities with respect to family units. In addition to his reckless policies and executive actions, President Biden's rhetoric relating to amnesty for millions of illegal aliens and gutting

¹ *Southwest Border Migration*, DEP'T. OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, available at [https://www.cbp.gov/newsroom/stats/sw-border-migration-YTDNovember#:~:text=In%20Fiscal%20Year%20\(FY\)%202021,entry%20on%20our%20Southwest%20Border](https://www.cbp.gov/newsroom/stats/sw-border-migration-YTDNovember#:~:text=In%20Fiscal%20Year%20(FY)%202021,entry%20on%20our%20Southwest%20Border) (last accessed Feb. 5, 2021).

² See *Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists*, U.S. DEP'T OF HEALTH AND HUMAN SERVICES, CTRS. FOR DISEASE CONTROL & PREVENTION (Oct. 13, 2020), available at <https://www.cdc.gov/coronavirus/downloads/10.13.2020-CDC-Order-Prohibiting-Introduction-of-Persons-FINAL-ALL-CLEAR-encrypted.pdf>.

³ DHS Statement on the Suspension of New Enrollments in the Migrant Protection Protocols Program (Jan. 20, 2021), available at <https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program>.

interior enforcement priorities⁴ is leading to a perfect storm on the southwest border. Without a radically different approach, a health, security, and humanitarian crisis is inevitable.

A November federal court injunction⁵ prevented Title 42 expulsion authority from being utilized with respect to UACs, leading to a dramatic uptick in the number of UACs arriving at the southern border.⁶ U.S. Customs and Border Protection (CBP) is currently facing over 1,500 apprehensions of UACs per week.⁷ Though the injunction has been stayed,⁸ the Biden Administration did not resume Title 42 expulsions of newly arrived UACs and instead carved out a temporary exception for UACs.⁹ The administration has already announced the reopening of an influx facility at Carrizo Springs, Texas to deal with the increasing numbers of UACs.¹⁰

Developments in Mexican law have reduced the U.S. government's ability to expel some family units with younger children.¹¹ This has led to increased numbers of family units arriving at the southwest border.¹² To prevent overcrowding and ensure children do not spend more than 72 hours in custody, border personnel are forced to quickly process those family units under Title 8, issue them Notices to Appear in immigration court, and release them into the interior without any quarantine or COVID-19 testing.¹³

⁴ See Memorandum from Acting Secretary David Pekoske to Troy Miller, et. al., *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities* (Jan. 20, 2021), available at https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf

⁵ *P.J.E.S. v. Wolf*, No. 20-2245 (D.D.C. Nov. 18, 2020), available at <https://www.aclu.org/legal-document/ruling-pjes-v-wolf>.

⁶ See Email from Dana L. Vander Veen, Congressional Liaison Specialist, U.S. Customs and Border Protection to Congressional Staff, January 22, 2020, *on file with committee staff*. (“It is notable that UAC encounters have more than doubled over the past two weeks to levels that exceed those experienced prior to the holidays.”)

⁷ See Email from Dana L. Vander Veen, Congressional Liaison Specialist, U.S. Customs and Border Protection to Congressional Staff, February 2, 2020, *on file with committee staff*. (1644 UAC’s booked out between 1/17/2021 and 1/23/2021).

⁸ See Order Granting Motion for Stay Pending Appeal, *P.J.E.S. v. Pekoske*, 20-5357 (D.C. Cir. Jan. 29, 2021) available at <https://www.aclu.org/legal-document/dc-appeals-court-stay-order>.

⁹ See *Notice of Temporary Exception from Expulsion of Unaccompanied Noncitizen Children Encountered in the United States Pending Forthcoming Public Health Determination*, U.S. DEP’T OF HEALTH AND HUMAN SERVICES, CTRS. FOR DISEASE CONTROL & PREVENTION (Feb. 11, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/CDCPauseNotice-ExceptfromExpulsion.pdf>

¹⁰ Knight, Stef W., *Biden’s brewing child migrant crisis*, AXIOS NEWS (Feb. 2, 2021), available at <https://www.axios.com/border-migrant-child-crisis-biden-coronavirus-8bce4ec4-a881-4974-abdb-404c39b1030f.html>.

¹¹ La Jeunesse, William, *Biden administration’s CBP revives ‘catch and release’ policy at border amid COVID concerns*, FOX NEWS (Feb. 5, 2021) available at <https://www.foxnews.com/politics/biden-administrations-cbp-revives-catch-and-release-policy-at-border-amid-covid-concerns>.

¹² See Email from Dana L. Vander Veen, Congressional Liaison Specialist, U.S. Customs and Border Protection to Congressional Staff, February 9, 2020, *on file with committee staff*. (“We wish to draw your attention to the dramatic increase in family unit apprehensions – more than quadrupling in just the past two weeks.”)

¹³ La Jeunesse, William, *Biden administration’s CBP revives ‘catch and release’ policy at border amid COVID concerns*, FOX NEWS (Feb. 5, 2021) available at <https://www.foxnews.com/politics/biden-administrations-cbp-revives-catch-and-release-policy-at-border-amid-covid-concerns>.

The increasing number of UACs and family units illegally crossing the border will soon overwhelm border facilities in the middle of a global pandemic, forcing CBP officials to resort to widespread, rapid catch and release of unlawfully present individuals and families into the interior of the country. This surge also has the capability to cause a COVID-19 outbreak at ports of entry and other CBP facilities, which threatens the health of CBP personnel and could result in the temporary closures of ports of entry. Such closures would greatly impact commerce and hamper the United States' economic recovery. The increase in illegal immigration at the southern border presents a risk not only to Border Patrol agents apprehending migrants who illegally cross the border, but also to those communities into which those individuals will relocate—likely leading to widespread COVID-19 infection and fatalities.

To assist us in understanding the administration's plan to prevent the impending catastrophe on the border, please provide documents, communications, and information sufficient to answer the following questions no later than March 5, 2021:

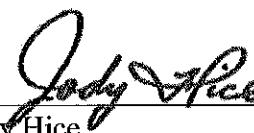
1. What is the administration's plan, if any, to reduce illegal border crossings by UACs and Family Units (FAMU) along the southwest border?
2. What is the administration doing to prevent the spread of COVID-19 in custodial facilities along the southwest border, to protect CBP personnel from exposure to COVID-19, and to prevent the introduction of COVID-19 into border communities and the interior of the United States upon release of an alien from CBP custody?
3. Please provide statistics on apprehensions of illegal border crossers on the southwest border for the period of October 1, 2020 through the present, disaggregated by whether the individual apprehended was designated as a UAC, FAMU, or single adult, as well as the various countries of origin and case disposition.
4. What steps, if any, are being taken by U.S. Immigration and Customs Enforcement to increase bedspace capacity at Family Residential Centers to ensure that family units are held in custody together throughout any immigration proceedings instead of being released into the interior of the country?
5. What steps, if any, are being taken to expedite immigration proceedings for UACs and family units that cross the border illegally, and does the DHS intend to prioritize the removal of those UACs and family units who are ultimately ordered removed?
6. What steps, if any, is the administration taking to address this crisis with the Mexican government, including whether the administration has asked the Mexican government to continue facilitating Title 42 expulsions?

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



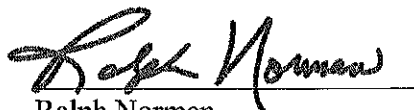
Jody Hice
Ranking Member
Subcommittee on Government
Operations



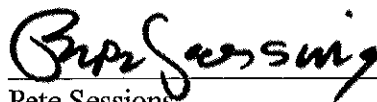
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



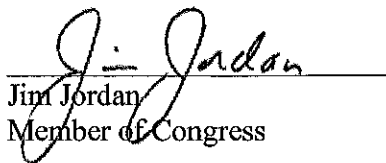
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Ralph Norman
Ranking Member
Subcommittee on Environment



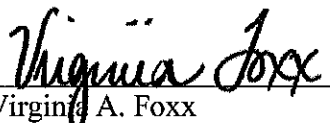
Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



Jim Jordan
Member of Congress



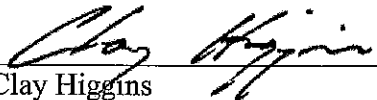
Paul A. Gosar, D.D.S.
Member of Congress




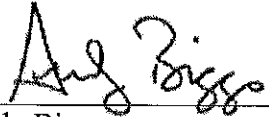
Virginia A. Foxx
Member of Congress

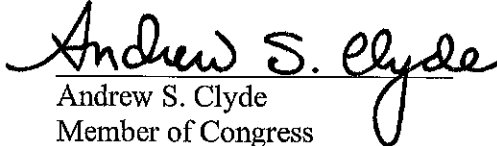


Bob Gibbs
Member of Congress

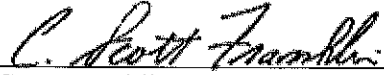

Clay Higgins
Member of Congress

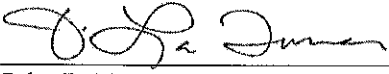

Fred Keller
Member of Congress

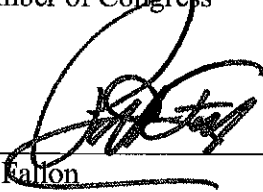

Andy Biggs
Member of Congress



Andrew S. Clyde
Member of Congress


Nancy Mace
Member of Congress


Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Pat Fallon
Member of Congress


Yvette Herrell
Member of Congress

cc: The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Congress of the United States

Washington, DC 20515

February 19, 2021

The Honorable Patricia Layfield
Inspector General
U.S. Election Assistance Commission
1335 East West Hwy, Suite 4300
Silver Spring, MD 20910

Dear Inspector General Layfield:

We are continuing oversight of the highly questionable \$35 million get out the vote (GOTV) contract the California Secretary of State's office awarded to SKD Knickerbocker (SKD), Joe Biden's main election campaign advisory firm. Committee Republicans have waited for the Election Assistance Commission (EAC) Office of Inspector General (OIG) to act for over four months and have provided your office with extensive information showing the misuse of federal taxpayer money. However, you have so far refused to investigate or even publicly acknowledge the issues surrounding the contract. We are again providing you with new information about the origins of the contract that should be investigated immediately. If you are no longer interested in carrying out your duties to safeguard taxpayer money, you should resign your position.

New documents obtained by Committee Republicans show that the California Secretary of State originally intended for federal taxpayers to foot the bill for the contract with no state funding. On August 25, 2020, the California Secretary of State's office signed a contract with SKD for \$35 million to be paid entirely with federal funds. Shortly after the contract was public, we wrote to then-California Secretary of State Alex Padilla on September 16, 2020, requesting documents and information about the contract.¹ While the California Secretary of State's office failed to respond, it quickly reversed course, signing a new contract with SKD on September 22, 2020—less than a week after receiving our letter—reducing the amount of federal funding to \$12 million. This raises questions about the timing of the new contract and whether the California Secretary of State's office was aware it was likely violating federal law by using federal funds for a GOTV contract.

Your decision to take no action regarding the SKD contract is concerning. We first wrote you on October 13, 2020 to provide documents showing that the California Secretary of State's office planned to use federal taxpayer money to pay SKD for GOTV, a violation of the law.² You could have verified the information or released a statement based on the evidence in the

¹ Letter from James Comer, Ranking Member, H. Comm. on Oversight & Gov't Reform & Rodney Davis, Ranking Member, H. Comm. on Admin., to Alex Padilla, CA Sec. of State, (Sept. 16, 2020).

² Letter from James Comer, Ranking Member, H. Comm. on Oversight & Gov't Reform & Rodney Davis, Ranking Member, H. Comm. on Admin., to Patricia Layfield, EAC OIG, (Oct. 13, 2020).

documents. Instead, you decided that it was best to take no action which ultimately allowed Alex Padilla to be appointed to the United States Senate without having to answer important questions about the contract. While your office is small, the SKD contract does not require an extensive investigation with numerous staff members, particularly since we provided your office with the documents needed to at least be troubled by the contract.

Your inaction raises further questions about the effectiveness and future of the EAC OIG, especially if you are provided documents showing the misuse of taxpayer money and are unable to act. This is concerning for future whistleblowers who may come forward with information about waste, fraud, and abuse. According to EAC OIG's most recent report to Congress, "[t]he OIG did not issue any investigative reports during this semiannual reporting period. We did not perform or report any investigations involving senior Government employees during the period."³ This is an understatement. The EAC OIG has apparently failed to publish an investigative report or partner with another OIG to draft an investigative report since August 2015, before your appointment as Inspector General.⁴

It also appears that you have never testified before Congress, possibly because there has been no work product to highlight. In fact, the briefing you provided to Republican Members in December 2020 raised more questions than answers. You informed us that not only had you taken no action on the SKD contract, but you would wait until later in 2021 to request an audit. Meanwhile, Committee Republicans may have saved federal taxpayers millions of dollars by conducting oversight of the contract in September 2020 when the California Secretary of State reversed course and decided to use less federal money shortly after hearing from us.

It appears that SKD will be paid for the contract if you do not act. According to the *Sacramento Bee*, the California Secretary of State's office has received \$34 million worth of invoices for the contract.⁵ While the State Controller has so far refused to approve payment, Governor Newsom stated the contract would soon be paid and the California Legislature recently introduced a budget amendment that would apparently allow payment of the contract, including \$12 million in federal taxpayer money.⁶ Since you still have the opportunity to save federal taxpayer money from being misspent, we ask that you inform Committee Republicans whether you intend to take action or even publicly acknowledge the troubling aspects of using federal taxpayer money to pay Joe Biden's main political advisory firm to contact voters during the 2020 election. Alternatively, if you no longer wish to carry out the mission of the EAC OIG to root out waste, fraud, and abuse in EAC programs, please consider resigning your position.

³ EAC OIG, *Semiannual Report to Congress for the Period: Apr. 1, 2020 through September 30, 2020*, available at https://www.eac.gov/sites/default/files/inspector_general/2020/EAC_OIG_SARC_September_2020.pdf

⁴ See EAC OIG, *Redacted Report of Investigation: Misconduct -EAC*, Aug. 2015, available at https://www.eac.gov/sites/default/files/eac_assets/1/28/Redacted%20Report%20of%20Investigation%20-%20ADA.pdf.

⁵ See Lara Korte, *California owes \$34 million on a voter outreach contract it can't pay for*, *The Sacramento Bee*, Dec. 4, 2020, available at <https://www.sacbee.com/news/politics-government/capitol-alert/article247538215.html>.

⁶ *Id.*; See also *Assembly Bill No. 85*, California Legislature, 2021-2022 Regular Session, Amended in Senate Feb. 17, 2021, available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB85.

The Honorable Patricia Layfield
February 19, 2021
Page 3 of 3

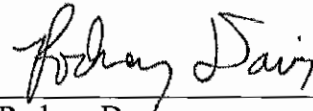
Please make arrangements to inform Committee Republicans no later than Friday, February 26, 2021 about your plans to prevent federal taxpayer money from being misused by the California Secretary of State on the SKD contract. Thank you in advance for your cooperation with this matter.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

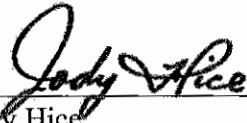
Sincerely,



James Comer
Ranking Member
House Committee on Oversight
and Reform



Rodney Davis
Ranking Member
House Committee on
Administration



Jody Hice
Ranking Member
Subcommittee on Government
Operations

Enclosure

cc: The Honorable Carolyn B. Maloney, Chairwoman
House Committee on Oversight and Reform

The Honorable Zoe Lofgren, Chairwoman
House Committee on Administration

The Honorable Gerry Connolly, Chairman
Subcommittee on Government Operations

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-6051
MINORITY (202) 225-5074
<https://oversight.house.gov>

March 10, 2021

The Honorable Alejandro Mayorkas
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

We wrote to you on February 19, 2021 to express our concern about the crisis brewing on the southwest border. As a direct result of President Biden's decision to unravel the former administration's deterrent-focused policies, we are witnessing a dramatic increase in the number of unaccompanied alien children (UACs) and family units seeking to come to the United States. The situation has only gotten worse over the last two weeks. Not only has the Biden Administration released COVID-19 positive alien adults into Texas,¹ but now there are reports that the container facilities housing the children are near maximum capacity.²

Unfortunately, the Department of Homeland Security (DHS) failed to provide the requested documents and information or answer our questions by the March 5, 2021, deadline. The previously requested information is essential for the Committee to conduct important oversight. Instead of a fulsome response, we received only an interim response from DHS acknowledging receipt of our letter. Our questions remain unanswered.

We still do not know what the administration's plan is, if any, to reduce illegal border crossings by UACs and family units along the southwest border. We still do not know what, if anything, the administration is doing to prevent the spread of COVID-19 in custodial facilities along the southwest border, to protect government personnel from exposure to COVID-19, and to prevent the spread of COVID-19 into border communities and the interior of the United States upon release of an alien from DHS custody.

The administration's silence in this matter can only be understood as confirmation that the administration does *not* have a coherent plan to respond to this crisis. In fact, on March 1,

¹ Greg Norman and Griff Jenkins, *108 illegal immigrants released by Border Patrol in Texas test positive for coronavirus, officials say*, FOX NEWS (Mar. 3, 2021), available at <https://www.foxnews.com/us/108-migrants-released-border-patrol-texas-positive-coronavirus>.

² Camilo Montoya-Galvez, *U.S. shelters for migrant children near maximum capacity as border crossings increase*, CBS NEWS (Feb. 22, 2021), available at <https://www.cbsnews.com/news/u-s-shelters-for-migrant-children-near-maximum-capacity-as-border-crossings-increase/>.

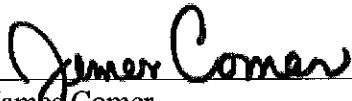
Secretary Mayorkas
March 10, 2021
Page 2 of 4

you denied there was a crisis on the border,³ even as reports continue to surface on a daily basis the administration is preparing for unprecedented numbers of UACs and family units to arrive in the United States this year.⁴ An ICE official has stated arrivals “are expected to be the highest numbers observed in over 20 years.”⁵ The U.S. Centers for Disease Control and Prevention has also issued guidance allowing shelters housing UACs to operate at 100 percent capacity, even as the Biden Administration refuses to reopen schools nationwide to America’s public school students.⁶ We have learned that one Texas community has identified over a hundred migrants released by DHS who have tested positive for COVID-19 upon release into the community.⁷

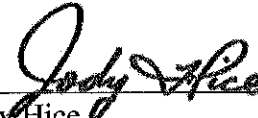
As we reiterated in our letter on February 19, the increasing number of UACs and family units illegally crossing the border will overwhelm border facilities in the middle of a global pandemic, presenting a risk to DHS personnel and potentially leading to widespread COVID-19 infection and fatalities in border communities and within the interior of the country. The situation is becoming untenable every day that passes without a coherent plan to address this crisis.

We therefore reiterate our February 19, 2021 request and urge your prompt response. Please do not hesitate to contact Committee minority staff with any questions.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations

³ White House Briefing Room, *Press Briefing by Press Secretary Jen Psaki and Secretary of Homeland Security Alejandro Mayorkas* (Mar. 1, 2021) available at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/03/01/press-briefing-by-press-secretary-jen-psaki-and-secretary-of-homeland-security-alejandro-mayorkas/>. (“Q: Thank you, Mr. Secretary. Do you believe that right now there is a crisis at the border?, SECRETARY MAYORKAS: I think that the – the answer is no. I think there is a challenge at the border that we are managing, and we have our resources dedicated to managing it.”).

⁴ Sacchetti, Maria, Nick Miroff & Silvia Foster-Frau, *Texas family detention centers expected to transform into rapid-processing hubs*, WASH. POST (Mar. 4, 2021), available at https://www.washingtonpost.com/immigration/texas-family-detention-centers-changed/2021/03/04/6a0bfa8a-7b6f-11eb-b3d1-9e5aa3d5220c_story.html.

⁵ *Id.*

⁶ Kight, Stef W, *CDC lets child migrant shelters fill to 100% despite COVID concern*, AXIOS NEWS (Mar. 5, 2021), available at <https://www.axios.com/cdc-child-migrant-shelter-full-capacity-coronavirus-41d1ae80-1ecf-4815-a755-7b01fac5850b.html>.

⁷ Norman, Greg & Griff Jenkins, *108 illegal immigrants released by Border Patrol in Texas test positive for coronavirus, officials say*, FOX NEWS (Mar. 3, 2021) available at <https://www.foxnews.com/us/108-migrants-released-border-patrol-texas-positive-coronavirus>.

Secretary Mayorkas

March 10, 2021

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Glenn S. Grothman

Ranking Member

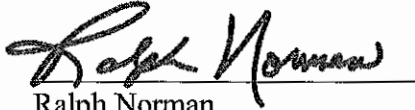
Subcommittee on National Security



Michael Cloud

Ranking Member

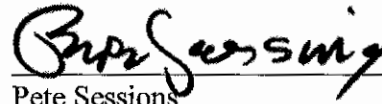
Subcommittee on Economic and
Consumer Policy



Ralph Norman

Ranking Member

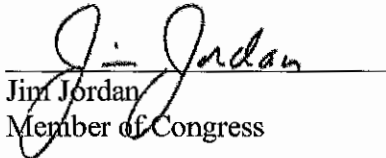
Subcommittee on Environment



Pete Sessions

Ranking Member

Subcommittee on Civil Rights and
Civil Liberties



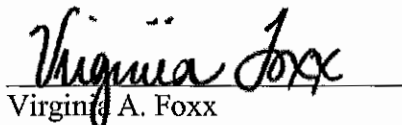
Jim Jordan

Member of Congress



Paul A. Gosar, D.D.S.

Member of Congress



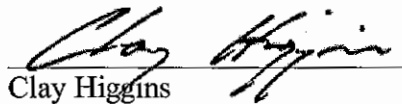
Virginia A. Foxx

Member of Congress



Bob Gibbs

Member of Congress



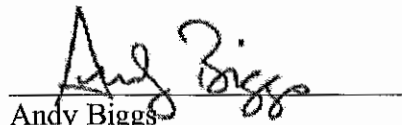
Clay Higgins

Member of Congress



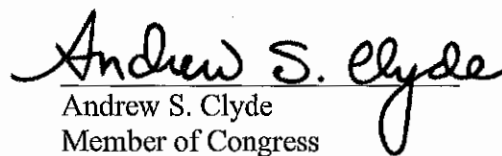
Fred Keller

Member of Congress



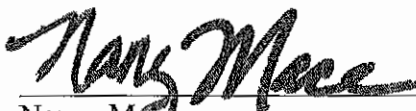
Andy Biggs

Member of Congress



Andrew S. Clyde

Member of Congress



Nancy Mace

Member of Congress




Scott Franklin

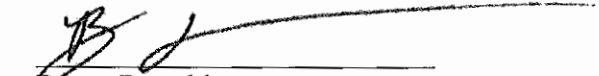
Member of Congress

Secretary Mayorkas
March 10, 2021
Page 4 of 4


Jake LaTurner
Member of Congress


Pat Fallon
Member of Congress


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

- cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform
- The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations
- The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security
- The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy
- The Honorable Ro Khanna
Subcommittee on Environment
- The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Congress of the United States
Washington, DC 20515

March 17, 2021

The Honorable Janet Yellen
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, DC 20220

Dear Secretary Yellen:

We are writing with serious concerns about Public Law No. 117-2 (the “American Rescue Plan Act of 2021” or ARP), and specifically the Coronavirus State Fiscal Recovery and Coronavirus Local Fiscal Recovery Funds. We are especially concerned about a provision inserted into the Coronavirus State Fiscal Recovery Fund before it was signed by President Biden. Specifically, the provision appears to impose coercive restrictions on states, prohibiting them from “directly or indirectly” taking actions that would “reduce net revenue” if the states receive even a dime of federal State Fiscal Recovery Funds. Furthermore, this prohibition likely tramples the Tenth Amendment and may in fact be unconstitutional. In any case, this provision may apply for a period that extends through December 31, 2024. We have heard from many stakeholders concerned about the apparent breadth of this provision, which was included in ARP without the benefit of committee hearings, a legislative markup, or any input from affected stakeholders.

We are also generally concerned about the ambiguity in the Coronavirus State Fiscal Recovery and Coronavirus Local Fiscal Recovery Funds.

For these reasons, we believe clarification from the Treasury Department is urgently needed on the following questions:

1. If a state provided its own economic impact payments to families in need through an advance refundable state tax income tax credit, would this violate the restriction in ARP?
2. If a state followed federal tax law and exempted from gross income the first \$10,200 of unemployment insurance, would it violate the restriction in ARP?
3. If a state used funds to replenish its state unemployment insurance trust fund in order to prevent automatic tax increases on Main Street businesses, would it violate the restriction in ARP?
4. If a state created a new state-level earned income or child tax credit, would it violate the restriction in ARP?
5. If a state decided to align with the federal tax treatment of PPP loan forgiveness by excluding that amount from gross income, would it violate the restriction in ARP?
6. If a state provided a state-level deduction for contributions to charitable organizations, would this violate the restriction in ARP?
7. If a state or local government that received ARP funding opted to provide property tax abatements to low-income residents, would this violate the restriction in ARP?

8. If a state legislature determined that now is the wrong time to raise gasoline prices consumers face at the pump, would a delay of a scheduled gas tax hike violate the restriction in ARP?
9. If a state or locality provided a sales tax holiday in order to provide cash flow to help local small businesses, would this violate the restriction in ARP?
10. Once a state economy rebounds from COVID-19, would enactment of temporary or permanent tax relief in a future year trigger a financial penalty under ARP as long as any ARP funding remains unspent?
11. Are townships and boroughs treated the same as cities and/or counties for the purposes of determining whether a locality is eligible for and the amount of the allocation under the State Fiscal Recovery Fund?
12. If a state declines payment from the State Fiscal Recovery Fund, what will the Treasury Department do with the unclaimed funds?

We respectfully request that you please respond in writing no later than March 26, 2021.

Because many state legislatures are now in session and have relatively short periods in which to make important fiscal decisions, we also request that Treasury promptly issue guidance on the Coronavirus State and Local Fiscal Recovery Funds.

Thank you for your attention to this request.

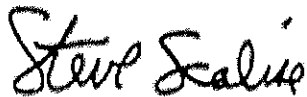
Sincerely,



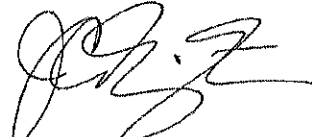
Kevin Brady
Republican Leader
Committee on Ways and Means



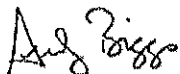
James Comer
Ranking Member
Committee on Oversight and Reform



Steve Scalise
Ranking Member
Select Subcommittee on the Coronavirus Crisis



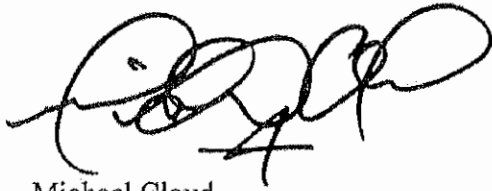
Jodey Arrington
Committee on Ways and Means



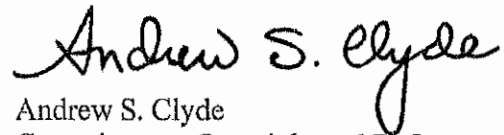
Andy Biggs
Committee on Oversight and Reform



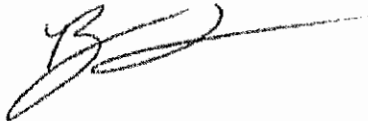
Vern Buchanan
Committee on Ways and Means



Michael Cloud
Committee on Oversight and Reform



Andrew S. Clyde
Committee on Oversight and Reform



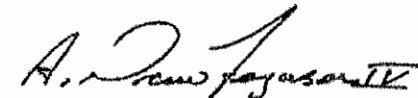
Byron Donalds
Committee on Oversight and Reform



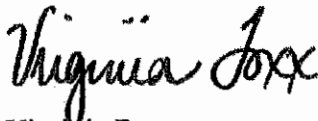
Ron Estes
Committee on Ways and Means



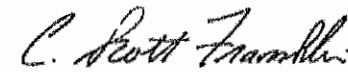
Pat Fallon
Committee on Oversight and Reform



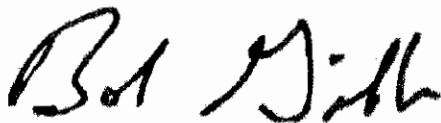
Drew Ferguson
Committee on Ways and Means



Virginia Foxx
Committee on Oversight and Reform



Scott Franklin
Committee on Oversight and Reform



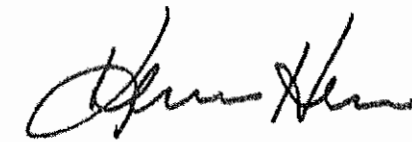
Bob Gibbs
Committee on Oversight and Reform



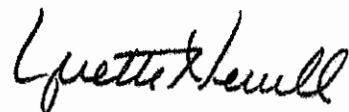
Paul A. Gosar, D.D.S.
Committee on Oversight and Reform




Glenn Grothman
Committee on Oversight and Reform



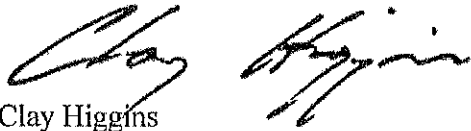
Kevin Hern
Committee on Ways and Means



Yvette Herrell
Committee on Oversight and Reform



Jody Hice
Committee on Oversight and Reform



Clay Higgins
Committee on Oversight and Reform




Jim Jordan
Committee on Oversight and Reform



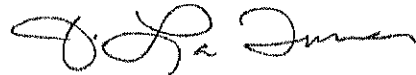
Fred Keller
Committee on Oversight and Reform



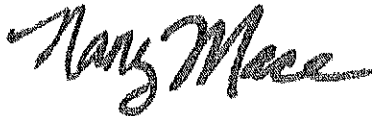
Mike Kelly
Committee on Ways and Means



Darin LaHood
Committee on Ways and Means



Jake LaTurner
Committee on Oversight and Reform



Nancy Mace
Committee on Oversight and Reform



Carol D. Miller
Committee on Ways and Means



Ralph Norman
Committee on Oversight and Reform



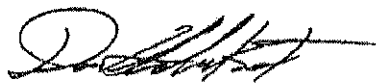
Devin Nunes
Committee on Ways and Means



Tom Reed
Committee on Ways and Means



Tom Rice
Committee on Ways and Means



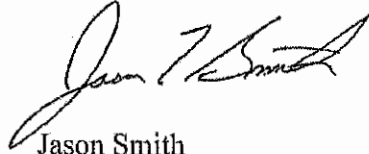
David Schweikert
Committee on Ways and Means



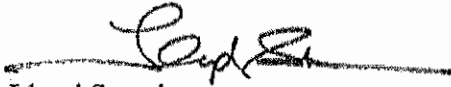
Pete Sessions
Committee on Oversight and Reform



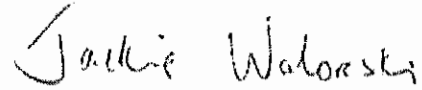
Adrian Smith
Committee on Ways and Means



Jason Smith
Committee on Ways and Means



Lloyd Smucker
Committee on Ways and Means



Jackie Walorski
Committee on Ways and Means



Brad Wenstrup
Committee on Ways and Means

Congress of the United States

Washington, DC 20515

March 18, 2021

The Honorable Donald Palmer
Commissioner
U.S. Election Assistance Commission
633 3rd Street NW, Suite 200
Washington, DC 20001

Dear Commissioner Palmer:

We are conducting oversight of the U.S. Election Assistance Commission's (EAC) management of \$825 million dollars in grants the agency awarded during 2020. In light of the highly questionable \$35 million get out the vote (GOTV) contract the California Secretary of State's Office awarded to SKD Knickerbocker, Joe Biden's main election campaign advisory firm, we are concerned about what steps EAC is taking to oversee nearly one billion dollars in taxpayer money the agency disbursed.

On October 13, 2020, we first wrote¹ to the EAC Office of Inspector General (OIG) to provide documents showing the California Secretary of State's Office planned to use federal taxpayer money awarded by EAC for a GOTV contract, an apparent violation of the law.² Ironically, the OIG recently informed us that "[o]nly an examination of detailed records could demonstrate exactly what CA-SOS paid for and what funds were used."³ However, five months after becoming aware of the contract the OIG has yet to request any "detailed" records, raising questions about the OIG's ability to oversee nearly a billion dollars in grants disbursed by EAC last year.

According to EAC's 2020 report to Congress, the amount of grants the agency awarded during 2020 more than doubled from the previous year.⁴ EAC's budget also increased 40 percent.⁵ While the agency increased the size of staff last year, EAC was also tasked with

¹ Letter from James Comer, Ranking Member, H. Comm. on Oversight & Gov't Reform & Rodney Davis, Ranking Member, H. Comm. on Admin., to Patricia Layfield, EAC OIG, (Oct. 13, 2020).

² See U.S. Election Ass't Commission, *Grants Frequently Asked Questions*, available at <https://www.eac.gov/payments-and-grants/grants-faqs>; See also U.S. Election Ass't Commission, Guidance on Use of HAVA Funds for Expenses Related to COVID-19, <https://www.eac.gov/election-officials/guidance-use-hava-funds-expenses-related-covid-19>.

³ Letter from Patricia L. Layfield, Inspector General, U.S. Election Ass't Commission, to James Comer, Ranking Member, H. Comm. on Oversight & Gov't Reform & Rodney Davis, Ranking Member, H. Comm. on House Admin., et al., (Feb. 26, 2021).

⁴ EAC, *2020 Annual Report to Congress*, available at https://www.eac.gov/sites/default/files/document_library/files/EAC_2020_Annual_Report-508c.pdf.

⁵ EAC, *2019 Annual Report to Congress*, available at https://www.eac.gov/sites/default/files/eac_assets/1/6/EACAnnualReport_2019.pdf.

The Honorable Donald Palmer
March 18, 2021
Page 2 of 3

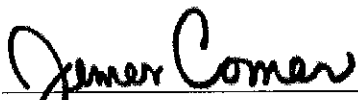
disbursing and administering \$825 million in grant money because of the COVID-19 pandemic,⁶ an increase of \$445 million from 2019.⁷ Specifically, last year EAC disbursed \$400 million in CARES Act funding “within 30 days, with only one full-time grants staff member.”⁸ Similarly, \$425 million in Help America Vote Act (HAVA) grant funding was awarded “within 45 days and with less than one full-time grants staff member.”⁹ In addition to disbursing this money, EAC is charged with ensuring that unspent grant money required to be spent during 2020 is returned to the U.S. Treasury this year.¹⁰

While it appears that EAC acted quickly and efficiently to disburse grant money, given the OIG’s inability to oversee a single contract worth \$35 million, we are concerned about what policies and procedures EAC has in place to oversee the \$825 million in grant money it awarded last year. We are also interested in learning more about how EAC plans to balance overseeing whether grant money was spent properly with ensuring that unspent funds are returned to the U.S. Treasury in a timely manner.

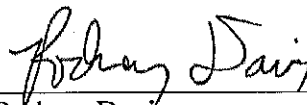
Please make arrangements to schedule a briefing with Republican staff no later than March 25, 2021 about how EAC is safeguarding nearly one billion dollars of taxpayer money the agency awarded through HAVA and CARES funding as well as how the agency is utilizing the increased funding it received. To schedule the briefing, please contact Committee staff at (202) 225-5074. Thank you in advance for your cooperation with this matter.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Rules of the U.S. House of Representatives grant the Committee on House Administration broad jurisdiction over federal election issues, including the Election Assistance Commission. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
House Committee on Oversight
and Reform



Rodney Davis
Ranking Member
House Committee on
Administration

⁶ See EAC 2020 Report, *supra* note 3.

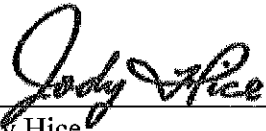
⁷ See EAC 2019 Report, *supra* note 4.

⁸ *Id.* at note 3.

⁹ *Id.*

¹⁰ *Id.*

The Honorable Donald Palmer
March 18, 2021
Page 3 of 3

A handwritten signature in black ink that reads "Jody Hice". The signature is written in a cursive style and is positioned above a horizontal line.

Jody Hice
Ranking Member
Subcommittee on Government
Operations

cc: The Honorable Carolyn B. Maloney, Chairwoman, House Committee on Oversight and Reform

The Honorable Zoe Lofgren, Chairwoman, House Committee on Administration

The Honorable Gerry Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

March 19, 2021

Mr. Louis DeJoy
Postmaster General
United States Postal Service
475 L'Enfant Plaza SW, Room 10300
Washington, D.C. 20260-1000

Dear Postmaster General DeJoy:

In recent testimony before the Committee and in subsequent conversations with Republican members of the Committee you have outlined a soon-to-be-released business reform plan.¹ This is welcome news, because the Committee has been awaiting such a plan for two years since then-Postmaster General Megan Brennan promised to produce one.²

Committee Democrats have released a draft bill which would potentially address unfunded liabilities and debts related to retiree health benefits, but it does not address the U.S. Postal Service's underlying problem: a broken business model.³ In fact, it ignores the decline in First Class Mail and the increase in parcel demand. It leaves the Postal Service on the path to insolvency and would make the current poor delivery performance the norm.

You have characterized your business reform plan as the way to fix operational issues and allow the Postal Service to become self-sufficient, as the law requires.⁴⁵ We are therefore eager to review this plan in detail to determine which, if any, measures should be supported and incorporated into prospective legislation. It would be irresponsible for us to support any bill

¹ Legislative Proposals to Put the Postal Service on Sustainable Financial Footing: Hearing Before the H. Comm. on Oversight and Reform, 117th Cong. (Feb. 24, 2021) (testimony of the Hon. Louis DeJoy, 75th Postmaster General of the United States).

² The Financial Condition of the Postal Service: Hearing Before the H. Comm. on Oversight and Reform, 116th Cong. (Apr. 30, 2019) (testimony of Hon. Megan J. Brennan, 74th Postmaster General of the United States).

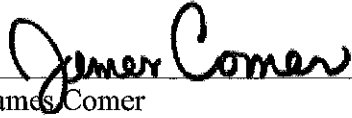
³ Chairwoman Maloney discussion draft Postal Service Reform Act of 2021 (online at <https://oversight.house.gov/legislation/hearings/legislative-proposals-to-put-the-postal-service-on-sustainable-financial>).

⁴ DeJoy, *supra* note 1.

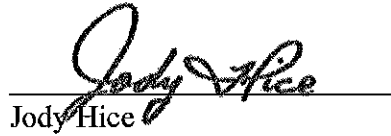
⁵ Postal Reorganization Act of 1970, 39 U.S.C. § 101 et. seq. (2012).

without the opportunity to gain a full understanding of the operational reforms the U.S. Postal Service can hope to achieve under its own authority. Thank you for your attention to this matter. We look forward to hearing from you soon.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations




Glenn S. Grothman
Ranking Member
Subcommittee on National Security



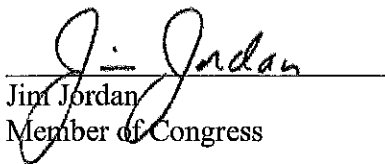
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Ralph Norman
Ranking Member
Subcommittee on Environment



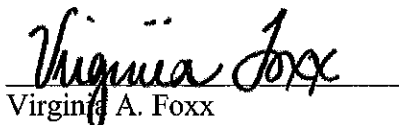
Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



Jim Jordan
Member of Congress



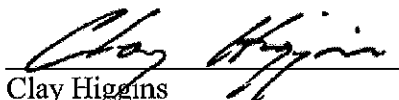
Paul A. Gosar, D.D.S.
Member of Congress



Virginia A. Foxx
Member of Congress



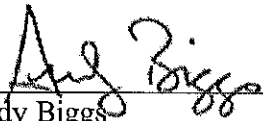
Bob Gibbs
Member of Congress

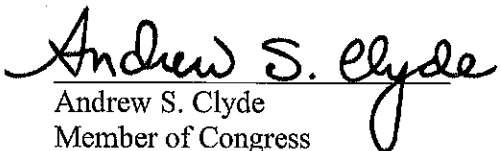


Clay Higgins
Member of Congress

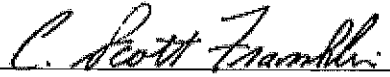


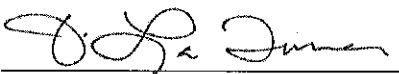
Fred Keller
Member of Congress

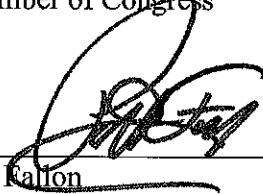

Andy Biggs
Member of Congress


Andrew S. Clyde
Member of Congress

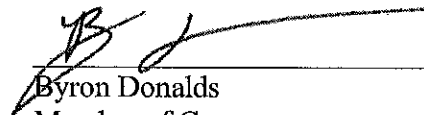

Nancy Mace
Member of Congress


Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Pat Fallon
Member of Congress


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

April 6, 2021

The Honorable Mitch Zeller
Director
Center for Tobacco Products
U.S. Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, Maryland 20993

Dear Director Zeller:

We are conducting oversight of the U.S. Food and Drug Administration (FDA)'s Center for Tobacco Product's (CTP) processes and procedures for reviewing tobacco product applications. Because of the voluminous number of "new tobacco product" applications submitted to CTP last year, we are interested in learning more about what actions CTP is taking to finalize review of the applications before the September 9, 2021 court ordered deadline for deferring enforcement actions.¹

The FDA issued a final rule in 2016 requiring all new tobacco products to obtain premarket authorization.² Through the premarket review process, "FDA conducts a science-based evaluation to determine whether a new tobacco product meets the applicable statutory standard for market authorization."³ For example, whether the "product is appropriate for the protection of public health with respect to the risks and benefits to the population as a whole."⁴ In 2019, the U.S. District Court for the District of Maryland directed FDA to require premarket authorization applications for all new tobacco products to be submitted to FDA by May 12,

¹Mitch Zeller, *Perspective: FDA's Progress on Review of Tobacco Product Applications Submitted by the Sept. 9, 2020 Deadline*, U.S. Food and Drug Administration, Feb. 16, 2021, available at <https://www.fda.gov/tobacco-products/ctp-newsroom/perspective-fdas-progress-review-tobacco-product-applications-submitted-sept-9-2020-deadline>.

²U.S. Food and Drug Administration, *Enforcement Priorities for Electronic Nicotine Delivery Systems (ENDS) and Other Deemed Products on the Market Without Premarket Authorization (Revised)*, April 2020, available at <https://www.fda.gov/media/133880/download>.

³ *Id.*

⁴ *Id.*

The Honorable Mitch Zeller
Page 2
April 6, 2021

2020.⁵ The court also provided a one-year period for products to remain on the market pending FDA review.⁶ Due to COVID-19, the deadline for applications was extended until September 9, 2020.⁷

As of now, FDA must complete review of the applications before September 9, 2021 because it will no longer be able to defer enforcement actions after that date. According to CTP, the agency has received over 4.8 million premarket tobacco product applications from 230 companies, a substantial number of applications to review in one year.⁸ This raises questions about whether CTP has the ability to fully complete review and what happens to the products that are neither approved or rejected by FDA before the deadline.

While it appears that CTP is working diligently to review applications, we are concerned about what policies and procedures are in place to ensure that applications are reviewed before the upcoming September deadline. Given the impact of the COVID-19 pandemic throughout the country, we want to ensure that proactive steps are being taken so applications are at least accepted or rejected based on their merits by FDA to prevent any applications from being rejected simply because CTP was not able to conduct a review. It would be particularly troubling for a regulatory process to prevent some products from existing simply because a government agency did not have time for review.

Please make arrangements to schedule a briefing with Committee staff on this matter no later than April 13, 2021. We look forward to hearing about what policies and procedures are in place to ensure that CTP's regulatory process will allow for review of new applications by the September 2021 court ordered deadline. To schedule the briefing or ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. Thank you in advance for your cooperation with this matter.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

⁵ *American Academy of Pediatrics, et al. v. Food and Drug Administration, et al.*, 379 F. Supp. 3d 461, 496 (D. Md. 2019).

⁶ U.S. Food and Drug Administration, *supra* note 2.

⁷ *American Academy of Pediatrics et al., v. U.S. Food and Drug Administration et al. (2018)*, Public Health Law Center at Mitchell Hamline School of Law, available at <https://www.publichealthlawcenter.org/content/AAP-v-FDA-2019>, (last visited April 1, 2021).

⁸ Zeller, *supra* note 1.

The Honorable Mitch Zeller
Page 3
April 6, 2021

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a large, prominent "J" and "C".

James Comer
Ranking Member
Committee on Oversight and Reform

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

April 7, 2021

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

Dear Administrator Regan:

We are conducting oversight of your decision to abruptly fire all Trump administration appointed members of the Environmental Protection Agency's (EPA) Clean Air Scientific Advisory Committee (CASAC) and Science Advisory Board (SAB).¹ As such, we request documents and information about the decision to fire these officials, including the process used for this unprecedented decision.

According to media reports, the EPA "will purge more than 40 outside experts appointed under President Donald Trump" from both the CASAC and SAB panels in a decision the *Washington Post* describes as "unusual."² Members are appointed to three-year terms and generally complete the entire term.³ Traditionally science advisory boards are bipartisan panels used to provide advice to the Administrator. Unfortunately, it appears the Biden administration is continuing to purge officials in the government who do not share its political beliefs.⁴

In 2017 during the Trump administration, House Democrats raised concerns because nine members of one scientific advisory committee were not renewed for a second term, writing to the EPA Administrator that they were "seriously concerned that you now intend to fill these newly open positions with members who will serve as advocates for specific policies rather than as unbiased experts."⁵ In contrast, the Biden Administration has now fired more than 40 board

¹ Alex Guillén, *Regan fires Trump EPA scientific board members for 'reset'*, POLITICO Pro, Mar. 31, 2021, available at <https://subscriber.politicopro.com/article/2021/03/regan-fires-trump-epa-scientific-board-members-for-reset-3987934>.

² Dino Grandoni, *EPA dismisses dozens of key science advisers picked under Trump*, Wash. Post, Mar. 31, 2021, available at <https://www.washingtonpost.com/climate-environment/2021/03/31/epa-advisory-panels/>.

³ *Id.*

⁴ See letter from Ranking Member James Comer, Committee on Oversight and Reform, et. al., to Dana Remus, Counsel to the President, Feb. 2, 2021, available at <https://republicans-oversight.house.gov/wp-content/uploads/2021/02/2-2-21-letter-to-WHCO.pdf>.

⁵ See letter from Frank Pallone, et. al., Ranking Member, H. Comm. On Energy and Commerce, et. al., to Scott Pruitt, Administrator, U.S. EPA, Apr. 18, 2017, available at

The Honorable Michael S. Regan
Page 2
April 7, 2021

members appointed during the previous administration, not even allowing them to complete their terms. The midterm firing of science advisory board members within the first months of a new Administration demonstrates a deeply troubling partisan political agenda.

Your apparent decision to use a political litmus test to determine who should serve on EPA scientific advisory boards raises serious concerns about the politization of the EPA. Ironically, an EPA spokesman stated that fired board members are “eligible and encouraged to reapply,” raising questions about why the agency would “encourage” board members to apply after being fired unless the rationale for their dismissal is not related to qualifications.⁶ Indeed, removing science advisory board members simply because they were appointed by a different political party seriously undermines the creditability of EPA and its advisory boards.

In order for Committee Republicans to better understand EPA’s reasoning for firing science advisory board members in what appears to be a political purge, please provide the following documents and information as soon as possible but no later than April 21, 2021.

- (1) All documents and communications from January 20, 2021 to present, related to EPA’s decision to fire members on the Clean Air Scientific Advisory Committee and the Science Advisory Board.
- (2) All documents and communications from January 20, 2021 to present, related to the “internal review” conducted by EPA’s Science Advisor and Scientific Integrity Official referenced in Administrator Regan’s email to staff on March 30, 2021.⁷
- (3) All documents and communications between EPA and any outside persons or organizations, from January 20, 2021 to present related to EPA’s decision to fire members on the Clean Air Scientific Advisory Committee and the Science Advisory Board.
- (4) All documents and communications between EPA and the White House, from January 20, 2021 to present related to EPA’s decision to fire members on the Clean Air Scientific Advisory Committee and the Science Advisory Board.

To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to

https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/EPA.%20Pruitt.2017.05.18.%20Letter%20re%20EPA%20Board%20of%20Scientific%20Counselors.OI_.EE_.pdf

⁶ Dino Grandoni, *supra* note 2.

⁷ E-mail from Michael S. Regan, EPA Administrator, to All Staff, Mar. 30, 2021, *available at* <https://subscriber.politicopro.com/f/?id=00000178-60f0-d9ca-af78-7cf8dff00000>.

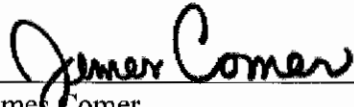
The Honorable Michael S. Regan

Page 3

April 7, 2021

investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

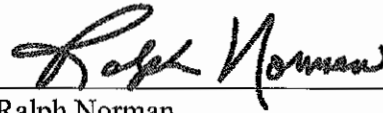
Sincerely,



James Comer

Ranking Member

Committee on Oversight and Reform



Ralph Norman

Ranking Member

Subcommittee on Environment

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Ro Khanna, Chairman
Subcommittee on Environment



U.S. House of Representatives
Washington, DC 20515

April 8, 2021

Mr. Eugene Sperling
American Rescue Plan Coordinator
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear Mr. Sperling:

Given your appointment by President Biden to ensure fastidious oversight of the recently enacted \$1.9 trillion spending bill—funded with American taxpayer dollars—we would like to draw your attention to reports that New York recently included in their state budget a new \$2.1 billion fund to provide direct checks of up to \$15,600 exclusively available to illegal immigrants.¹

The \$2.1 billion price tag of this fund is quite peculiar. The \$1.9 trillion spending plan enacted last month allocated monetary relief to states using a new biased formula that resulted in New York, and other states run by Democrat officials, receiving disproportionately more aid than in previous coronavirus relief bills. As you recall, prior to the passage of the recently enacted bill, a bipartisan group of 22 governors expressed concern with this formula change because it punished states with healthy state budgets and strong economies.² Coincidentally, the amount of additional federal dollars New York appears to be receiving because of the change in the funding distribution formula is exactly the same as this new fund for illegal immigrants – \$2.1 billion.

Unfortunately, the \$1.9 trillion spending bill included language prohibiting states from using these funds to offset tax relief they might wish to provide their citizens. However, despite concerns raised by Congressional Republicans, it did not explicitly limit the potential use of American taxpayer dollars to prioritize illegal immigrants over American families. It now appears that New York is using its state budget, recently bolstered with billions in federal dollars, to funnel money to illegal immigrants.


President Biden appointed you to ensure there is appropriate oversight of the massive spending included in the law enacted last month. Given the questions raised by the actions of the State of New York, we sincerely hope you will use your position to protect the integrity of American

¹ “\$2.1 Billion for Undocumented Workers Signals New York’s Progressive Shift,” The New York Times, April 8, 2021, <https://www.nytimes.com/2021/04/08/nyregion/covid-relief-undocumented-workers-nyc.html?action=click&module=Spotlight&pgtype=Homepage>.


² “22 Governors Oppose Biased Fund Allocation in Stimulus Package,” February 27, 2021, <https://governor.sc.gov/news/2021-02/22-governors-oppose-biased-fund-allocation-stimulus-package>.

taxpayer dollars and put American families first. Please provide a response regarding whether you intend to review these actions by Friday, April 16. We look forward to hearing from you about this matter as well as your plans to keep us regularly informed about how the rest of the \$1.9 trillion spending bill is being used.

Sincerely,



Jason Smith
Ranking Member
House Committee on the Budget



James Comer
Ranking Member
House Committee on Oversight and Reform

cc: Andrew Cuomo, Governor, State of New York
Kathy Hochul, Lieutenant Governor, State of New York
Thomas P. DiNapoli, Comptroller, State of New York
Carl E. Heastie, Speaker, New York State Assembly
Andrea Stewart-Cousins, President Pro Tempore and Majority Leader, New York State Senate
Michael E. Horowitz, Chair, Pandemic Response Accountability Committee and Inspector
General, Department of Justice

Congress of the United States

Washington, DC 20515

April 19, 2021

The Honorable Kamala D. Harris
Vice President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20515

Dear Madam Vice President:

Over two weeks ago, President Joe Biden delegated the Administration's response to the humanitarian and security crisis at the southern border to you.¹ However, it is unclear what, if any, actions you have directed or plan to initiate to respond to the crisis that continues to worsen every day.² As leaders of the House Committee on the Judiciary, the House Committee on Homeland Security and the House Committee on Oversight and Reform, we request the opportunity to meet with you as soon as possible to discuss the Biden-Harris Administration's response to the catastrophe on the southern border.

The situation on the southern border is a crisis. Your characterization of it as "a huge problem" is an understatement.³ Department of Homeland Security Secretary Alejandro Mayorkas recently stated that "[w]e are on pace to encounter more individuals on the southwest border than we have in the last 20 years."⁴ Yet, it appears that the Biden-Harris Administration refuses to take meaningful action to stop the influx of illegal aliens to the border, and is instead releasing thousands into the interior.

U.S. Customs and Border Protection (CBP) monthly data shows an alarming increase in illegal alien encounters in just one month. According to CBP, there were 172,331 such encounters on the southern border during March 2021—a 71 percent increase over February.⁵ Of these encounters, 18,890 were unaccompanied alien children (UACs), a 100 percent increase over February.⁶ The total number of southern border encounters during this fiscal year is already over half a million, and we have not even entered the months in which crossing numbers are historically the highest.⁷ CNN reported that due to overwhelming numbers, CBP is forced to hold UACs for an average of 107 hours before transferring custody to the Department of Health and

¹ Eugene Daniels, *Biden makes Harris the point person on immigration issues amid border surge*, POLITICO, (Mar. 24, 2021), <https://www.politico.com/news/2021/03/24/kamala-harris-immigration-border-surge-477810>.

² Mark Moore, *Where is Kamala? Two weeks since being named border czar, Harris still hasn't visited*, NY POST, (Apr. 7, 2021), <https://nypost.com/2021/04/07/two-weeks-since-being-named-border-czar-kamala-hasnt-visited/>.

³ Jason Lemon, *Kamala Harris Concedes Border Surge Is 'Huge Problem,' as Biden Admin Officials Tour Texas Facility*, NEWSWEEK, (Mar. 24, 2021), <https://www.newsweek.com/kamala-harris-concedes-border-surge-huge-problem-biden-admin-officials-tour-texas-facility-1578484>.

⁴ *Id.*

⁵ U.S. Customs and Border Protection, *FY Southwest Land Border Encounters by Month*, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>; U.S. Customs and Border Protection, *CBP Announces March 2021 Operational Update*, <https://www.cbp.gov/newsroom/national-media-release/cbp-announces-march-2021-operational-update>.

⁶ *Id.*

⁷ *Id.*

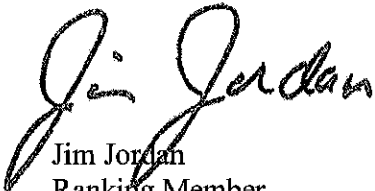
The Honorable Kamala D. Harris
April 19, 2021
Page 2

Human Services (HHS).⁸ The standard for a maximum holding time is 72 hours prior to transfer.⁹

Just last week, members of our Committees traveled to the southern border to observe firsthand the dire situation and hear directly from those affected by the border crisis. We heard from CBP officials who have had to divert scarce resources away from the agency's primary national security mission and law enforcement duties to instead process illegal aliens. During the trip, we observed pods in CBP facilities that were built to accommodate 33 individuals during the pandemic but were now holding over 500. We saw children who had been in CBP custody for at least 11 days. We heard that smugglers are using large groups of migrants to distract law enforcement as they smuggle narcotics across unsecured parts of the border. We talked to Border Patrol agents, state and local law enforcement officials, landowners, and others who begged for help to stop the flow of aliens. Each person we talked to said they had not heard from you or received any direction or plan from you to help their situation.

The crisis at the southern border is a creation of the radical policies of the Biden-Harris Administration. Because President Biden has delegated leadership in this area to you, we respectfully request a meeting prior to April 30, 2021, to discuss how the Biden-Harris Administration plans to end this unprecedented border catastrophe. We look forward to your prompt response.

Sincerely,



Jim Jordan
Ranking Member
House Committee on the Judiciary



John Katko
Ranking Member
House Committee on Homeland
Security



James Comer
Ranking Member
House Committee on Oversight and Reform

cc: The Honorable Jerrold L. Nadler
Chairman
House Committee on the Judiciary

⁸ Priscilla Alvarez, *Unaccompanied Migrant Children Staying in Border Patrol Facilities and Average of 107 Hours, Internal Records Show*, CNN, (Mar. 10, 2021), <https://www.cnn.com/2021/03/10/politics/migrant-children-border-patrol/index.html>.

⁹ 8. U.S.C. § 1232(b)(3).

The Honorable Kamala D. Harris
April 19, 2021
Page 3

The Honorable Bennie G. Thompson
Chairman
House Committee on Homeland Security

The Honorable Carolyn B. Maloney
Chairwoman
House Committee on Oversight and Reform

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 19, 2021

The Honorable Alejandro Mayorkas
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

We write to demand a response to multiple letters requesting information regarding the pause in construction of physical border barriers and your plan to address the crisis on our southwest border. To date, you have not responded to our questions, which raises concerns the Biden Administration has no plan to address the humanitarian, national security, and health crisis at the border that is worsening by the day and has no end in sight. Our recent trip to the border gave us additional insights that make answers to our previous questions even more pressing.

We wrote to you on February 4, 2021 to conduct oversight of the use of executive action to stop construction of the border wall and examine how this decision undermines the duty of the Department of Homeland Security (DHS) to secure our border, but you have failed to respond. As the weeks go by, it is clear the Biden Administration's dangerous unraveling of the prior Administration's deterrent-focused policies not only thwarts the will of Congress and wastes taxpayer money, but also exacerbates the growing crisis on the southwest border.

We also wrote to you on February 19, 2021 and March 10, 2021 conducting oversight of the Biden Administration's plans to reduce the growing number of illegal border crossings and prevent the spread of COVID-19 in border facilities and in the interior of the United States upon release of aliens from DHS custody. Again, we have received no responsive information from DHS.

The crisis on the southwest border grows more concerning each week. In March alone, over 172,000 migrants were encountered by DHS—the highest monthly number in 15 years. This figure does not include aliens who evaded apprehension, while the number of unaccompanied children (UACs) encountered—over 18,500—exceeded all previous monthly records.¹ During our recent trips to the border, Border Patrol agents reported smugglers and drug cartels are using the lull in wall construction to their advantage, in some instances passing large

¹ Owen, Quinn, *More than 172,000 migrants, most in nearly 2 decades, stopped at US-Mexico border in March*, ABC NEWS (Apr. 8, 2021), available at <https://abcnews.go.com/Politics/172000-migrants-decades-stopped-us-mexico-border-march/story?id=76932441>.

groups of illegal immigrants through gaps in the wall to overwhelm agents while they smuggle other aliens or contraband across the border.² The gaps in the wall serve as a drain on manpower, as agents must constantly staff them with personnel during the pause in construction.³

This senseless border crisis does not come without a cost. The needless pause in construction of the barrier system is a complete waste of taxpayer dollars, which is estimated at more than \$1 million per month that equipment, material, and workers sit idle.⁴ Moreover, this delay has worsened from what was originally billed as a 60 day pause, as construction has still not resumed even after the passage of 60 days which began tolling when President Biden issued his January 20, 2021, proclamation halting construction.⁵ Many of us witnessed first hand these gaps in the border wall system when we visited New Mexico. We observed material and equipment rusting in the open air, and we heard from community members—U.S. citizens—whose lives are now in jeopardy. Meanwhile, Department of Health and Human Services is spending approximately \$60 million every week to house a record number of UACs in their custody, with costs only expected to increase.⁶

Despite the worsening conditions, we still have no insight into President Biden's decision to halt construction of the border wall, how billions of dollars of funds actually appropriated by Congress for the border barrier system are being handled by the Administration, or how the Administration intends to ensure the security and safety of Americans living in border regions where construction of physical barriers was halted. We still have no insight into how the DHS intends to reduce illegal border crossings to manageable levels or mitigate the spread of COVID-19. Most alarming, we have no insight into how the Administration plans to care for and stem the flow of the most vulnerable—the children crossing the border by the thousands.

Once again, the Administration's silence on President Biden's border crisis can only be understood as confirmation that the Administration does *not* have a coherent plan to respond. Even as officials predict more illegal border crossings will occur this year than at any point in the last 20 years, you and Vice President Harris continue to ignore the crisis as well as our oversight requests.⁷ Instead of proactively addressing the crisis and responding to Congress, this

² La Jeunesse, William, *Migrants stream through gaps in border wall following Biden's order to halt construction*, FOX NEWS (Mar. 31, 2021), available at <https://www.foxnews.com/politics/migrants-stream-through-gaps-in-border-wall-following-bidens-order-to-halt-construction>.

³ *Id.*

⁴ *Id.*

⁵ Proclamation by the President, *Emergency With Respect to the Southern Border of the United States And Redirection of Funds Diverted to Border Wall Construction*, Jan. 20, 2021, available at www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/.

⁶ Miroff, Nick, *Biden administration spending \$60 million per week to shelter unaccompanied minors*, WASH. POST, (Apr. 8, 2021), available at https://www.washingtonpost.com/national/border-shelters-cost/2021/04/08/c54eec3a-97bd-11eb-8e42-3906c09073f9_story.html.

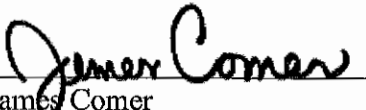
⁷ See Sacchetti, Maria, Nick Miroff & Silvia Foster-Frau, *Texas family detention centers expected to transform into rapid-processing hubs*, WASH. POST (Mar. 4, 2021), available at

Secretary Mayorkas
April 19, 2021
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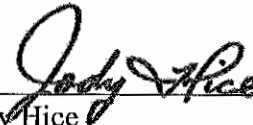
Administration only seems to be focused on rolling back successful Trump Administration policies without having any plan to handle the resulting crisis.

The information we requested from you over two months ago is essential for the Committee to conduct important oversight. We therefore reiterate the requests made in our February 4, 2021, February 19, 2021, and March 10, 2021 letters and urge your prompt response. Please contact Committee minority staff with any questions.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



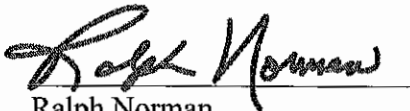
Jody Hice
Ranking Member
Subcommittee on Government
Operations



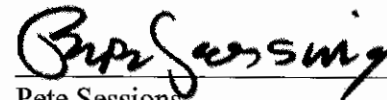
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



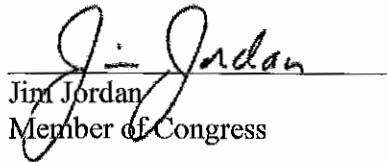
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



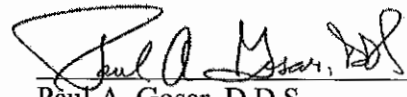
Ralph Norman
Ranking Member
Subcommittee on Environment



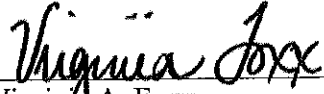
Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties




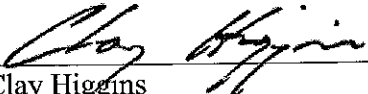
Jim Jordan
Member of Congress




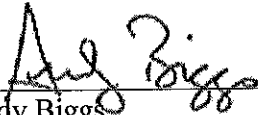
Paul A. Gosar, D.D.S.
Member of Congress

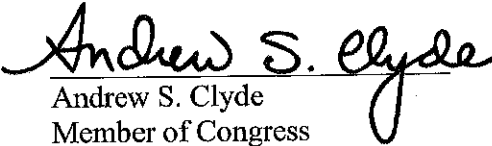

Virginia A. Foxx
Member of Congress



Bob Gibbs
Member of Congress

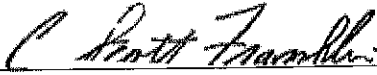

Clay Higgins
Member of Congress



Fred Keller
Member of Congress

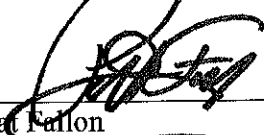

Andy Biggs
Member of Congress

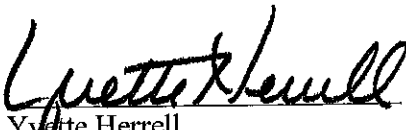

Andrew S. Clyde
Member of Congress

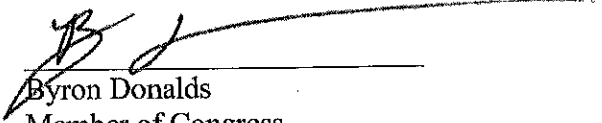

Nancy Mace
Member of Congress


Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Pat Fallon
Member of Congress


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

Secretary Mayorkas
April 19, 2021
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The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

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JAMIE RASKIN
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ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States
House of Representatives

STEVE SCALISE
RANKING MEMBER

JIM JORDAN
MARK E. GREEN, M.D.
NICOLE MALLIOTAKIS
MARIANETTE MILLER-MEEKS, M.D.

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Phone (202) 225-4400
<https://coronavirus.house.gov>

April 20, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

Even if border czar, Vice President Kamala Harris, will not admit it—there is a humanitarian, public health, and national security crisis at the southern border. In fact, the Biden Administration is failing to protect Americans by allowing those crossing the southern border to violate current public health guidance. Under oath, Dr. Anthony Fauci, Chief Medical Advisor to President Joe Biden, testified that the Biden Administration is openly violating U.S. Centers for Disease Control and Prevention (CDC) guidance.¹ We write to ask for your assurances that the Biden Administration will follow all applicable public health guidances at the southern border and stop placing American lives in danger.

SOCIAL DISTANCING AND MASKS

The current CDC guidance for American citizens is unambiguous—everyone should wear masks and social distance, regardless of vaccination status.² Specifically, CDC guidance states, “[e]veryone [two] years and older should wear masks in public” and “[s]tay at least [six] feet (about [two] arm lengths) from other people.”³ Additionally, CDC guidance states, “[a] mask is NOT a substitute for social distancing. Masks should still be worn in addition to staying at least [six] feet apart, especially when indoors...”⁴ This guidance is unambiguous.

¹ *Reaching the Light at the End of the Tunnel: A Science-Driven Approach to Swiftly and Safely Ending the Pandemic: Hearing Before the Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform*, 117th (Apr. 15, 2021) (statement by Dr. Anthony Fauci, Chief Medical Advisor, President Biden).

² See generally *How to Protect Yourself & Others*, U.S. CENTS. FOR DISEASE CONTROL & PREVENTION (last updated Mar. 8, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.

³ *Id.*

⁴ *Guidance for Wearing Masks*, U.S. CENTS. FOR DISEASE CONTROL & PREVENTION (last updated Apr. 6, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html> (*emphasis in original*).

Unfortunately, the Biden Administration is violating this guidance by refusing to enforce American immigration laws leading to overcrowded facilities and a severe threat to the health of the surrounding American communities.

On April 15, 2021, Dr. Fauci testified—under oath—that President Biden’s housing of migrants is violating CDC guidance regarding social distancing and mask wearing. Dr. Fauci said this violation was a “major concern.”⁵ Further, Dr. Fauci said:⁶

Whip Scalise: Dr. Fauci, does this [housing of illegal immigrants] look like social distancing to you that [the CDC] require[s] when you talk about six feet?

Dr. Fauci: No.

Whip Scalise: So, in these cells, as you just said, they’re violating the very guidance that you tell Americans to follow... You can see all of these young children who are next to each other six inches apart, many without masks, by the way, does that follow [CDC] guidance that you’ve issued?

Dr. Fauci: No.

Whip Scalise: [The Biden Administration is] violating every guidance that Americans are required to follow... Do you think this should get fixed? And [should illegal immigrants] start following the same rules that you and I have to follow?

Dr. Fauci: I mean, obviously, everyone would like to see the situation fixed.

INTERNATIONAL TRAVEL

For more than one year, international travel has been seriously limited because of the COVID-19 pandemic. Since the delivery of a safe and effective vaccine by Operation Warp Speed, more and more Americans have begun to travel again—revitalizing tourism and bringing a much-needed economic boost to hard hit communities.

Current CDC guidance for international travel states that Americans should “delay international travel until [they] are fully vaccinated.”⁷ However, the CDC recommends “avoiding

⁵ Statement by Dr. Anthony Fauci, *supra* note 1.

⁶ *Id.*

⁷ *International Travel During COVID-19*, U.S. CENTS. FOR DISEASE CONTROL & PREVENTION (last updated Apr. 2, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/travelers/international-travel-during-covid19.html>.

all travel” to and from some countries—including Mexico, Guatemala, Honduras, and El Salvador.⁸ Each of these countries has a significantly lower rate of vaccination and higher rate of COVID-19 spread than the U.S.⁹ The CDC states, “[a]ll air passengers coming to the United States, including U.S. citizens and fully vaccinated people, are required to have a negative COVID-19 test result no more than 3 days before travel...”¹⁰ These rules are not being enforced against illegal immigrants traveling to the U.S. from those very same countries.

In the month of March alone, U.S. Customs and Border Protection (CBP) apprehended 172,331 illegal immigrants.¹¹ The Biden Administration is not testing migrants at CBP facilities prior to releasing them to then fly or travel by bus to cities across the U.S.¹² According to *Newsweek*, “[t]here currently is no system in place to track if migrants have been tested after they leave...CBP custody.”¹³ While American citizens are “*required*” to have a negative COVID-19 test prior to traveling to the U.S., illegal immigrants are not. This is a new level of hypocrisy from the Biden Administration.

On July 31, 2020, Dr. Fauci testified that travel restrictions save lives, yet the Biden Administration is allowing near unfettered migration from COVID-19 hot-spots.¹⁴ Further, on April 15, 2021, the Director of the CDC, Dr. Rochelle Walensky, testified that all travelers from

⁸ *COVID-19 in Mexico*, U.S. CENTS. FOR DISEASE CONTROL & PREVENTION (last reviewed Apr. 2, 2021), <https://wwwnc.cdc.gov/travel/notices/covid-4/coronavirus-mexico>; *COVID-19 in Honduras*, U.S. CENTS. FOR DISEASE CONTROL & PREVENTION (last reviewed Apr. 2, 2021), <https://wwwnc.cdc.gov/travel/notices/covid-4/coronavirus-honduras>; *COVID-19 in El Salvador*, U.S. CENTS. FOR DISEASE CONTROL & PREVENTION (last reviewed Apr. 2, 2021), <https://wwwnc.cdc.gov/travel/notices/covid-3/coronavirus-el-salvador>; *COVID-19 in Guatemala*, U.S. CENTS. FOR DISEASE CONTROL & PREVENTION (last reviewed Apr. 2, 2021), <https://wwwnc.cdc.gov/travel/notices/covid-4/coronavirus-guatemala>.

⁹ (1) United States: 24 percent fully vaccinated and 8 percent positivity rate; (2) Mexico: 2.6 percent fully vaccinated and 39 percent positivity rate; (3) Guatemala: less than 0.1 percent fully vaccinated and 18 percent positivity rate; (4) Honduras: less than 0.1 percent fully vaccinated and unknown positivity rate; and (5) El Salvador: unknown percentage fully vaccinated and unknown positivity rate. *Tracking Coronavirus Vaccinations Around the World*, N.Y. TIMES (last updated Apr. 17, 2021), <https://www.nytimes.com/interactive/2021/world/covid-vaccinations-tracker.html>; *Share of total COVID-19 tests that were positive*, OUR WORLD IN DATA (last updated Apr. 15, 2021), <https://ourworldindata.org/grapher/covid-19-positive-rate-bar?country=VNM~TWN~NZL~AUS~ZAF~KOR~EST~IND~ISL~TUN~CAN~ARG~JPN~PHL~ITA~IDN~USA~GBR>.

¹⁰ *COVID-19 in Mexico*, *supra* note 8 (emphasis in original).

¹¹ *Southwest Land Border Encounters*, U.S. CUSTOMS & BORDER PROTECTION (last updated Apr. 3, 2021), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

¹² Julia Ainsley, et. al., *CBP not testing migrant children for Covid at border stations, though many test positive after transfer*, NBC NEWS (Mar. 25, 2021), <https://www.nbcnews.com/politics/immigration/cbp-not-testing-migrant-children-covid-border-stations-though-many-n1262059>.

¹³ Giella, *supra* note 12.

¹⁴ *The Urgent Need for a National Plan to Contain the Coronavirus: Hearing Before the Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform*, 116th (July 31, 2021) (statement by Dr. Anthony Fauci, Director, Nat’l Institute of Allergy and Infectious Diseases).

Mexico, Guatemala, Honduras, and El Salvador should have a negative COVID-19 test prior to entering the U.S. by air.¹⁵ Dr. Walensky said:¹⁶

Whip Scalise: Should everybody that comes into the United States follow [the CDC's international travel] guidance, not just U.S. citizens but everybody coming into the U.S.?

Dr. Walensky: The CDC guidance by air is guidance not just coming from Mexico, its air travel from all over the globe.

Whip Scalise: Guatemala for example?

Dr. Walensky: It's all over the globe.

Whip Scalise: El Salvador should follow this guidance?

Dr. Walensky: It's all over the globe.

Whip Scalise: If somebody came from [Mexico, Guatemala, Honduras, or El Salvador]...and then got on an airplane without a COVID test, does that violate CDC guidance?

Dr. Walensky: This is guidance, it is not law, but those are the recommendations we made.

Whip Scalise: No, it doesn't say recommendation; it says, all are 'required.' That's not a recommendation, Dr. Walensky...Is there an exemption for people who come here illegally to this guidance?

Dr. Walensky: Everybody coming into the U.S. by air is supposed to have a [negative COVID-19] test one to three days before coming.

CONCLUSION

Dr. Fauci agrees—the public health crisis at the border must be fixed. As a nation we are placing burdensome public health restrictions on American citizens while those who enter our country illegally are permitted to flow into American towns and cities without any such

¹⁵ Despite most migrants entering the U.S. by foot, COVID-19 does not distinguish by mode of travel. Also, migrants, after entering the U.S. by foot are then released untested to fly into the U.S. Statement by Dr. Rochelle Walensky, Director, U.S. Cents. For Disease Control & Prevention), *supra* note 1.

¹⁶ *Id.*

restrictions. This is jeopardizing the health of Americans and threatens to prolong the COVID-19 pandemic. It appears that the Biden Administration is exempting illegal immigrants from the very rules that American citizens are forced to follow.

It is imperative, we inform the governors and local officials of this impending crisis. We respectfully request a staff level briefing on the issues outlined above by April 27, 2021. Additionally, please provide the following documents and information before May 4, 2021:

1. A written assurance that the U.S. Department of Homeland Security (DHS) will test every individual (including family units and children) for COVID-19 prior to release.
2. A written assurance that DHS will require all migrants to wear masks while in federal custody.
3. Any plans or policies related to the Administration's efforts to comply with social distancing and capacity levels in DHS facilities.
4. The number of migrants released from CBP custody classified by:
 - a. Released to U.S. Department of Health and Human Services;
 - b. Released to Immigration and Customs Enforcement;
 - c. Released on their own recognizance;
 - d. Expelled under Title 42; or
 - e. Removed under Title 8.
5. For all migrants in category (c) above:
 - a. Where the migrant was released (i.e. no longer in DHS custody);
 - b. Whether or not the migrant was tested at release; and
 - c. The migrant's final destination.

The briefing may be conducted remotely for convenience and safety issues. To schedule the briefing or ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Further, the Select Subcommittee on the Coronavirus Crisis is empowered to investigate the "preparedness for and response to the coronavirus crisis, including...containment, mitigation, and surveillance activities."¹⁷ Thank you in advance for your cooperation with this inquiry.

¹⁷ H. Res. 935 § 3(a)(4) (2020).

The Honorable Alejandro Mayorkas
April 20, 2021
Page 6

Sincerely,

A handwritten signature in black ink that reads "Steve Scalise". The signature is written in a cursive style and is positioned above a horizontal line.

Steve J. Scalise
Ranking Member
Select Subcommittee on the Coronavirus Crisis

cc: The Honorable Kamala Harris
Vice President of the United States

The Honorable James E. Clyburn, Chairman
Select Subcommittee on the Coronavirus Crisis

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

April 21, 2021

Kathleen M. McGettigan
Acting Director
U.S. Office of Personnel Management
Washington D.C. 20415

Dear Acting Director McGettigan:

I am writing to request information on the impact the current border crisis is having on the U.S. federal workforce. There is nothing seasonal about the current crisis on the southwest border, particularly in the case of the increasing numbers of unaccompanied alien children (UAC) being smuggled into the country. Due to the unprecedented influx of UAC encountered by the Department of Homeland Security (DHS) and referred to the Department of Health and Human Services (HHS), HHS is currently caring for over 20,000 UACs, a record.¹ The Federal Emergency Management Agency (FEMA) has even been activated to attend to the crisis.²

To expand its capacity to accept UAC from DHS, where thousands of children have been languishing for days awaiting placements, HHS has had to open twelve emergency intake sites since February 22, which it operates in addition to licensed facilities throughout the country.³ This effort to care for the UAC in government custody is estimated to cost approximately \$60 million per week, with costs expected to increase as more children arrive.⁴

To meet the need for additional staff and resources, HHS solicited volunteers from across the federal government. On March 25, 2021, OPM put out a request for volunteers from across

¹ Montoya-Galvez, Camilo, *Biden officials defend border response as number of migrant children in U.S. custody tops 20,000*, CBS NEWS (Apr. 8, 2021), available at <https://www.cbsnews.com/news/migrant-children-us-mexico-border-biden-response/>.

² Press Release: *Homeland Security Secretary Mayorkas Directs FEMA to Support Response for Unaccompanied Children*, Dep't of Homeland Security (Mar. 13, 2021), available at <https://www.dhs.gov/news/2021/03/13/homeland-security-secretary-mayorkas-directs-fema-support-response-unaccompanied>.

³ See E-mail from HHS re: Activation of an Emergency Intake Site at the Starr Commonwealth Campus in Albion, Michigan (Apr. 9, 2021), *on file with committee staff*.

⁴ Miroff, Nick, *Biden administration spending \$60 million per week to shelter unaccompanied minors*, WASH. POST, (Apr. 8, 2021), available at https://www.washingtonpost.com/national/border-shelters-cost/2021/04/08/c54eec3a-97bd-11eb-8e42-3906c09073f9_story.html.

the federal government to serve up to 120-day deployment details to HHS to assist with caring for UAC.⁵ In the memorandum to Department and Agency heads, you stated that “[d]etails will involve contact with migrant children and a variety of other federal and non-federal entities, possibly including U.S. Customs and Border Protection (CBP), American Red Cross, [FEMA], and other HHS employees.”⁶

To assist the subcommittee in exercising important oversight of the situation on the southwest border and to understand the impact the border crisis is having on the federal workforce overall, please provide the following information no later than May 5, 2021:

1. The total number of federal employees who have volunteered for a reimbursable detail with HHS as outlined in the March 25, 2021 memorandum, disaggregated by federal agency/department, permanent job title, and expected length of detail.
2. All documents and communications containing an analysis of the impact of such details on the sending agencies/departments and performance of the volunteer’s original duties.

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely



Jody Hice

Ranking Member

Subcommittee on Government Operations

cc: The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

⁵ Memorandum for Heads of Executive Departments and Agencies from Kathleen M. McGettigan, Acting Director, U.S. Office of Personnel Management re: Detail Opportunity (Mar. 25, 2021), *available at* <https://chcoc.gov/content/detail-opportunity-information-departmentagency-leadership>.

⁶ *Id.*

Congress of the United States

Washington, DC 20515

April 21, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Becerra:

The Committee on Oversight and Reform and the Committee on Homeland Security Republicans are conducting oversight of a massive, sole source contract your Department recently awarded on March 17, 2021 to nonprofit Family Endeavors, Inc.¹ Under the contract, the U.S. government has already obligated \$255.2 million, with a potential award amount of \$529.5 million² for the purpose of “emergency intake site and wrap around care services in support of the [Office of Refugee Resettlement] Unaccompanied Children’s Program” in Pecos, TX.³

This is the second sizeable government contract⁴ Family Endeavors has received in recent weeks without going through fair and open competition.⁵ The most recent contract, potentially valued at \$529.5 million, is more than twelve times Family Endeavors’ most recent annual budget, raising questions about its ability to effectively perform the contract and meet the contract requirements.⁶ Further, there are other, likely more experienced contractors that would also be able to perform the work, but due to the sole source award, they will not get a chance at the opportunity.⁷

Most concerning, it appears that Family Endeavors won these contracts just months after hiring Andrew Lorenzen-Strait as Senior Director for Migrant Services and Federal Affairs.⁸

¹ Contract Summary, USASPENDING.GOV (PIID 75ACF121P00005), available at https://www.usaspending.gov/award/CONT_AWD_75ACF121P00005_7590_-NONE_-NONE-

² *Id.*

³ *Id.*

⁴ Giaritelli, Anna, *EXCLUSIVE: ICE gave \$87M no-bid contract to business with Biden ties, raising conflict of interest questions*, WASH. EXAMINER (Apr. 7, 2021), available at <https://www.washingtonexaminer.com/news/biden-ice-gave-87m-no-bid-contract-conflict-of-interest>.

⁵ See Letter from Andrew S. Clyde, Member of Congress to Tae Johnson, Acting Director, U.S. Immigration and Customs Enforcement (Mar. 31, 2021), available at https://clyde.house.gov/sites/evo-subsites/clyde.house.gov/files/evo-media-document/03.31.21_COR_HS_Rep.%20Clyde%20letter%20to%20ICE%20re%20Endeavors%20Contract.pdf.

⁶ Markay, Lachlan & Stef W. Kight, *Exclusive: Texas nonprofit got massive border contract after hiring Biden official*, AXIOS NEWS (Apr. 13, 2021), available at <https://www.axios.com/texas-nonprofit-border-contract-biden-official-23a493f4-6779-44f0-a5d4-db8690f11aec.html>.

⁷ *Id.*

⁸ *Id.*

Mr. Lorenzen-Strait served on the Biden-Harris transition team, and is a former official at U.S. Immigration and Customs Enforcement.

These factors: the size of the contracts awarded to Family Endeavors, the manner in which they were awarded, that firm's lack of equivalent experience, the timing of Mr. Lorenzen-Strait's hiring, and his connections to the Biden administration combine to raise serious concerns of potential impropriety.

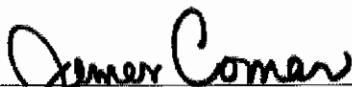
To assist the Republicans on the Committees in conducting important oversight of this dubious sole source award to an insider, please provide the following information no later than May 5, 2021 for the time period January 20, 2021 to the present:

1. A complete copy of the sole source contract awarded to Family Endeavors as referenced above;
2. All documents and communications referring or relating to the contract award to Family Endeavors referenced above, including but not limited to any communications with Family Endeavors' employees, personnel, executives, agents, affiliates, or representatives;
3. All documents and communications referring or relating to the need for the contracted services and investigations of any potential vendors for those services including but not limited to Family Endeavors;
4. Any and all drafts including the final draft of the justification and approval document required by the Federal Acquisition Regulation related to the sole source contracts to Family Endeavors; and
5. All documents and communications between and among administration officials and/or U.S. government employees and Mr. Lorenzen-Strait regarding the contract(s) between Family Endeavors and HHS.

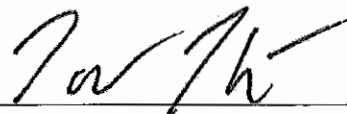
Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074 and Committee on Homeland Security at (202) 503-6188.

Thank you in advance for your cooperation with this inquiry.

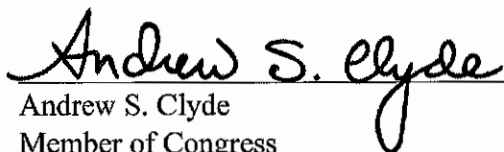
Sincerely,



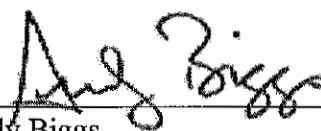
James Comer
Ranking Member
Committee on Oversight and Reform



John Katko
Ranking Member
Committee on Homeland Security



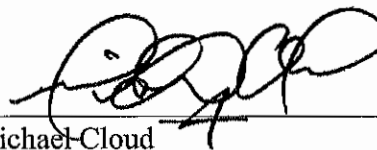
Andrew S. Clyde
Member of Congress



Andy Biggs
Member of Congress



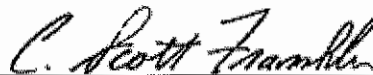
Dan Bishop
Member of Congress



Michael Cloud
Member of Congress



Pat Fallon
Member of Congress



Scott Franklin
Member of Congress



Andrew Garbarino
Member of Congress



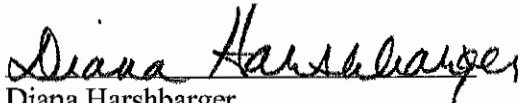
Paul A. Gosar, D.D.S.
Member of Congress



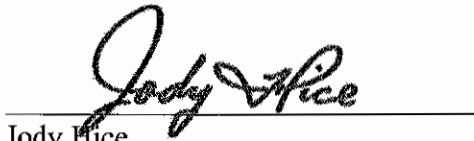
Glenn Grothman
Member of Congress

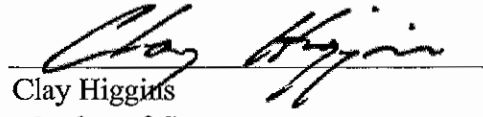


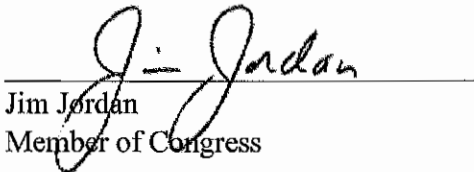
Michael Guest
Member of Congress


Diana Harshbarger
Member of Congress

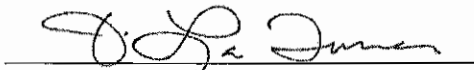

Yvette Herrell
Member of Congress


Jody Hice
Member of Congress



Clay Higgins
Member of Congress

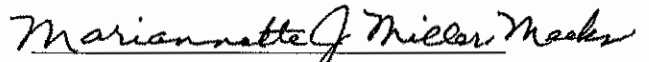

Jim Jordan
Member of Congress

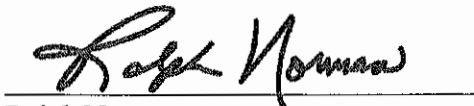

Fred Keller
Member of Congress

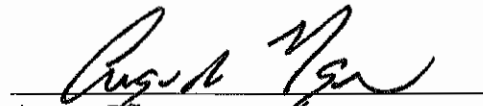

Jake LaTurner
Member of Congress


Nancy Mace
Member of Congress

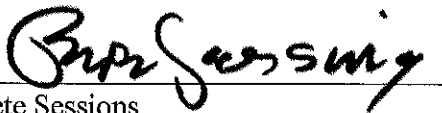

Peter Meijer M.C.
Member of Congress


Mariannette Miller-Meeks
Member of Congress

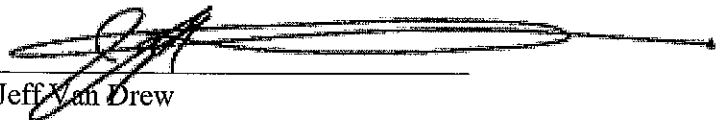

Ralph Norman
Member of Congress


August Pfluger
Member of Congress

Secretary Becerra
April 21, 2021
Page 5 of 5



Pete Sessions
Member of Congress



Jeff Van Drew
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Bennie Thompson, Chairman
Committee on Homeland Security

Congress of the United States
Washington, DC 20515

April 22, 2021

The Honorable Louis DeJoy
Postmaster General
475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260

Dear Postmaster General DeJoy:

Recent reporting indicates the U.S. Postal Service (USPS) has been operating “a program that tracks and collects Americans’ social media posts,” known as the Internet Covert Operations Program (iCOP).¹ As reported, iCOP is part of the United States Postal Inspection Service, which is the law enforcement and security component of USPS.² If the reporting is accurate, iCOP raises serious questions about the federal government’s ongoing surveillance of, and encroachment upon, Americans’ private lives and discourse.

According to the reporting, iCOP directs analysts “to trawl through social media sites to look for what [a USPS] document describes as ‘inflammatory’ postings and then sharing that information across government agencies.”³ Focusing on social media platforms, but apparently with a particular eye towards the “right-wing leaning Parler and Telegram accounts,” iCOP has recorded the locations and times of protests and other events during which Americans exercise their First Amendment liberties.⁴ The reporting adds that iCOP has found “[n]o intelligence” to suggest legitimacy to the “threats” on those platforms.⁵

The type of amorphous, broad mandate under which iCOP is allegedly operating is particularly troubling because it is unclear why the USPS, of all government agencies and the only one devoted to the delivery of Americans’ mail, is taking on the role of intelligence collection. The type of general review of social media alleged in the reporting does not indicate that the posts reviewed by iCOP are related to the protection and security of USPS, its postal routes, its employees, or the mail generally. As Geoffrey Stone of the University of Chicago Law School said, “I don’t understand why the government would go to the Postal Service for examining the internet for security issues.”⁶ We agree.

¹ Jana Winter, *The Postal Service is Running a “Covert Operations Program” That Monitors Americans’ Social Media Posts*, Yahoo News (Apr. 21, 2021), available at <https://ca.finance.yahoo.com/news/the-postal-service-is-running-a-covert-operations-program-that-monitors-americans-social-media-posts-160022919.html>.

² *Id.*

³ *Id.*

⁴ *Id.*

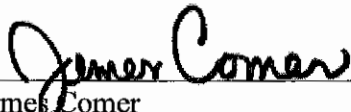
⁵ *Id.*

⁶ *Id.*

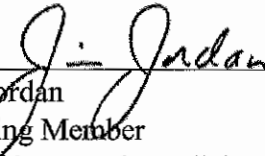
The United States is not lacking in its availability of intelligence agencies, and it should be left to those professionals to engage in this sort of behavior, if it is even necessary at all. Professor Stone also noted, “[t]here are so many other federal agencies that could do this, I don’t understand why the post office would be doing it. There is no need for the post office to do it — you’ve got FBI, Homeland Security and so on, so I don’t know why the post office is doing this.” Truly, it is baffling why America’s postal service would be involved in this kind of coordinated, intensive review of its citizens’ online activity.

Please arrange to have Chief Postal Inspector Gary Barksdale provide a Member-level briefing no later than 5:00 p.m. on Wednesday, April 28, 2021 regarding this alleged encroachment into the private lives of Americans by a component of our mail delivery agency.

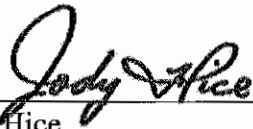
Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



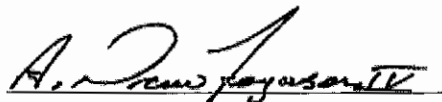
Jim Jordan
Ranking Member
Committee on the Judiciary



Jody Hice
Member of Congress



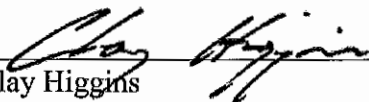
Brian Mast
Member of Congress



Drew Ferguson
Member of Congress



Thomas Massie
Member of Congress



Clay Higgins
Member of Congress



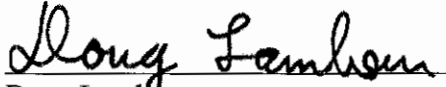
Glenn Grothman
Member of Congress

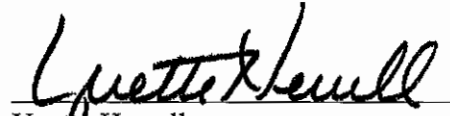


Ken Buck
Member of Congress




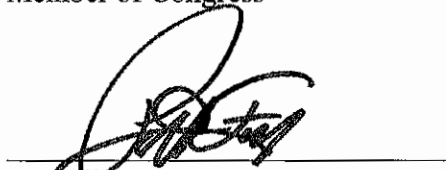
Paul A. Gosar, D.D.S.
Member of Congress



Doug Lamborn
Member of Congress

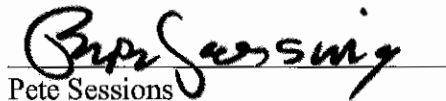

Yvette Herrell
Member of Congress

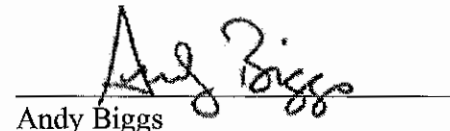

Ted Budd
Member of Congress

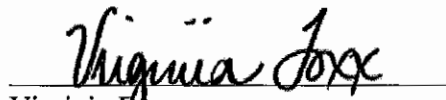

Fred Keller
Member of Congress

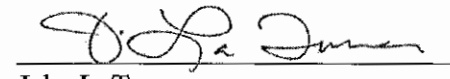

Pat Fallon
Member of Congress

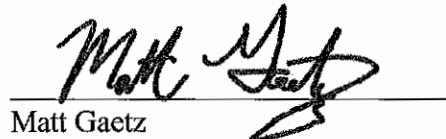

Mo Brooks
Member of Congress

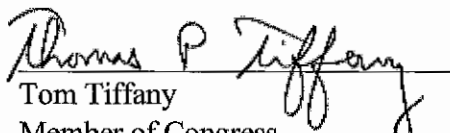

Pete Sessions
Member of Congress

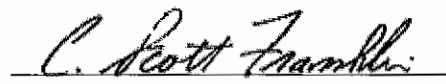

Andy Biggs
Member of Congress

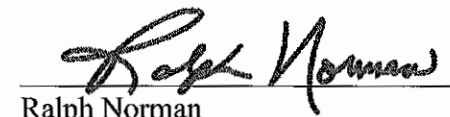

Virginia Foxx
Member of Congress


Jake LaTurner
Member of Congress


Matt Gaetz
Member of Congress


Tom Tiffany
Member of Congress


Scott Franklin
Member of Congress

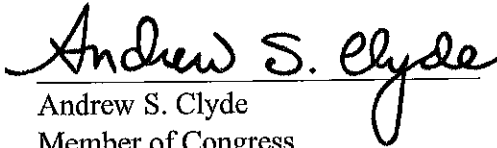

Ralph Norman
Member of Congress



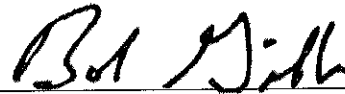
Nancy Mace
Member of Congress



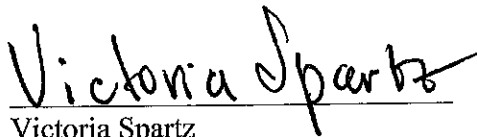
Tim Burchett
Member of Congress



Andrew S. Clyde
Member of Congress



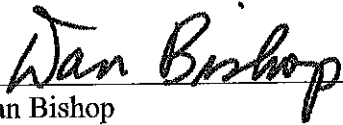
Bob Gibbs
Member of Congress



Victoria Spartz
Member of Congress



Steve Chabot
Member of Congress



Dan Bishop
Member of Congress



Burgess Owens
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Jerrold Nadler, Chairman
Committee on the Judiciary

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-6051
MINORITY (202) 225-6074
<https://oversight.house.gov>

April 26, 2021

Mr. Troy Miller
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave., NW
Washington, D.C. 20229

Dear Mr. Miller:

I write today to express my concern and conduct oversight over the negative impact the current border crisis is having on the federal workforce, particularly among Border Patrol agents. The Biden Administration reversed course on successful Trump immigration policies without any replacement strategy during the COVID-19 pandemic. The result has been a security, health, and humanitarian catastrophe on the border. As the Biden Administration fails to adequately confront the realities of an unprecedented crisis, the men and women of the Border Patrol have experienced the negative impacts of a staffing shortage, low morale, and ultimately the inability to effectively perform their border security mission.

While staffing issues have long been a concern,¹ Border Patrol agents tell me that they are now critically understaffed, working longer hours but less time on the line patrolling the border as their attention is diverted to the care and custody of families and children due to the recent migrant surge. Cartels, which control the human smuggling industry, use large groups of migrants to overwhelm Border Patrol agents which permits illicit narcotics and criminal aliens to enter into now unprotected areas. Border Patrol agents are also recounting high numbers of “gotaways” – or instances in which illegal immigrants completely evade apprehension by Border Patrol after crossing – due to the surge and the tactics of the cartels.² This is especially concerning considering there are recent documented instances of criminal aliens and known or suspected terrorists attempting to cross the southwest border undetected.³

Despite Border Patrol agents going above and beyond to attend to the care and feeding of those in their custody, they are largely reliant on other agencies like U.S. Immigration and

¹ See Hesson, Ted, *The Border Patrol's recruiting crisis*, POLITICO (Feb. 10, 2019), available at <https://www.politico.com/story/2019/02/10/border-patrol-recruitment-crisis-1157171>.

² See Miroff, Nick, *Border officials say more people are sneaking past them as crossings soar and agents are overwhelmed*, WASH. POST (Apr. 2, 2021), available at https://www.washingtonpost.com/national/got-aways-border/2021/04/01/14258a1e-9302-11eb-9af7-fd0822ae4398_story.html.

³ *Id.*

Customs Enforcement or the Department of Health and Human Services to take custody of apprehended migrants in a timely fashion. Yet those agencies have also been strained by the crisis and are unable to adequately respond. Border Patrol agents are often wrongfully blamed for deteriorating conditions of custody in facilities that were simply not designed to house large numbers of families and unaccompanied children, even though it is the Biden Administration's policies which have caused the current crisis.

Border Patrol agents already make sacrifices to perform their mission in an increasingly hostile and dangerous environment, often working long hours in remote areas. It is no surprise that Border Patrol agents are experiencing deteriorating morale, which is worsened by political rhetoric coming from the Biden Administration which quibbles over calling the situation exactly what it is: a crisis.⁴

To assist the subcommittee in exercising important oversight of the situation on the southwest border and to understand the impact the border crisis is having on the federal workforce, especially among Border Patrol agents, please provide the following information no later than May 10, 2021:


1. All documents and communications containing a staffing analysis regarding or referencing the total number of Border Patrol agents needed to adequately effectuate the mission of the Border Patrol;
2. The total number of Border Patrol agents currently employed;
3. The total number of potential Border Patrol agent candidates being considered for service, disaggregated by what stage of the process those candidates are currently in (i.e. initial hiring stage, background check, training, etc.);
4. All documents and communications regarding or referencing any impediments to fully staffing the Border Patrol with qualified candidates;
5. All documents and communications from January 20, 2021, to the present analyzing the impact, if any, of increased use of overtime among Border Patrol agents;
6. All data from Fiscal Year 2017 to the present analyzing or estimating the number of "gotaways," or individuals who illegally crossed the border but evaded apprehension by Border Patrol agents;
7. All documents and communications from January 31, 2020 to the present regarding instances of COVID-19 infection among Border Patrol agents or their families;

⁴ Klein, Betsy, *White House backtracks after Biden calls border situation a 'crisis'*, CNN (Apr. 19, 2021), available at <https://www.cnn.com/2021/04/19/politics/biden-border-crisis-unaccompanied-minors/index.html>.

8. All documents and communications from January 20, 2021 to the present referring to or containing an analysis of morale among Border Patrol agents, including any analysis or mention of the impact of low morale on effectuating the Border Patrol's mission.

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "Jody Hice". The signature is written in a cursive, flowing style.

Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

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) 226-5074
<https://oversight.house.gov>

April 30, 2021

The Honorable Gina Raimondo
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Secretary Raimondo:

We write today with concerns about the apportionment count released by the Census Bureau, and whether the process which derived the count was fair, accurate, and independent from any White House interference. Given the extra time it took to complete the 2020 Census – including not meeting the statutory deadlines by months – we have questions about the methodology and the role the Biden White House may have played in releasing these numbers, especially as the results differ from evaluation estimates released mere months ago in ways that benefit blue states over red states.

After months of delays, apportionment results were finally released on April 26, 2021. The representational stakes are very high: Texas is poised to gain two seats, Colorado, Florida, Montana, North Carolina and Oregon poised to gain one, and seven states, including California, Illinois, Michigan, New York, Ohio, Pennsylvania, and West Virginia are each losing one seat in the U.S. House of Representatives.¹

When our staff contacted the Census Bureau on the morning of the release with questions about the apportionment count, they were referred by Census officials to the White House for questions. Yet the statute is clear: it is the Secretary of Commerce who reports the apportionment count to the President, not the other way around.² Referring our staff's questions to the White House about the results produced by the Census Bureau is entirely inappropriate, and raises questions about the level of White House involvement in the process.

The White House involvement is surprising, since Democrats including Chairwoman Maloney previously accused the Trump White House of “scheming about how to rig the process

¹ U.S. Census Bureau, Press Release, *2020 Census Apportionment Results Delivered to the President*, (Apr. 26, 2021), available at <https://www.census.gov/newsroom/press-releases/2021/2020-census-apportionment-results.html>.

² 13 USC § 141.

for political gain.”³ However, during transcribed interviews with senior Census officials in August 2020, none of the officials indicated that they had any contact with the Trump White House, and one official explicitly denied having any conversations with the White House.⁴ Yet now during the Biden Administration, the Census Bureau is referring questions to the White House about the release of Census numbers. This is concerning.

While Democrats falsely accused the Trump Administration of using the Census process for political gain, President Biden has done just that. Even as President Trump sought to ensure the accuracy of the 2020 Census apportionment results by excluding illegal aliens from the apportionment count,⁵ President Biden reversed course, deciding to dilute American citizens’ representational interests by rescinding this commonsense measure.⁶ Several liberal states with sanctuary policies may have lost more congressional seats if illegal immigrants had not been included in the apportionment base.

Furthermore, the apportionment population results released by the Census Bureau are strikingly different from the population evaluation estimates released just months ago on December 22, 2020. Remarkably, the differences benefit traditionally blue states – which gained population compared to the estimates – over red states which tended to lose population compared to the estimates. For example, New York was estimated to have a population of 19,336,776, but was attributed an apportionment population much greater than that of 20,215,751, a difference of nearly 900,000 individuals.⁷ Likewise, states such as New Jersey and Illinois experienced large population increases of hundreds of thousands of individuals compared to the December estimates, while states such as Arizona, Florida, and Texas experienced large decreases from the December estimates.⁸ This trend calls into question whether there was any political interference with the apportionment results released by the Census Bureau.

³ H. Comm. on Oversight & Gov’t Reform, Press Release, *Chairwoman Maloney Issues Statement on New Political Official to Oversee Data Operations for 2020 Census*, (Apr. 17, 2020), available at <https://oversight.house.gov/news/press-releases/chairwoman-maloney-issues-statement-on-new-political-official-to-oversee-data>.

⁴ See H. Comm. on Oversight & Gov’t Reform, Transcribed Interview of Timothy P. Olson, Associate Director of Field Operations, U.S. Census Bureau (Aug. 27, 2020); Transcribed Interview of Albert E. Fontenot, Jr., Associate Director for Decennial Census Programs, U.S. Census Bureau (Aug. 27, 2020); Transcribed Interview of Ron S. Jarmin, Deputy Director and Chief Operating Officer, U.S. Census Bureau at pg. 28 (Aug. 28, 2020).

⁵ Memorandum from President Donald J. Trump to Secretary of Commerce Wilbur Ross, *Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census* 85 Fed. Reg. 44,679 (July 21, 2019), available at <https://www.federalregister.gov/documents/2020/07/23/2020-16216/excluding-illegal-aliens-from-the-apportionment-base-following-the-2020-census>.

⁶ Exec. Order No. 13986, 86 Fed. Reg. 7015 (Jan. 20, 2021), available at <https://www.federalregister.gov/documents/2021/01/25/2021-01755/ensuring-a-lawful-and-accurate-enumeration-and-apportionment-pursuant-to-the-decennial-census>

⁷ Compare U.S. Census Bureau, *Annual Estimates of the Resident Population for the United States, Regions, States, and the District of Columbia: April 1, 2010 to July 1, 2020*, (Dec. 22, 2020) available at <https://www.census.gov/programs-surveys/popest/technical-documentation/research/evaluation-estimates.html> with U.S. Census Bureau, *Apportionment Population and Number of Representatives by State: 2020 Census* (Apr. 26, 2021), available at <https://www2.census.gov/programs-surveys/decennial/2020/data/apportionment/apportionment-2020-table01.pdf>.

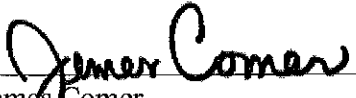
⁸ *Id.*

To conduct oversight over these important issues, please provide the committee with the following information no later than May 14, 2021:

1. All documents and communications from October 15, 2020 to the present indicating whether the apportionment count was independently audited, and if so, when and by whom.
2. All documents and communications from October 15, 2020 to the present referring to or containing any analysis of the error rate involved in the apportionment count and any factors that could be contributing to such an error rate.
3. All documents and communications from January 20, 2021 to the present indicating the most senior official who approved, authorized or denied the final apportionment numbers to be released or discussed with Congress prior to their public release by the Census Bureau.
4. All documents and communications from January 20, 2021 to the present between and among Census Bureau employees and anyone employed by the Executive Office of the President, including but not limited to the White House Office and the Office of Management and Budget, referring or relating to the apportionment numbers and the release of the apportionment numbers.
5. All documents and communications from January 20, 2021 to the present referring or relating to the decision to revoke the Presidential Memorandum entitled *Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census* and thereby include illegal aliens in the apportionment base, including any consideration for whether such a decision would advantage candidates belonging to a particular political party.
6. All documents and communications from January 20, 2021 to the present, sufficient to show what the apportionment results would have been if persons without a lawful immigration status had been excluded from the apportionment base.
7. All documents and communications containing any reference to or analysis of the differences between the December 22, 2020 evaluation estimates and the actual apportionment results of the Decennial Census, as well as an accounting of potential errors attributable to either the evaluation estimates or the apportionment results.

To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations



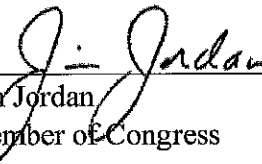
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



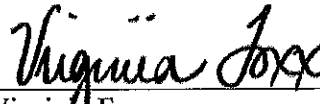
Ralph Norman
Ranking Member
Subcommittee on Environment



Jim Jordan
Member of Congress



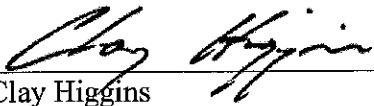
Paul A. Gosar, D.D.S.
Member of Congress



Virginia Foxx
Member of Congress



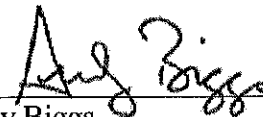
Bob Gibbs
Member of Congress



Clay Higgins
Member of Congress

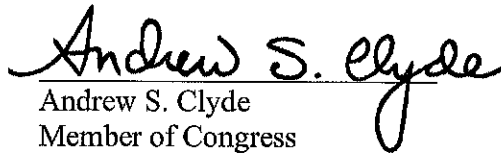


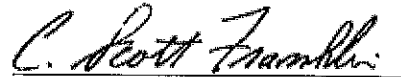
Fred Keller
Member of Congress

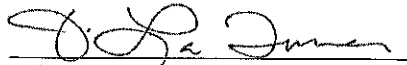


Andy Biggs
Member of Congress

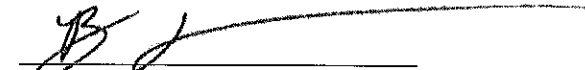
Secretary Raimondo
April 30, 2021
Page 5


Andrew S. Clyde
Member of Congress


Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna
Subcommittee on Environment

Congress of the United States

Washington, DC 20515

May 3, 2021

The Honorable Shalanda D. Young
Acting Director
Office of Management and Budget
725 17th Street N.W.
Washington, D.C. 20503

Dear Acting Director Young:

We write to express our concern and request information about a recently reported endeavor by the Biden Administration to stand up a “conditional cash transfer program” to residents of Guatemala, Honduras, and El Salvador (“Northern Triangle countries”).¹ The purpose of such a program would be to discourage illegal immigration from these Northern Triangle countries. In the midst of a border crisis propelled by the Biden Administration reversing successful deterrent policies, it is worrisome that the Administration’s solution isn’t to reinstate those policies or replace them with workable solutions, but instead to funnel more money to pay countries to dissuade their citizens to break U.S. laws, particularly countries with corruption concerns.

Ambassador Roberta Jacobson, the outgoing White House Border Coordinator, recently stated that a conditional cash transfer program would be targeted at residents of Northern Triangle countries, but cautioned that “the U.S. government isn’t going to be handing out money or checks to people.”² The President’s fiscal year (FY) 2022 discretionary budget request includes \$861 million in financial assistance to Central America “to address the root causes of irregular migration from Central America to the United States...”³ That request – which is much higher than current funding levels which already stand at around half a billion dollars – is couched as merely “a first step toward a four-year commitment of \$4 billion” for the region.⁴ Unlike the Trump Administration, which leveraged the use of aid to secure actual cooperation

¹ Hesson, Ted and Matt Spetalnick, *EXCLUSIVE: U.S. considering cash payments to Central America to stem migration*, REUTERS (Apr. 10, 2021), available at <https://www.reuters.com/world/us/exclusive-us-considering-cash-transfers-central-american-countries-stem-causes-2021-04-09/>.

² *Id.*

³ President’s request for fiscal year 2022 discretionary funding, Executive Office of the President, Office of Management and Budget (Apr. 9, 2021), pg. 13, available at <https://www.whitehouse.gov/wp-content/uploads/2021/04/FY2022-Discretionary-Request.pdf>.

⁴ *Id.* at pg. 26.

from Northern Triangle countries on migration issues,⁵ the Biden Administration has simply announced this “commitment” with apparently no strings attached.

In fact, the “root causes” of the current border crisis are the Biden Administration’s reckless rhetoric and policies which quickly and haphazardly rolled back successful deterrent policies implemented by President Trump. The strategy of sending cash payments to foreign countries to stem the tide of illegal immigration caused by Biden Administration policies is naïve and misguided. Moreover, the countries identified as potential recipients include some of the most corrupt countries in the world, with El Salvador and Guatemala ranking in the top ten.⁶ This raises further concerns that such aid would simply be wasted on corrupt politicians and organizations serving their own interests, and not those of the interests’ of the American people.

To assist Congress in conducting important oversight of the Administration’s plan to funnel money to corrupt regimes as part of an immigration policy strategy, please provide the following information no later than May 17, 2021 for the time period January 20, 2021 to the present:

1. All documents and communications referring or relating to directing cash payments or transfers to foreign governments, organizations, or individuals for the purpose of discouraging illegal immigration from residents of the Northern Triangle to the United States;
2. All documents or communications containing a description of the proposed recipients of cash payments or transfers to foreign governments, organizations, or individuals for the purpose of discouraging illegal immigration from residents of the Northern Triangle to the United States;
3. All documents and communications referring or relating to any analysis or prediction of how such cash payments or transfers to foreign governments, organizations, or individuals would impact the situation on the southwest border, particularly in reference to reducing the number of illegal border crossings by residents of the Northern Triangle;
4. All documents and communications referring or relating to concerns with corruption or misuse of funds of governments or organizations in the Northern Triangle that receive U.S. taxpayer funds in the form of aid or are intended to receive U.S. taxpayer funds in the form of cash payments or transfers intended to discourage illegal immigration from residents of the Northern Triangle to the United States.

⁵ Finnegan, Conor & Quinn Owen, *Trump admin resumes some aid to Central America in exchange for asylum cooperation*, ABC NEWS (Oct. 18, 2019), available at <https://abcnews.go.com/Politics/trump-admin-resumes-aid-central-america-exchange-asylum/story?id=66366902>.

⁶ Alas, Horus, *The 10 Most Corrupt Countries, Ranked by Perception*, U.S. NEWS & WORLD REPORT (Apr. 13, 2021), available at <https://www.usnews.com/news/best-countries/articles/10-most-corrupt-countries-ranked-by-perception>.

Acting Director Young
May 3, 2021
Page 3 of 3

5. All apportionments and reapportionments for FY 2021 that are in effect, including documentation of the approval date of each such apportionment action and any footnotes, for any applicable Treasury Appropriation Fund Symbol used for cash payments or transfers intended to discourage illegal immigration from residents of the Northern Triangle to the United States.

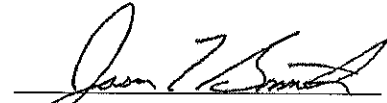
Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074.

Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jason Smith
Ranking Member
Committee on the Budget

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable John Yarmuth, Chairman
Committee on the Budget

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) 225-5374

<https://oversight.house.gov>

May 3, 2021

Dr. Jane Lubchenco
Deputy Director for Climate and Environment
Office of Science and Technology Policy
Executive Office of the President
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear Dr. Lubchenco:

We are conducting oversight on the decision to remove Dr. Betsy Weatherhead, a qualified and dedicated atmospheric scientist, from her position at the Office of Science and Technology Policy (OSTP) supervising the U.S. government's report on climate change.¹ As such, we request documents and information about the decision to remove her from that position, including the process used for this decision.

According to media reports, Dr. Weatherhead has been reassigned to the U.S. Geological Survey.² Weatherhead was hired into the government as a career civil service employee in November 2020, and then she was tapped to lead the federal government's efforts on the National Climate Assessment.³ Although she was hired as a career employee, Kevin Droegemeir, the Trump-appointed Director of the White House's Office of Science and Technology Policy, selected her to oversee the National Climate Assessment.⁴ The National Climate Assessment aims to "summarize the impacts of climate change on the United States, now and in the future."⁵ The reports is compiled by a group of more than 300 experts that are guided by a 60 person Federal Advisory Committee.⁶ While Dr. Weatherhead has decades of

¹ Jason Samenow, *White House removes scientist picked by Trump official to lead key climate report*, THE WASH. POST (April 18, 2021), <https://www.washingtonpost.com/weather/2021/04/18/betsy-weatherhead-removed-white-house/>

² *Id.*

³ Jason Samenow & Andrew Fredman, *Trump administration taps mainstream climate scientist to run key climate review*, THE WASH. POST (Nov. 4, 2020), <https://www.washingtonpost.com/weather/2020/11/04/national-climate-assessment-director/>

⁴ *Id.*

⁵ U.S. Global Change Research Program, *National Climate Assessment*, (viewed on April 4, 2021), <https://nca2014.globalchange.gov/#submenu-highlights-overview>

⁶ *Id.*

experience in climate science, both in the private sector and academic arena, it appears the Biden administration is continuing to purge officials in the government based on their ties to the Trump Administration.

Dr. Weatherhead was removed from her position at OSTP even though she has years of experience in climate science. She previously served as senior scientist for Jupiter Intelligence, a company that “uses human and artificial intelligence to help companies look into the future and see the potential impact of climate change on their businesses.”⁷ She also had a 25 year career in academia at the University of Colorado.⁸ While working for the University of Colorado she was a contributor to the Intergovernmental Panel on Climate Change’s reports.⁹

When Dr. Weatherhead was named the Director of the National Climate Assessment she received widespread adulation from Democrats, Republicans, and even Obama Administration officials.¹⁰ Don Wuebbles, who led the advancement of the Climate Science Report for the Fourth National Climate assessment during the Obama administration, stated that Dr. Weatherhead is “bright and accomplished...and she’s certainly a reasonable choice for this.”¹¹ With deep praise from both sides of the political aisle for the qualifications of Dr. Weatherhead, her reassignment within the first months of a new Administration solely based on her ties to the Trump Administration demonstrates yet another example of a deeply troubling partisan political agenda.

In order for Committee Republicans to better understand OSTP’s reasoning for the reassignment of Dr. Weatherhead in what appears to be a politically motivated decision, please provide the following documents and information as soon as possible but no later than May 17 2021.

- (1) All documents and communications from January 20, 2021 to present, related to the decision to reassign Dr. Betsy Weatherhead from her position as Director of the Fifth National Climate Assessment to the U.S. Geological Survey.
- (2) All documents and communications from January 20, 2021 to present, relating to OSTP’s plans to finish the Finish National Climate Assessment by 2023 without a Director in place.
- (3) All documents and communications between OSTP and any outside persons or organizations, from January 20, 2021 to present related to the decision to reassign Dr. Betsy Weatherhead from her position as Director of the Fifth National Climate Assessment to the U.S. Geological Survey.

⁷ Cassie Ordonio, *Jupiter Intelligence Shows Companies How Climate Change Will Impact Them*, <https://www.hawaiibusiness.com/jupiter-intelligence/>

⁸ Samenow, *supra* note 1

⁹ *Id.*

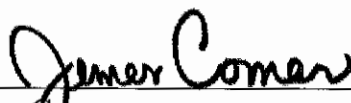
¹⁰ Samenow, *supra* note 3

¹¹ Samenow, *supra* note 1

Dr. Jane Lubchenco
Page 3
May 3, 2021

To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Ralph Norman
Ranking Member
Subcommittee on Environment

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Ro Khanna
Subcommittee on Environment

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) 225-6074

<https://oversight.house.gov>

May 4, 2021

Ms. Dana Remus
Counsel to the President
The White House
Washington, D.C. 20500

Dear Ms. Remus:

We are conducting oversight of Special Envoy for Climate John Kerry's reported decision to provide potentially classified intelligence to Iran. Secretary Kerry allegedly not only provided Iran with sensitive information during his time as Secretary of State, but also while President Trump was in office in an apparent attempt to undermine his Administration. This raises serious concerns about Secretary Kerry's fitness to serve in his current role with the National Security Council (NSC) and whether these allegations should affect Secretary Kerry's ability to maintain a security clearance.

According to the *New York Times*, Secretary Kerry leaked potentially highly sensitive intelligence about Israel, a U.S. ally, to Iran, a state sponsor of terror and enemy of the U.S.¹ On its face this is highly concerning, but combined with Secretary Kerry's other actions it was a potential malicious act undermining the security of the United States. Secretary Kerry's actions are particularly troubling because he currently serves on the NSC, "[t]he President's principal forum for considering national security and foreign policy matters with his or her senior advisors and cabinet officials."² This position of public trust requires a security clearance, and it is unclear whether the White House Security Office has investigated Secretary Kerry's ability to maintain a security clearance in light of these new allegations.

On an audio tape leaked last weekend Iranian Foreign Minister Mohammad Javad Zarif claims Secretary Kerry informed him of "at least 200 times" that "Israel had attacked Iranian interests" in Syria.³ It is unclear if the conversation between Secretary Kerry and Foreign Minister Zarif occurred before or after these strikes were publicly disclosed by Israel. Secretary Kerry's decision to share this information with Iran—despite its relationship with international terror organizations—poses serious questions about his ability to maintain the security clearance required to serve on the NSC.

¹ Farnaz Fassihi, *Iran's Foreign Minister, in Leaked Tape, Says Revolutionary Guard Set Policies*, N.Y. TIMES (Apr. 25, 2021), <https://www.nytimes.com/2021/04/25/world/middleeast/iran-suleimani-zarif.html>.

² *National Security Council*, THE WHITE HOUSE (last accessed Apr. 28, 2021), <https://www.whitehouse.gov/nsc/>.

³ Fassihi, *supra* note 1.

This is not the first time that Secretary Kerry undermined U.S. foreign policy interests by talking with Iran. He also met with Foreign Minister Zarif as a private citizen in 2017, 2018, and 2019. The goal of these meetings was reportedly “to devise a political strategy to undermine the Trump administration.”⁴ Secretary Kerry’s decision to provide information to Iran poses serious questions about his ability to serve in a role of public trust.

In the prior Congress, Democrats launched an investigation into the security clearance process at the White House regarding “grave breaches of national security” such as “disregarding established procedures for safeguarding classified information.” The allegations related to Secretary Kerry necessitate a similar review.⁵ The actions by Secretary Kerry appear to undermine his ability to continue representing the United States on the world stage as well as maintain a security clearance.

To better understand what, if any steps, the White House has taken to review the allegations and ensure our nation’s security, please provide the following documents and information no later than May 18, 2021, for the time period November 3, 2020, to the present:

1. All documents and communications related to the background investigations and security clearances of Secretary John Kerry, including but not limited to:
 - a. Information provided in response to questions in Sections 19, 20A, 20B, and 20C of any security clearance applications, renewal applications, or amendments;
 - b. All documents relating to investigative and steps taken relating to security clearances including Foreign Influence and Foreign Preference; and
 - c. Any other documents submitted by Secretary John Kerry relating to contacts with foreign nationals;
2. All documents and communications between or among members of President Biden’s Transition Team and the White House referring or relating to background investigations, White House clearances, interim security clearances, or permanent security clearances of Secretary John Kerry; and
3. Documents sufficient to show whether President Biden’s Transition Team or the White House granted access to sensitive or classified information to Secretary John Kerry pending a permanent security clearance being granted.

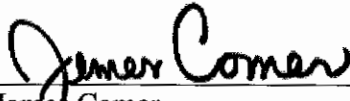
⁴ Ben Wolfgang & Guy Taylor, *Biden team colluded with Iran to foil Trump diplomacy*, WASH. TIMES (Feb. 21, 2021), <https://www.washingtontimes.com/news/2021/feb/21/john-kerry-held-backchannel-talks-iran-javad-zarif/>.

⁵ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Pat Cipollone, Counsel to the President (Jan. 23, 2019).

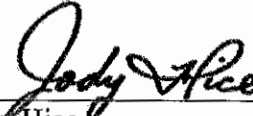
Ms. Dana Remus
May 4, 2021
Page 3

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. Thank you for your attention to this important inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations



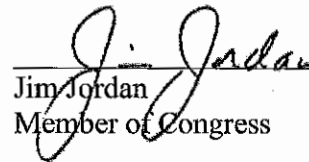
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



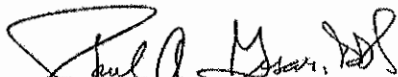
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy




Ralph Norman
Ranking Member
Subcommittee on Environment



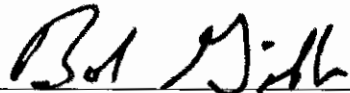
Jim Jordan
Member of Congress



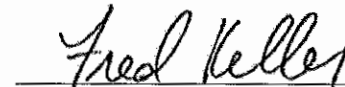
Paul A. Gosar, D.D.S.
Member of Congress



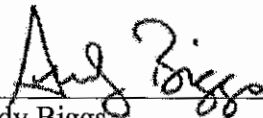
Virginia Foxx
Member of Congress



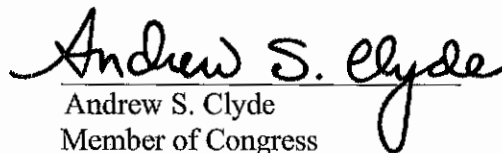
Bob Gibbs
Member of Congress



Fred Keller
Member of Congress

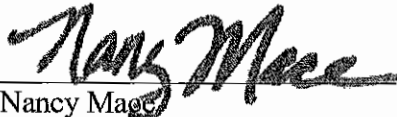


Andy Biggs
Member of Congress

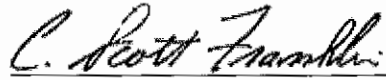


Andrew S. Clyde
Member of Congress

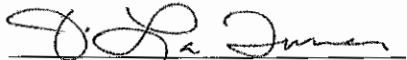
Ms. Dana Remus
May 4, 2021
Page 4



Nancy Mace
Member of Congress



Scott Franklin
Member of Congress



Jake LaTurner
Member of Congress



Yvette Herrell
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna
Subcommittee on Environment

Congress of the United States

Washington, DC 20515

May 6, 2021

The Honorable David S. Ferriero
Archivist of the United States
The U.S. National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Dear Archivist Ferriero,

We write to express our continued concern with the records request backlog at the National Personnel Records Center (NPRC). The NPRC serves as the “repository of millions of military personnel, health, and medical records of discharged and deceased veterans of all services.”¹ Veterans and their families may need access to these records to provide evidence that may substantiate a VA claim or overturn a prior decision on VA benefits and services; apply for State benefits; update their medical history, etc. The backlog of requests raises concerns about the government’s ability to care for those who honorably served in a timely manner. According to the National Archives and Records Administration’s (NARA’s) own reporting, in March 2021 there was a backlog of almost 500,000 records requests.² That is unacceptable.

According to media reports, the records backlog related to the COVID-19 pandemic “may be far worse than anyone realized, leaving hundreds of thousands of veteran families without access to benefits.”³ NPRC sent its employees home in March 2020 because of the pandemic and most records are not accessible remotely.⁴ This pause in NPRC work flow has resulted in some veterans waiting over a year for their records.⁵ The records that veterans are unable to obtain may impact access to, “benefit payments,... veterans’ facilities and homeless shelters, as well as burials in veterans’ cemeteries,” among others.⁶

Some families of veterans have waited weeks to bury their loved ones and elderly dependents have waited long periods of time to receive a decision on their claim for VA Aid and Attendance benefits.⁷ Moreover, veterans may need a copy of their DD Form 214 to prove they

¹ The Nat’l Archives, Nat’l Personnel Records Center, *Military Personnel Records*, available at <https://www.archives.gov/personnel-records-center/military-personnel>.

² See The Nat’l Archives, Nat’l Personnel Records Center, Press Release, *National Personnel Records Center Prepares for Expansion of Onsite Workforce*, Mar. 8, 2021, available at <https://www.archives.gov/press/press-releases/2021/nr21-30>.

³ Noah Pransky, *Veterans Across U.S. Can’t Access Benefits Because Key Agency Hasn’t Returned to Work*, NBCLX, Mar. 16, 2021, available at https://www.lx.com/politics/veterans-across-u-s-cant-access-benefits-because-key-agency-hasnt-returned-to-work/32884/?_osource=sm_npd_nbc_lx_eml_gen.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

received an honorable discharge for employment purposes, such as hiring requirements for certain law enforcement occupations. It is troubling that the government is failing those who sacrificed for the country. It is inexcusable that we are now unable to even provide them with paperwork documenting their service.

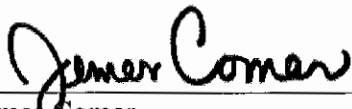
On March 31, 2021, you wrote to congressional leaders to highlight efforts you have taken to increase the productivity at the NPRC, including offering vaccinations to staff and the decision to bring 25 percent of the staff back to the office.⁸ While this update was helpful and appreciated, questions remain about NPRC's lack of planning that led to a records request backlog of nearly 500,000 during the pandemic. It is also unclear what the current wait time is for veterans requesting records, how NPRC prioritizes requests from VA and veterans, how NPRC is spending the emergency funding provided by Congress, how long it may take to ensure there is not an extensive backlog, and what plans are in place to get more employees back in the office given the inability to process requests remotely.

As you may know, the Committee on Oversight and Reform has primary legislative jurisdiction over NARA and is the oversight committee of the U.S. House of Representatives with broad authority to investigate "any matter" at "any time" under House Rule X. The Committee on Veterans' Affairs is the oversight committee over veterans' matters including compensation, burial, and transition to civilian life.

As Members of the respective committees, and in order for us to better understand what steps NARA is taking to ensure all veterans and their families have the ability to obtain the information to which they are entitled, we request that you brief us on your plan to remediate the backlog and address the questions raised above. Please make arrangements to schedule this briefing with Republican staff no later than May 13, 2021. To schedule the briefing, please contact Committee staff at (202) 225-5074.

Thank you in advance for your cooperation with this matter.

Sincerely,

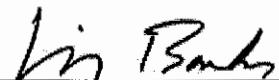



James Comer
Ranking Member
Committee on Oversight and Reform

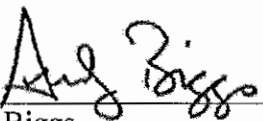



Mike Bost
Ranking Member
Committee on Veterans' Affairs

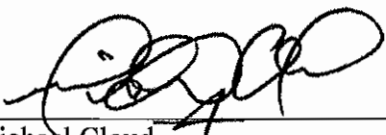
⁸ Letter from David S. Ferriero, Archivist of the U.S., the Nat'l Archives, to James Comer, Ranking Member, H. Comm. on Oversight & Gov't Reform., et al., (Mar. 31, 2021).

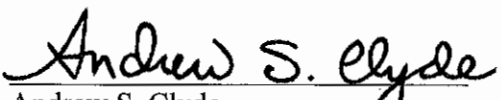

Jim Banks
Member of Congress

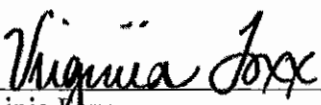

Jack Bergman
Member of Congress

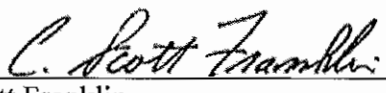

Andy Biggs
Member of Congress

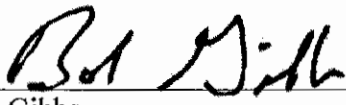

Madison Cawthorn
Member of Congress



Michael Cloud
Member of Congress

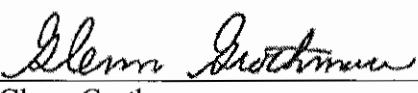

Andrew S. Clyde
Member of Congress


Virginia Foxx
Member of Congress

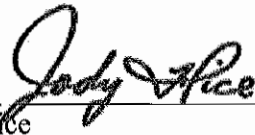

Scott Franklin
Member of Congress

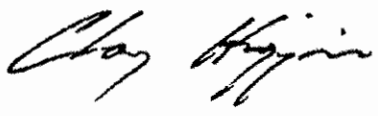

Bob Gibbs
Member of Congress

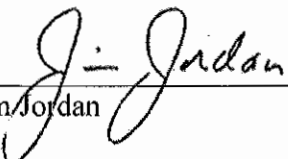

Paul A. Gosar, D.D.S.
Member of Congress


Glenn Grothman
Member of Congress


Yvette Herrell
Member of Congress

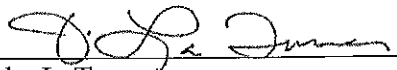

Jody Hice
Member of Congress


Clay Higgins
Member of Congress


Jim Jordan

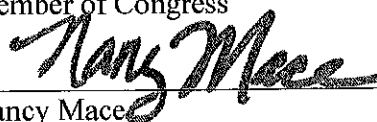

Fred Keller

Member of Congress

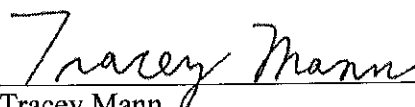


Jake LaTurner
Member of Congress

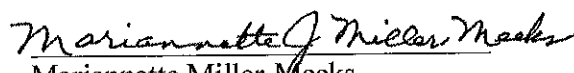
Member of Congress



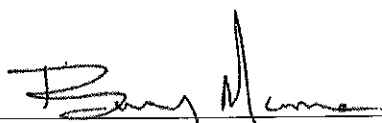
Nancy Mace
Member of Congress



Tracey Mann
Member of Congress



Mariannette Miller-Meeks
Member of Congress



Barry Moore
Member of Congress



Gregory F. Murphy, M.D.
Member of Congress



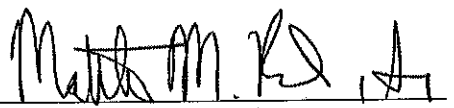
Troy E. Nehls
Member of Congress



Ralph Norman
Member of Congress



Aumua Amata Coleman Radewagen
Member of Congress



Matthew M. Rosendale, Sr.
Member of Congress



Chip Roy
Member of Congress

cc: The Honorable Carolyn B. Maloney, Chairwoman
House Committee on Oversight and Reform

The Honorable Mark Takano, Chairman
House Committee on Veterans' Affairs

Scott Levins, Director
National Personnel Records Center

Congress of the United States

Washington, DC 20515

May 11, 2021

Dr. Rochelle Walensky
Director
Centers for Disease Control and Prevention
395 E. Street, S.W., Suite 9100
Washington, D.C. 20201

Dear Dr. Walensky:

We are conducting oversight over reported improper outside influence on the Centers for Disease Control and Prevention (CDC) guidance entitled “*Operational Strategy for K-12 Schools through Phased Prevention*” (Operational Strategy) by the American Federation of Teachers (AFT), a political union representing teachers nationwide. The AFT does not represent scientists and is a political group, not a group committed to medical science.

President Joe Biden set a goal of fully reopening the majority of K-12 schools five days a week during his first 100 days in office.¹ As of April 19, 2021, 47 percent of school districts are educating America’s children in the classroom five days a week, which means President Biden is failing to stand up and fight for the educational needs of children in more than half of America’s schools.² What is just as alarming is that this failure was preceded by—and perhaps aided by—the AFT apparently pressuring the CDC to amend its school reopening guidance to exclude full reopening of classrooms.³ President Biden promised his Administration would follow “science and truth.”⁴ Again, President Biden failed America’s children when he bowed down to the bosses at the AFT rather than following the science and standing up for what is best for young students. The lives and education of America’s children must be governed by medical science, not political science.

On February 12, 2021, the CDC released the Operational Strategy.⁵ Unfortunately, this guidance did not prioritize the return to full in-person learning but, at the time, advised keeping

¹ Morgan Chalfant, *Bidens says goal is to reopen schools five days a week in first 100 days*, THE HILL (Feb. 16, 2021), <https://thehill.com/homenews/administration/539134-biden-says-goal-is-to-reopen-schools-five-days-a-week-in-first-100>.

² *Return 2 Learn Tracker*, AMERICAN ENTERPRISE INSTITUTE (last accessed May 3, 2021), https://www.returntolearnteacher.net/?mkt_tok=NDc1LVBCUS05NzEAAAF8t_gpZbLCDa3DHCiHar4_Dhc6fdWUe0NafLWldgOZYt0OUf6lLpwH8xKAY88chlWwAXkzKkDB8jORDxO3Z1SIRK0aWHTkH-3sgZV3nspQBtu5.

³ Jon Levine, *Powerful teachers union influenced CDC on school reopenings, emails show*, N.Y. POST (May 1, 2021), <https://nypost.com/2021/05/01/teachers-union-collaborated-with-cdc-on-school-reopening-emails/>.

⁴ Adam Cancryn & Tyler Pager, *Biden’s follow-the-science mantra on school meets political reality*, POLITICO (Feb. 13, 2021), <https://www.politico.com/news/2021/02/13/biden-covid-schools-468979>.

⁵ OPERATIONAL STRATEGY FOR K-12 SCHOOLS THROUGH PHASED PREVENTION, U.S. CENTS. FOR DISEASE CONTROL & PREVENTION (last accessed May 3, 2021), https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html#anchor_1616080121423.

more than 90 percent of schools closed.⁶ This absurdity was primarily driven by the CDC's decision to tie reopening schools to the severity of community transmission, a decision widely criticized by medical professionals.⁷

On April 15, 2021, Dr. Anthony Fauci, President Biden's Chief Medical Advisor, testified, "[t]he psychological effects of keeping children out of school are well known. It definitely is not something that is favorable for children. It is much to their advantage to be in school."⁸ Dr. Syra Madad, Senior Director of the Systemic Special Pathogens Program at New York City Health + Hospitals, said, "[s]omething we know one year out in this pandemic is that you can keep schools safe even if you have high rates of community transmission...those benchmarks will probably put more pressure on schools than needed."⁹ Dr. Marty Makary, Chief of the Johns Hopkins University Islet Transplant Surgery Center, said the CDC guidance "further harm[s] children by creating overly burdensome recommendations" and "def[ies] science."¹⁰ Additionally, Dr. Bill Schaffner, an epidemiologist at Vanderbilt University and member of the CDC's Morbidity and Mortality Weekly Report (MMWR) editorial board, said the community transmission metrics were overly restrictive and schools needed to reopen immediately.

Yet many local jurisdictions refuse to fully re-open, citing the CDC guidance as a crutch. We now know this guidance, was influenced, and possibly even written, by the AFT.¹¹

Education professionals—though not, apparently, the AFT—also agree that in-person learning is critical for American students. Just last week the U.S. Education Secretary, Miguel Cardona, stated "[i]n-person learning offers our young people the best opportunity to develop their passions, bond with their peers, and thrive."¹² Dr. Cardona also issued a challenge to "every state and every school district to embrace that shared goal and provide as many students as possible with safe in-person learning this spring."¹³

According to emails obtained by Americans for Public Trust, the AFT was provided a pre-release copy of the Operational Strategy.¹⁴ The pre-release version, written prior to the influence of the AFT, stated that schools could provide in-person education *regardless of*

⁶ Will Feuer, *CDC's classroom guidance would keep 90% of schools at least partially closed*, CNBC (Feb. 18, 2021), <https://www.cnbc.com/2021/02/18/cdcs-classroom-guidance-would-keep-90percent-of-schools-at-least-partially-closed.html>.

⁷ *Id.*

⁸ *Reaching the Light at the End of the Tunnel: A Science-Drive Approach to Swiftly and Safely Ending the Pandemic: Hearing Before the Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform*, 117th (Apr. 15, 2021) (statement by Dr. Anthony Fauci, Chief Medical Advisor, President Biden).

⁹ *Id.*

¹⁰ Marty Makary, *CDC's new COVID school guidelines are scientifically flawed and our kids will pay the price*, FOX NEWS (Feb. 18, 2021), <https://www.foxnews.com/opinion/cdc-covid-school-guidelines-flawed-kids-marty-makary>.

¹¹ Levine, *supra* note 4.

¹² Secretary Miguel Cardona (@SecCardona), Twitter (Apr. 27, 2021, 12:02 P.M.), <https://twitter.com/SecCardona/status/1387074560193744902>.

¹³ Secretary Miguel Cardona (@SecCardona), Twitter (Apr. 30, 2021, 10:20 A.M.), <https://twitter.com/SecCardona/status/1388136262389964801>.

¹⁴ *Id.*

community transmission.¹⁵ But the AFT was able to successfully bully the public health experts at the CDC into politicizing the guidance—in fact, the AFT’s exact suggested language appeared in CDC’s final guidance.¹⁶ Dr. Monica Gandhi, a professor of medicine at the University of California–San Francisco said this peddling of influence by the AFT, and the willingness to accept it by the CDC, is “very, very troubling.”¹⁷ We agree.

It is unclear how many children were locked out of classrooms and negatively impacted by this disturbing change.

When the Operational Strategy was released, you said, “I can assure you [the Operational Strategy] is free from political meddling.”¹⁸ That, however, does not appear to be the case. The AFT’s mission statement includes “political activism” and the AFT has routinely lobbied for and donated to Democrats.¹⁹ During the 2020 election cycle, the AFT spent nearly \$20 million, including more than \$5 million to the Senate Democrats’ Political Action Committee (PAC) and more than \$4.5 million to the House Democrats’ PAC.²⁰ In fact, the top 300 recipients of AFT donations are all Democrat groups or candidates.²¹ Any AFT involvement in official CDC health guidance, such as the Operational Strategy, is the very definition of political meddling and should not be tolerated. It is shocking that Democrats are allowing special interest groups, like the AFT, to alter scientific guidance to the detriment of our nation’s children.

Since the formation of the Select Subcommittee on the Coronavirus Crisis (Select Subcommittee) last Congress, Chairman Clyburn and Select Subcommittee Democrats have unilaterally issued seven oversight letters and a subpoena regarding alleged political interference at the CDC during the Trump Administration.²² The Democrats claimed predicate for this review was “attempt[s] [by government officials] to alter...critical scientific reports from [the] CDC.”²³ Here, Select Subcommittee Democrats are conspicuously silent regarding this example of influence by an outside political donor. Republicans will not stand by and allow Democrats to play politics with the educational future of our children’s education.

We request the following documents and information as soon as possible but no later than May 25, 2021:

¹⁵ *Id* (emphasis added).

¹⁶ *Id*.

¹⁷ *Id*.

¹⁸ Levine, *supra* note 4.

¹⁹ *Take Action*, AMERICAN FEDERATION OF TEACHERS (last accessed May 3, 2021), <https://www.aft.org/action>; *American Federation of Teachers PAC Profile*, OPENSECRETS (last accessed May 3, 2021), <https://www.opensecrets.org/political-action-committees-pacs/american-federation-of-teachers/C00028860/summary/2020>

²⁰ *Id*.

²¹ *Id*.

²² *See generally Letters*, SELECT SUBCOMM. ON THE CORONAVIRUS CRISIS (last accessed May 3, 2021), <https://coronavirus.house.gov/news/letters>.

²³ Letter from James E. Clyburn, et. al., Chairman, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, to Alex M. Azar II, Sec’y, U.S. Dep’t of Health & Human Services, and Robert R. Redfield, Director, U.S. Cents. for Disease Control and Prevention (Sep. 14, 2020).

1. All communications sent or received by Director Walensky regarding the February 12, 2021 guidance entitled “*Operational Strategy for K-12 Schools through Phased Prevention*” released by CDC;
2. All communications sent or received between any employee of the CDC and any employee of the AFT;
3. All drafts of the Operational Strategy including, but not limited to, any draft provided to non-federal government entities or CDC stakeholders for comment;
4. A complete list of all non-federal government entities or CDC stakeholders that were provided a draft or pre-release copy of the Operational Strategy;
5. All documents and communications in preparation for, and resulting from, any phone call between Director Walensky and the AFT; and
6. A complete list, including name, date, and full list of attendees, of all non-federal government entities or CDC stakeholders that met²⁴ with Director Walensky or any employee of the CDC regarding the Operational Strategy.

In addition to the above documents and information, we request a staff-level briefing on the drafting, formulation, and publication of the February 12, 2021 version of the Operational Strategy as soon as possible but no later than May 18, 2021.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Further, the Select Subcommittee on the Coronavirus Crisis is empowered to investigate the “preparedness for and response to the coronavirus crisis, including...containment, mitigation, and surveillance activities.”²⁵

Thank you in advance for your cooperation with this inquiry.

Sincerely,



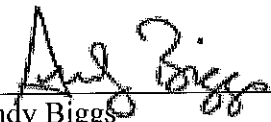
Steve J. Scalise
Ranking Member
Select Subcommittee on the Coronavirus Crisis



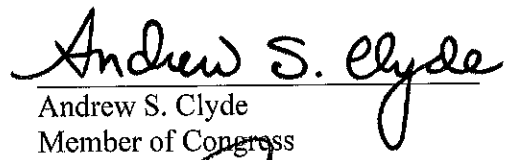
James R. Comer
Ranking Member
Committee on Oversight and Reform

²⁴ “Met with” includes any in person meeting, telephonic meeting, or video conference meeting.

²⁵ H. Res. 935 § 3(a)(4) (2020).



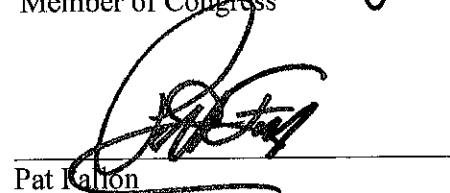
Andy Biggs
Member of Congress



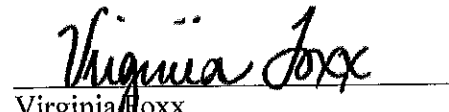
Andrew S. Clyde
Member of Congress



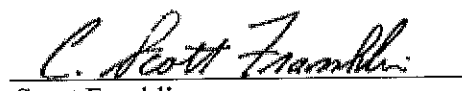
Michael Cloud
Member of Congress




Pat Fallon
Member of Congress




Virginia Foxx
Member of Congress




Scott Franklin
Member of Congress



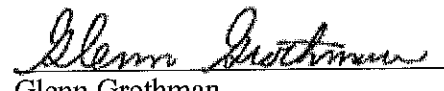
Bob Gibbs
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



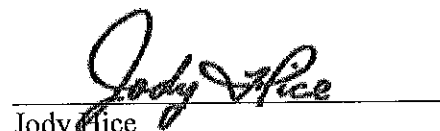
Mark E. Green, M.D.
Member of Congress



Glenn Grothman
Member of Congress



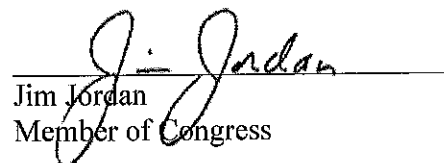
Yvette Herrell
Member of Congress



Jody Hice
Member of Congress



Clay Higgins
Member of Congress



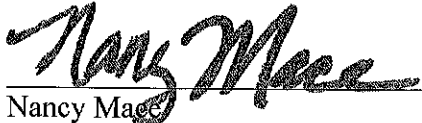
Jim Jordan
Member of Congress



Fred Keller
Member of Congress



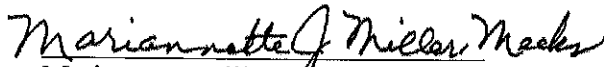
Jake LaTurner
Member of Congress



Nancy Mace
Member of Congress



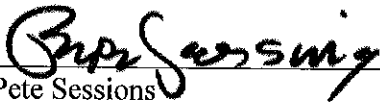
Nicole Malliotakis
Member of Congress



Mariannette Miller-Meeks, M.D.
Member of Congress



Ralph Norman
Member of Congress



Pete Sessions
Member of Congress

cc: The Honorable James E. Clyburn, Chairman
Select Subcommittee on the Coronavirus Crisis

The Honorable Carolyn B. Maloney
Committee on Oversight and Reform

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) 226-5074
<https://oversight.house.gov>

May 12, 2021

The Honorable Jennifer Granholm
Secretary
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Secretary Granholm,

I am conducting oversight of a potential conflict of interest relating to your longstanding relationship with Proterra, Inc. At the time of your confirmation as Secretary of the Department of Energy (DOE), you held a multi-million-dollar stake in the company and served on the board of directors.¹ President Biden recently participated in a virtual event promoting the company, raising questions about how the White House selected Proterra, Inc. for a presidential event, particularly when it appears that you still have a financial stake in the company.²

According to media reports, President Biden participated in a virtual tour of a Proterra, Inc. facility on April 20, 2021 in South Carolina to promote the Administration's green car initiative.³ The company is "a leader in the design and manufacture of zero-emission electric transit vehicles and EV technology solutions for commercial applications."⁴ This week it was reported that you received an Office of Government Ethics (OGE) certificate of divestiture that would allow you to divest over 240,000 shares of Proterra stock, but according to a DOE official the sell-off of the stock has not occurred yet.⁵ Despite scrutiny of your Proterra, Inc. holdings

¹ Brittany De Lea, *Jennifer Granholm: What to know about Biden's energy secretary pick*, FOX BUSINESS (Jan. 25, 2021), <https://www.foxbusiness.com/energy/jennifer-granholm-bidens-energy-secretary-pick>

² Brittany De Lea, *Biden takes virtual tour of company that Energy Secretary Granholm held multimillion-dollar stake in*, FOX BUSINESS (Apr. 20, 2021), <https://www.foxbusiness.com/energy/biden-tour-company-energy-secretary-granholm-stake>

³ *Proterra hosts President Biden for Virtual Tour of EV Manufacturing Facility*, PROTERRA (Apr. 20, 2021), <https://www.proterra.com/proterra-video/proterra-hosts-president-biden-for-virtual-tour-of-ev-manufacturing-facility/>

⁴ *Our Story*, PROTERRA (viewed on May 10, 2021), <https://www.proterra.com/company/>

⁵ Jeremy Dillon, *Granholm prepares to unload electric bus company stock*, E&E NEWS (May 11, 2021), https://www.eenews.net/greenwire/2021/05/11/stories/1063732247?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Agreenwire

during your Senate confirmation hearing and by media reports, the White House still decided to promote the company with a presidential event.⁶ This is concerning.

As the Secretary of Energy, it also appears that you are involved with decisions and issues that directly conflict with your ownership of Proterra, Inc. Specifically, one of the priorities of the Biden Administration's Department of Energy is electric vehicle technology.⁷ The White House issued Executive Order 14017 on February 24, 2021, directing the incoming Secretary of Energy to submit, "a report identifying risks in the supply chain for high-capacity batteries, including electric-vehicle batteries, and policy recommendations to address these risks."⁸ If you are carrying out that Executive Order as intended, your ownership of Proterra, Inc. is even more troubling and raises questions about whether the company receives any preferential treatment from DOE.

While you claim to have been uninvolved with President Biden's virtual visit to Proterra, Inc., you have spent much of your time as Secretary of DOE actively pushing a public relations campaign to endorse electric vehicles, batteries and charging infrastructure.⁹ I want to ensure that you are taking your ethics requirements seriously, and not using your position to profit financially.

In order for Committee Republicans to better understand if there is a conflict of interest relating to your investment in Proterra Inc. please provide the following documents and information as soon as possible but no later than May 26, 2021.

- (1) All documents and communications from January 20, 2021 to present, related to Secretary Granholm's divestiture of Proterra, Inc. stocks.
- (2) All documents and communications from January 20, 2021 to present, related to the planning of the virtual visit that President Biden took to the Proterra electric plant on April 20, 2021.
- (3) All documents and communications from January 20, 2021 to present, between the Department of Energy and the White House regarding President Biden's American Jobs Plan.
- (4) All of Secretary's Granholm's OGE Form 278E filings.

⁶ *Id.*

⁷ Niraj Chokshi, *Biden's Push for Electric Cars: \$174 Billion, 10 Years and a Bit of Luck*, THE NEW YORK TIMES (Mar. 31, 2021), <https://www.nytimes.com/2021/03/31/business/biden-electric-vehicles-infrastructure.html>

⁸ News Release, The White House, Executive Order on America's Supply Chains (Feb. 24, 2021)

⁹ Robert Walton, *DOE will spend billions on electric vehicle R&D in jobs fight with China, Granholm says*, UTILITY DIVE (Mar. 10, 2021), <https://www.utilitydive.com/news/doe-will-spend-billions-on-electric-vehicle-research-in-jobs-fight-with-china/596441/>

The Honorable Jennifer Granholm
Page 3
May 12, 2021

(5) All OGE 278-T forms filed by Secretary Granholm related to Proterra, Inc.

To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "Ralph Norman". The signature is written in a cursive style with a large, stylized initial "R".

Ralph Norman
Ranking Member
Subcommittee on Environment

cc: The Honorable Ro Khanna, Chairman
Subcommittee on Environment

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

May 18, 2021

The Honorable Kathleen McGettigan
Acting Director
U.S. Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

Dear Acting Director McGettigan:

I write today to urge the Federal workforce to return to the fullest possible degree to its normal places of work.

Since the onset of the COVID-19 pandemic—over a year ago—adaptations to the virus and its dangers have led to a high degree of fully remote working arrangements within the federal workforce. The Biden Administration signaled its intention for these practices to continue through the Office of Management and Budget’s (OMB) January 24, 2021, guidance on federal workplace safety. OMB’s guidance directed agencies to “maximize the use of remote work during widespread community transmission...” and that “...occupancy in Federal workspaces should be no more than 25% of normal capacity during periods of significant or high community transmission.”¹ Vaccination rates and COVID-19 immunity are rising rapidly across the Nation.² In addition, the Centers for Disease Control and Prevention recently advised that Americans who are fully vaccinated against the coronavirus may stop wearing masks or maintaining social distance in most indoor and outdoor settings, regardless of size.³ It is time to begin transitioning to the workplace. If it is the administration’s intention to prolong remote working arrangements, then it is appropriate to hold a comprehensive policy discussion around related issues.

Prolonging arrangements taken in an exigent situation is not a permanent solution. Members of Congress from both parties have emphasized that the lack of face-to-face services during the pandemic has had real, negative impacts on veterans, Social Security beneficiaries,

¹ Office of Management and Budget, *Memorandum for Heads of Executive Departments and Agencies – COVID-19 Safe Federal Workplace: Agency Model Safety Principles* (Jan. 24, 2021) (online at [M-21-15 \(whitehouse.gov\)](https://www.whitehouse.gov)).

² Centers for Disease Control, CDC COVID Data Tracker (last visited May 12, 2021)

³ Roni Caryn Rabin, Apoorva Mandavilli and Noah Weiland, *Vaccinated Americans now may go without masks in most places, the C.D.C. said*, N.Y. Times, May 13, 2021

and others who need prompt, attentive service from public servants at federal agencies.⁴ This is particularly critical for the most vulnerable of our constituents including seniors and low-income Americans, as well as individuals who may not have internet access or the computer skills necessary to navigate an entirely virtual interaction with a government agency.

These are not hypothetical concerns. The Treasury Inspector General for Tax Administration recently found, at least with respect to the IRS, that “[a]lthough customer service operations have resumed, the IRS’s ability to provide adequate assistance to taxpayers continues to be affected by COVID-19” in part because of a limit on the number of employees who can physically present themselves to any given IRS office.⁵ That report noted that “[t]he information provided by the IRS raises significant concerns about taxpayers’ ability to obtain assistance during the 2021 Filing Season.”⁶ This raises concerns that other customer-service oriented federal agency functions are suffering from near uniform virtual work.

Even at agencies without daily direct contact with the public, the implementation of fully remote workplaces was not without serious concerns. For example, the Department of Defense Inspector General recently found that some Department of Defense (DOD) components failed to provide sufficient network capacity, communication tools, and equipment to enable personnel to be fully productive during the maximum telework precipitated by the COVID-19 pandemic.⁷ This caused some personnel to use “their own alternative solutions including the use of unauthorized video conferencing applications and personal laptops, printers, and cell phones to complete their work” which “increases the risk of exposing sensitive departmental information that could impact national security and DOD missions.”⁸

If the intention is to shift to remote working, there are other issues that must be addressed. For example, with the federal government spending approximately \$10 billion per year on building and rental costs, there is the question how much is actually needed if workers are not going to be in offices.⁹ It should also be noted that many employees receive large locality pay increases to their base pay; these are based on where they work, not where they live. For example, workers in the Washington, DC region receive an additional locality payment of 30.48% of their base salary.¹⁰ Even if they are now working fully remotely and not commuting to

⁴ See, e.g., Fedweek, *Calls Grow for Returning More Federal Employees to Their Regular Worksites* (May 4, 2021) (online at [Calls Grow for Returning More Federal Employees to Their Regular Worksites \(fedweek.com\)](https://www.fedweek.com)).

⁵ Treasury Inspector General for Tax Administration, *Assessment of the Effects of the Coronavirus Pandemic on Customer Service Operations* (Apr. 22, 2021) (2021-46-029), available at <https://www.treasury.gov/tigta/auditreports/2021reports/202146029fr.pdf>.

⁶ *Id.* at pg. 7.

⁷ Department of Defense Inspector General, *Evaluation of Access to Department of Defense Information Technology and Communications During the Coronavirus Disease-2019 Pandemic* (Mar. 30, 2021) (DODIG-2021-065), available at <https://media.defense.gov/2021/Apr/01/2002612366/-1/-1/1/DODIG-2021-065.PDF>.

⁸ *Id.*

⁹ U.S. General Services Administration and U.S. Office of Personnel Management, *FY 2021 Congressional Justification at GSA-4* (Feb. 10, 2020) (online at [GSA FY2021 Congressional Justification.pdf](https://www.gsa.gov)).

¹⁰ See Office of Personnel Management, *Salary Table 2021-DCB Effective January 2021*, available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB.pdf>.

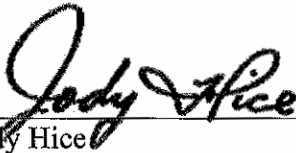
Acting Director McGettigan
May 18, 2021
Page 3

work. If fully remote work arrangements continue indefinitely into the future, the taxpayers would benefit from reassessing whether remote workers should be considered eligible for locality pay.

In order to facilitate oversight over these important issues, I request a staff-level briefing no later than May 25, 2021 regarding the preparation and planning currently underway for a return of the federal workforce to its ordinary work locations. To make arrangements for the briefing or to ask any related follow-up questions, please contact Oversight and Reform Republican Staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "Jody Hice". The signature is written in a cursive style with a large initial "J".

Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Carolyn B. Maloney, Chairwoman, Committee on Oversight and Reform
The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

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MAJORITY (202) 225-8051
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<https://oversight.house.gov>

May 24, 2021

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Austin:

I write today to express my concern with a recent decision to relieve Lt. Col. Matthew Lohmeier of command, apparently for expressing concern with mandated diversity, equity and inclusion training in the U.S. Armed Forces which promotes Critical Race Theory. The decision to relieve him of his command and announcement that he is under investigation appears to be a politically motivated attempt to silence servicemembers' disagreement with Critical Race Theory and its impact on unit cohesion and military readiness.

Recently, I introduced legislation, the Contents of Our Character Act, to prohibit employee training programs that promote race or sex stereotyping or scapegoating within Federal agencies. The proliferation of Critical Race Theory, a radical theory rooted in Marxism which divides and then treats people differently based on their skin color, necessitated this legislation. The actions taken against Lt. Col. Lohmeier further illustrate the need for such a measure.

On May 14, 2021, Lt. Col. Matthew Lohmeier was relieved of his command of the 11th Space Warning Squadron at Buckley Air Force Base in Colorado.¹ A military spokesperson stated that the decision "was based on public comments made by Lt. Col. Lohmeier in a recent podcast" and that Lt. Gen. Stephen Whiting, head of Space Operations Command, "has initiated a Command Directed Investigation on whether these comments constituted prohibited partisan political activity."²

I am concerned that the military has characterized this servicemember's public comments as potentially violating laws prohibiting partisan political activities in the course of his official duties. And particularly in this case, the servicemember did not advocate for or criticize any candidate for partisan political office or political party during his comments in a recent

¹ Pawlyk, Oriana, *Space Force CO Who Got Holiday Call from Trump Fired Over comments Decrying Marxism in the Military*, Military.com (May 15, 2021), available at <https://www.military.com/daily-news/2021/05/15/space-force-co-who-got-holiday-call-trump-fired-over-comments-decrying-marxism-military.html>.

² *Id.*

podcast interview.³ In fact, after reviewing his comments, it is not clear why Lt. Col. Lohmeier was relieved of his command or is being investigated at all. During the interview, Lt. Col. Lohmeier comported himself calmly and with a reasoned approach as he engaged with his studied opinions on the issue of cultural Marxism being propagated within the military. He was polite, courteous, highly deferential to his superiors, and he did not disparage any individuals when expressing his personal concern that such ideologies, including the imposition of Critical Race Theory, would have a negative impact on unit cohesion and military readiness.

Regardless of the popularity of his opinions, expressing his beliefs did not imperil his ability to command or harm the military in any way.

In order to facilitate oversight over the military's decision to demote Lt. Col. Lohmeier and initiate what appears to be a politically motivated investigation against him, I request a staff-level briefing no later than June 1, 2021 on this action, as well the following:

1. All documents and communications identifying the exact remarks made by Lt. Col. Lohmeier which led to the dismissal from his position as commander of the 11th Space Warning Squadron;
2. All documents and communications identifying the exact remarks made by Lt. Col. Lohmeier which would justify initiating an investigation into whether he engaged in prohibited partisan political activity, as well as the provision(s) of law or policy he is alleged to have potentially violated;
3. All documents and communications indicating the exact provision(s) of the Uniformed Code of Military Justice, Air Force regulations, or other laws or policies which Lt. Col. Lohmeier is accused of having violated by expressing his opinion in opposition to Critical Race Theory;
4. All documents and communications between Lt. Gen. Stephen Whiting and any other person regarding the decision of whether to relieve Lt. Col. Lohmeier of his command and/or regarding the decision of whether to initiate an investigation into Lt. Col. Lohmeier;
5. All documents and communications regarding servicemembers who have expressed an objection to training based on Critical Race Theory, as well as any documents and communications demonstrating that disciplinary action or an investigation was initiated against those servicemembers;

³ See Information Operation Podcast, Episode 26, *Interview with Lt. Col. Matthew Lohmeier, USAF on Cultural Marxism in DOD, His Book Irresistible Revolution* (May 7, 2021), available at <https://rumble.com/vgnxbf-io-26-interview-with-lt-col-matthew-lohmeier-usaf-on-crt-in-dod-his-book-ir.html>.

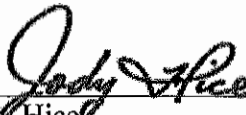
The Honorable Lloyd Austin
May 24, 2021
Page 3 of 3

6. All documents and communications indicating whether the Department of Defense permits servicemembers to hold and express personal opinions in opposition to the use of Critical Race Theory.

To make arrangements for the briefing, document delivery, or to ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you for your cooperation with this inquiry.

Sincerely,



Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Carolyn B. Maloney, Chairwoman, Committee on Oversight and Reform
The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States

Washington, DC 20515

May 25, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
301 7th Street SW
Washington, DC 20528

Dear Secretary Mayorkas:

The Biden border crisis is the direct result of the Biden Administration's radical immigration policies and disrespect for the rule of law. Title 42 public health authority allows an administration to prohibit the entry of persons into the U.S. when it is in the public health interest to do so. While the Trump Administration successfully used Title 42 to prohibit the entry of aliens into the U.S. during the COVID-19 pandemic, the Biden Administration has begun granting exemptions to that prohibition. Because the Department of Homeland Security (DHS) refuses to disclose its criteria for granting these exemptions, we write to request this information.

The Trump Administration's use of Title 42 authority was appropriate and necessary.¹ As the pandemic continues to plague foreign countries, especially in Central America, Title 42 is even more critical to protect the health of Americans from COVID-19 variants and avoid undermining the recovery progress that has been made. Unfortunately, the Biden Administration has been chipping away at the effectiveness of this Title 42 authority by exempting aliens from the expulsion requirements.

On February 17, 2021, the Centers for Disease Control and Prevention (CDC) announced that it would exempt Unaccompanied Alien Children (UAC) from the Title 42 prohibition on entry.² That exception, in addition to the exemptions already in place for certain family units, allowed nearly 64,000 illegal aliens encountered along the southwest border in April 2021 to enter the U.S. instead of being expelled from the country.³ According to Customs and Border Protection data, over 151,000 illegal aliens encountered on the southwest border have been exempted from Title 42 expulsion since the beginning of the Biden Administration.

¹ Press Release, U.S. Dep't of Homeland Sec., Fact Sheet: DHS Measures on the Border to Limit the Further Spread of Coronavirus (Mar. 23, 2020), <https://www.dhs.gov/news/2020/10/19/fact-sheet-dhs-measures-border-limit-further-spread-coronavirus>.

² Notice of Temporary Exception From Expulsion of Unaccompanied Noncitizen Children Pending Forthcoming Public Health Determination, 86 Fed. Reg. 9,942 (Feb. 17, 2021).

³ U.S. Customs and Border Protection, *U.S. Border Patrol Monthly Enforcement Encounters 2021: Title 42 Expulsions and Title 8 Apprehensions*, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics>.

Subsequently, on May 12, 2021, the Department of Homeland Security (DHS) issued the following statement attributable to a DHS spokesperson:

As the United States continues to enforce the CDC Order under its Title 42 public health authority, we are working to streamline a system for identifying and lawfully processing particularly vulnerable individuals who warrant humanitarian exceptions under the order. This humanitarian exception process involves close coordination with international and non-governmental organizations in Mexico and COVID-19 testing before those identified through this process are allowed to enter the country.⁴

In a subsequent staff briefing, DHS officials indicated that while it had granted only around 50 exceptions to the Title 42 expulsion protocol during the first week, that number rose to about 40 to 50 exceptions *per day* in the second week. DHS officials also explained that certain unidentified non-governmental organizations (NGOs) were helping DHS to identify potential aliens for Title 42 exceptions. Despite repeated requests, DHS officials declined to disclose the exact criteria it was using to grant Title 42 exceptions. DHS since confirmed that it conceded to American Civil Liberties Union demands to admit “approximately 250” aliens a day, or 7,750 per month, based on the criteria.⁵ Given the Biden Administration’s seeming propensity to weaken Title 42 expulsions authority and increase the number of aliens not subject to Title 42 expulsion, we can only assume the number of aliens admitted based on the criteria will increase substantially.

The criteria under which DHS granted these exceptions are necessary for Congress to know to perform our oversight of the Biden Administration’s immigration enforcement. Not only could these exceptions incentivize additional illegal entries in the U.S., but once paroled into the country, these foreign nationals can seek employment authorization. In addition, because DHS is working with NGOs to identify potential aliens for Title 42 exceptions, it appears that DHS is willing to provide more information about immigration policies to these NGOs than to the United States Congress.

As the Ranking Members of the House committees of relevant jurisdiction, we are entitled to know what criteria you believe to warrant a humanitarian exception from Title 42 expulsion protocol as well as the NGOs with which you are working to determine eligibility of those seeking the exception. For those reasons, please provide us with the specific criteria that the Biden Administration is using to identify and process “particularly vulnerable individuals who warrant humanitarian exceptions” to the Title 42 public health authority order, and the names of the NGOs with which you are working on this issue. Please provide these materials as soon as possible but by no later than 5:00 p.m. on May 28, 2021.

⁴ U.S. Dep’t of Homeland Security, Office of Public Affairs, *DHS Improves Process for Humanitarian Exceptions to Title 42* (May 12, 2021).

⁵ Camilo Montoya-Galvez, *US Commits to Admitting 250 Asylum Seekers Per Day in Concession to Advocates* CBSNEWS (May 18, 2021), <https://www.cbsnews.com/news/u-s-to-admit-250-asylum-seekers-per-day-in-concession-to-advocates/>.

The Honorable Alejandro Mayorkas
May 25, 2021
Page 3

If you have any questions about this request, please contact House Judiciary Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Ranking Member
House Committee on the Judiciary



John Katko
Ranking Member
House Committee on Homeland Security



James Comer
Ranking Member
House Committee on Oversight and Reform

cc: The Honorable Jerrold Nadler, Chairman, House Committee on the Judiciary

The Honorable Bennie Thompson, Chairman, House Committee on Homeland Security

The Honorable Carolyn Maloney, Chairwoman, House Committee on Oversight and Reform

Congress of the United States

Washington, DC 20515

May 28, 2021

The Honorable Francis Collins, M.D., Ph.D.
Director
National Institutes of Health
9000 Rockville Pike
Rockville, M.D. 20892

Dr. Anthony Fauci
Director
National Institute of Allergy and Infectious Diseases
5601 Fishers Lane, MSC 9806
Bethesda, M.D. 20892

Dear Directors Collins and Fauci:

House Republicans are investigating the origins of COVID-19. We are particularly interested in a National Institutes of Health (NIH) grant awarded to EcoHealth Alliance (EcoHealth), which subsequently awarded funds to the Wuhan Institute of Virology (WIV).¹ Under this grant, EcoHealth and the WIV conducted studies on emerging coronaviruses—like COVID-19, their potential for human-to-human transmission, and the risk of a new pandemic.² There is mounting evidence the COVID-19 pandemic started in the WIV, and the Chinese Communist Party (CCP) covered it up.³ If U.S. taxpayer money was used to develop COVID-19, conduct gain of function research, or assist in any sort of cover-up, EcoHealth must be held accountable.

EcoHealth has awarded almost \$600,000 dollars to the WIV and another \$200,000 to the Wuhan University School of Public Health. On July 8, 2020, NIH Deputy Director for Extramural Research Dr. Michael Lauer sent a letter to EcoHealth expressing concern over its relationship with the WIV and suspended EcoHealth's grant pending answers to several routine

¹ Grant from U.S. Dep't of Health & Human Servs., Nat'l Inst. Of Allergy and Infectious Diseases, to EcoHealth Alliance Inc., R01AI110964 (June 1, 2014), https://www.usaspending.gov/award/ASST_NON_R01AI110964_7529.

² Josh Rogin, *State Department cables warned of safety issues at Wuhan lab studying bat coronaviruses*, THE WASH. POST (Apr. 14, 2020), <https://www.washingtonpost.com/opinions/2020/04/14/state-department-cables-warned-safety-issues-wuhan-lab-studying-bat-coronaviruses/>.

³ Michael R. Gordon, Warren P. Strobel, and Drew Hinshaw, *Intelligence on Sick Staff at Wuhan Lab Fuels Debate on Covid-19 Origin*, WALL ST. J. (May 23, 2021), <https://www.wsj.com/articles/intelligence-on-sick-staff-at-wuhan-lab-fuels-debate-on-covid-19-origin-11621796228>.

The Honorable Francis Collins
Dr. Anthony Fauci
May 28, 2021
Page 2

questions.⁴ The questions posed by Dr. Lauer raise serious concerns and suggest COVID-19 was spreading worldwide by October 2019. Specifically, Dr. Lauer asked EcoHealth to:

1. Explain the disappearance of Huang Yanling, a scientist who worked in the WIV but whose online presence has since been deleted;
2. Disclose and explain out-of-ordinary restrictions on laboratory facilities, such as diminished cell-phone traffic in October 2019 and roadblocks surrounding the WIV from October 14-19, 2019;
3. Explain the 2012 deaths of three Chinese mine workers from a viral illness, in the WIV collection, with symptoms remarkably similar to COVID-19; and
4. Allow a U.S. government-led inspection of lab facilities and lab records at the WIV regarding COVID-19, including collection of animals.⁵

These questions suggest that EcoHealth knew of the CCP's attempts to cover-up the origins of the COVID-19 pandemic and failed to act or inform the U.S. government. When asked if EcoHealth and WIV could have lied to the government, Dr. Fauci, you said, "I cannot guarantee that . . . because you never know."⁶ The actions of both EcoHealth and the CCP must be thoroughly investigated.

This investigation is more urgent now considering the recent report that, according to U.S. intelligence sources, three researchers from the WIV became ill and sought hospital care in November 2019.⁷ Dr. Lauer's letter suggests that the first cases of COVID-19 occurred even earlier—in October 2019. However, the CCP did not report any COVID-19 cases until December 2019. Based on this new timeline, it is likely COVID-19 was circulating worldwide three months before anyone outside of China was informed of its existence.

Despite U.S. intelligence concerns about the ability of the WIV to properly contain the deadly diseases—including the virus that causes COVID-19—they study, EcoHealth still awarded U.S. taxpayer grant funds to the WIV.⁸ Intelligence reports stated, "during interactions with scientists at the WIV laboratory, [U.S. officials] noted the new lab has a serious shortage of

⁴ Letter from Dr. Michael Lauer, Deputy Director for Extramural Research, U.S. Nat'l Inst of Health, to Drs. Aleksei Chmura & Peter Daszak, EcoHealth Alliance Inc. (July 8, 2020).

⁵ *Id.*

⁶ *National Institutes of Health's FY22 budget and the State of Medical Research: Hearing Before Subcomm. On Labor, Health and Human Services, Education and Related agencies, S. comm. On Appropriations, 117th Cong.* (May 26, 2021)(statement by Dr. Anthony Fauci).

⁷ Gordon, *supra* note 3.

⁸ Grace Panetta, *US officials were reportedly concerned that safety breaches at a Wuhan lab studying coronaviruses in bats could cause a pandemic*, BUSINESS INSIDER (Apr. 14, 2020), <https://www.businessinsider.com/us-officials-raised-alarms-about-safety-issues-in-wuhan-lab-report-2020-4>; Sarah Oweremohle, *Trump cuts U.S. research on bat-human virus transmission over China ties*, POLITICO (Apr. 27, 2020), <https://www.politico.com/news/2020/04/27/trump-cuts-research-bat-human-virus-china-213076>.

The Honorable Francis Collins
Dr. Anthony Fauci
May 28, 2021
Page 3

appropriately trained technicians and investigators needed to safely operate this high-containment laboratory.”⁹ This is alarming.

To prevent future pandemics, Congress is obligated to conduct robust oversight of grant recipients, both current and historic. It is incumbent upon grant recipients to ensure their work is performed within the scope of the grant, advances our national interest, and protects our national security. It is vital to understand if U.S. taxpayer funds were at all affiliated with a pandemic that has taken the lives of nearly 600,000 Americans so we can prevent similar future catastrophes.

To help us better understand the relationship between the U.S. government and EcoHealth and EcoHealth’s ties to the WIV, please provide the following information as soon as possible, but no later than June 11, 2021:

1. All documents and communications between NIH and EcoHealth regarding grant R01AI110964.
2. All documents and communications between NIH and WIV regarding grant R01AI110964.
3. All documents and communications pertaining to or resulting from any U.S. government-led inspection of the WIV arranged by EcoHealth.
4. All documents and communications regarding Potential Pandemic Pathogen Care and Oversight Committee review of R01AI110964.
5. All documents and communications regarding gain of function research funded by EcoHealth or any other U.S. entity.

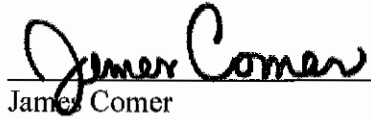
In addition to these documents, please provide a staff-level briefing as soon as possible but no later than June 4, 2021. To schedule the briefing or ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

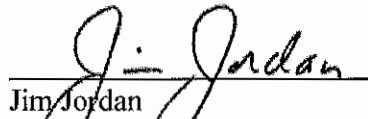
⁹ *Id.*

The Honorable Francis Collins
Dr. Anthony Fauci
May 28, 2021
Page 4

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jim Jordan
Ranking Member
Committee on the Judiciary

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Jerrold Nadler, Chairman
Committee on the Judiciary

Enclosure: Letter from Dr. Michael Lauer to EcoHealth Alliance on July 8, 2020.

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-6051
Minority (202) 225-6074
<https://oversight.house.gov>

May 28, 2021

The Honorable Avril Haines
Director
Office of the Director of National Intelligence
Washington, D.C. 20511

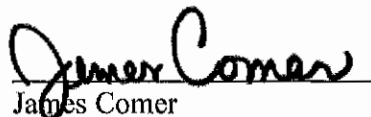
Dear Director Haines:

House Republicans are investigating the origins of the COVID-19 pandemic. While we appreciate the Biden Administration's sudden interest in investigating the origins of a pandemic that has killed 600,000 Americans and millions more worldwide, it is imperative that Congress conduct its own thorough investigation.

On Wednesday, President Biden stated he had asked his National Security Advisor to task the Intelligence Community (IC) to prepare a report "on [the IC's] most up-to-date analysis of the origins of COVID-19, including whether it emerged...from a laboratory accident."¹ President Biden stated he "received that report earlier this month."² President Biden also asked the IC "to keep Congress fully apprised of its work."³

Pursuant to the President's directive, we request, by June 3, 2021, a copy of the aforementioned IC report presented to President Biden earlier this month. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

¹ Statements & Releases, *Statement by President Joe Biden on the Investigations into the Origins of COVID-19*, The White House (May 26, 2021).

² *Id.*

³ *Id.*

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

June 2, 2021

Mr. Brian Deese
Director
National Economic Council
1600 Pennsylvania Ave. N.W.
Washington, DC 20500

Dear Director Deese:

We write today to request the Biden Administration's plans to combat the burgeoning inflation crisis. The exponential rise in inflation since the Biden Administration took office shows the clear consequences of massive deficit spending and the fallout from installing an extreme left-wing agenda. In exchange for capitulating to the socialist wing of the Democrat party, the Biden Administration is harming the American people; they deserve better.

Starting Inauguration Day, President Biden abandoned his campaign promise of bipartisanship. He has pushed trillions of dollars of taxpayer money out the door with little consideration of the adverse consequences. Former Democrat Treasury Secretary Lawrence Summers said it best, "[t]he inflation risk is real."¹ Thus far, the Biden Administration has proposed spending about \$6 trillion, equal to more than 20 percent of total U.S. national debt accumulated over the past 250 years.² This money is poorly veiled as COVID-19 relief and infrastructure, but in reality only nine percent of the American Rescue Plan went directly to COVID-19 relief and only seven percent of the American Jobs Plan would go directly to rebuilding America's roads, ports, and bridges.³ The rest is simple partisan politics.

The obvious consequence of reckless government spending is inflation. The price of gasoline, used cars, and food are all surging. In April, inflation increased at its fastest pace in more than a decade.⁴ Over the past year, food is up 3.5 percent, gas is up 22 percent, lumber is

¹ Lawrence Summers, *The inflation risk is real*, WASH. POST (May 24, 2021), <https://www.washingtonpost.com/opinions/2021/05/24/inflation-risk-is-real/>.

² Erik Haagenen, *American Rescue Plan (Biden's \$1.9 Trillion Stimulus Package)*, INVESTOPEDIA (May 24, 2021), <https://www.investopedia.com/american-rescue-plan-definition-5095694>; Jim Probasco, *What's in Joe Biden's \$2.3 Trillion American Jobs Plan?*, INVESTOPEDIA (Apr. 1, 2021), <https://www.investopedia.com/what-s-in-joe-biden-s-usd2-trillion-american-jobs-plan-5120273>; Arturo Conde, *How Biden's American Families Plan Will Impact You*, SMARTASSET (May 17, 2021), <https://smartasset.com/financial-advisor/american-families-plan>; *U.S. Debt Clock* (last accessed May 26, 2021), <https://www.usdebtclock.org/>.

³ \$1.9 TRILLION BIDEN BAILOUT BILL: CLIFFNOTES, Jason Smith, Ranking Member, H. Budget Comm. (last accessed May 26, 2021), <https://republicans-budget.house.gov/wp-content/uploads/2021/03/Biden-Bailout-Bill-CliffNotes-Senate-Passed.pdf>; Geoff Colvin, *How much infrastructure is in Biden's infrastructure plan?*, FORTUNE (Apr. 6, 2021), <https://fortune.com/2021/04/06/biden-infrastructure-plan-what-is-in-it-policy-proposal/>

⁴ Jeff Cox, *Inflation speeds up in April as consumer prices leap 4.2%, fastest since 2008*, CNBC (May 12, 2021), <https://www.cnbc.com/2021/05/12/consumer-price-index-april-2021.html>.

up 250 percent, housing is up 11 percent, and new cars are up 9 percent—a 68-year high.⁵ These increases are passed directly to the American consumer. According to the Wall Street Journal, in April of this year prices increased by the greatest amount since 2008.⁶ When asked if rising prices would cause the Biden Administration to reconsider their inflationary agenda, the White House said, “[n]ot at all.”⁷ The Biden Administration appears to be content with hurting working Americans’ bottom line.

Inflation is a regressive tax on hard-working Americans. Those families hardest hit by the burdensome Democrat COVID-19 lockdowns are now the ones hardest hit by the Biden Administration’s harmful economic policies. Real average hourly earnings decreased 3.7 percent since 2020.⁸ This hurts low to moderate income households the most.⁹ As costs go up and wages go down, the buying power for the average American decreases. America is on pace to return to 1970s stagflation. The way out of this crisis is not Democrat tax and spend policies.

To better understand the Biden Administration’s approach to fighting inflation, we request the following documents and information, for the period between January 20, 2021 and the present, as soon as possible, but no later than June 16, 2021:

1. All documents and communications related to the Biden Administration’s strategy to reduce inflation and reduce consumer prices.
2. All documents and communications between and among the National Economic Council regarding inflation and the rising Consumer Price Index.
3. All documents and communications regarding inflation and the rising Consumer Price Index between the National Economic Council and the Departments of Treasury, Labor, and Commerce.
4. All economic and inflation projections created by the National Economic Council or elsewhere in the Biden Administration.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

⁵ Kristin Tate, *Growing inflation is Biden’s hidden tax on working Americans*, THE HILL (May 12, 2021), <https://thehill.com/opinion/finance/552890-growing-inflation-is-bidens-hidden-tax-on-working-americans?rl=1>.

⁶ Ana Rivas & Juanje Gomez, *Inflation Rate Calculator: Customize Your Own Consumer-Price Index*, WALL ST. J. (May 20, 2021), <https://www.wsj.com/articles/inflation-rate-calculator-customize-your-own-consumer-price-index-11621503004>.

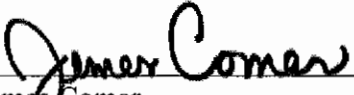
⁷ Jeff Stein, et. al., *Economic tremors hit White House at crucial moment for Biden policy agenda*, WASH. POST (May 12, 2021), <https://www.washingtonpost.com/business/2021/05/12/inflation-cpi-april-prices/>.

⁸ *TED: The Economics Daily*, U.S. BUREAU OF LABOR STATISTICS (last accessed May 26, 2021), <https://www.bls.gov/opub/ted/2021/real-average-weekly-earnings-decreased-1-4-percent-for-year-ended-april-2021.htm>.

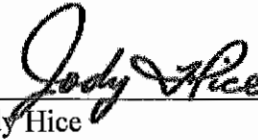
⁹ Jon Hilsenrath, *Inequality Would Widen if U.S. Policies Spur Sustained Inflation*, WALL ST. J. (May 16, 2021), <https://www.wsj.com/articles/inequality-would-widen-if-u-s-policies-spur-sustained-inflation-11621173602>

Mr. Brian Deese
June 2, 2021
Page 3

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



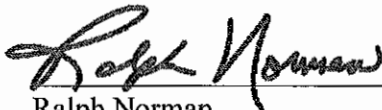
Jody Hice
Ranking Member
Subcommittee on Government
Operations



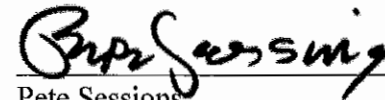
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



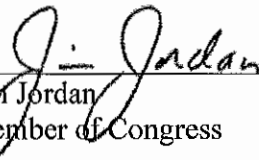
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



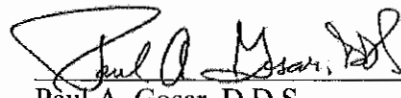
Ralph Norman
Ranking Member
Subcommittee on Environment



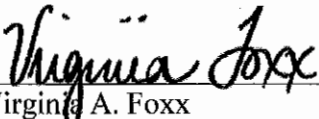
Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



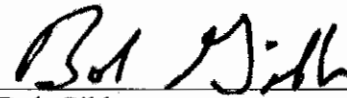
Jim Jordan
Member of Congress



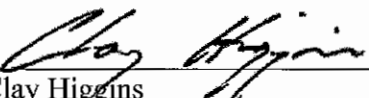
Paul A. Gosar, D.D.S.
Member of Congress



Virginia A. Foxx
Member of Congress



Bob Gibbs
Member of Congress

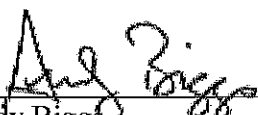


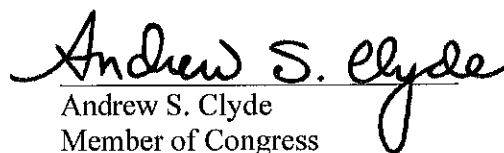
Clay Higgins
Member of Congress



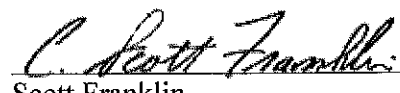
Fred Keller
Member of Congress

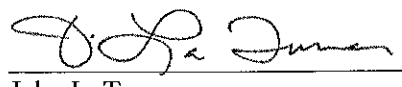
Mr. Brian Deese
June 2, 2021
Page 4

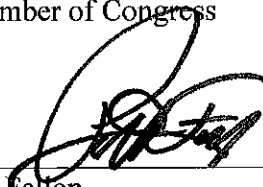

Andy Biggs
Member of Congress

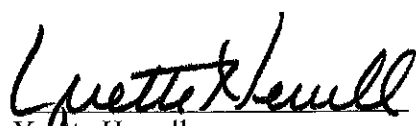

Andrew S. Clyde
Member of Congress

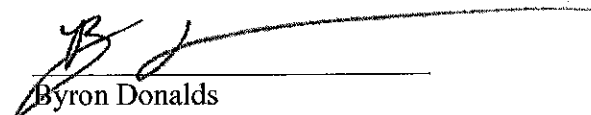

Nancy Mace
Member of Congress


Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Pat Fallon
Member of Congress


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

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
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<https://oversight.house.gov>

June 4, 2021

The Honorable Kathleen McGettigan
Acting Director
U.S. Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

Dear Acting Director McGettigan:

I write today to re-urge that the Federal workforce return to the fullest possible degree to its normal places of work. I first wrote to you on May 18, 2021, to urge that return and request a briefing no later than May 25, 2021 on OPM's plans to achieve it. Much to my surprise, while our staff have been working to schedule that briefing, I learned from reporting in the *Washington Post* that it appears "government officials are moving to make [the] pandemic experiment *permanent* by allowing more employees than ever to work from home — a sweeping cultural change that would have been unthinkable a year ago." According to the *Post*, the details of this plan are "being finalized" and may be announced as earlier as next month.¹

The entrenchment of pandemic-level telework for federal employees is the *polar opposite* of the return to pre-pandemic workplaces I have urged OPM to adopt. As I stressed to you in my initial letter, "[p]rolonging arrangements taken in an exigent situation is not a permanent solution."

Entrenchment of pandemic-era practices, moreover, would only make *worse* the service and fiscal concerns I highlighted to you in my May 18th letter. First and foremost, it could make permanent pandemic-era deteriorations in face-to-face service needed by veterans, Social Security beneficiaries, and others who need prompt, attentive service from public servants at federal agencies.² As I emphasized in my earlier letter, it is a *reversal* of this deterioration that our constituents need—including the most vulnerable of our constituents, including seniors and

¹ Lisa Rein, *Biden Administration Moves Toward Making the Pandemic Work-from-Home Experiment Permanent for Many Federal Workers* (May 24, 2021) (emphasis added), online at [Biden administration moves toward making the pandemic work-from-home experiment permanent for many federal workers - The Washington Post](#).

² See, e.g., Fedweek, *Calls Grow for Returning More Federal Employees to Their Regular Worksites* (May 4, 2021) (online at [Calls Grow for Returning More Federal Employees to Their Regular Worksites \(fedweek.com\)](#)).

Acting Director McGettigan
June 4, 2021
Page 2

low-income Americans, as well as individuals who may not have internet access or the computer skills necessary to navigate an entirely virtual interaction with a government agency. Just as alarming, the institutionalization of pandemic-era remote-work practices could perpetuate lapses in the security of Department of Defense communications that arose during the pandemic from remote work. This must not be allowed to pass.

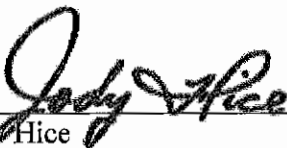
Second, the permanent continuation of pandemic-era remote-work practices would raise significant fiscal concerns. I must emphasize that, if the Biden Administration attempts to make these practices permanent, Congress cannot be expected to continue to appropriate funds to support current levels of ownership and leasing of *vacant* federal office space. Nor can Congress be expected to continue to support current levels of locality-pay increases for federal workers who no longer are working in high-cost locations, but instead are working from *their homes in lower-cost areas*.

Our staff is in the process of finalizing a briefing on June 11, 2021 to address OPM's plans for the return of federal workers to their workplaces. It is imperative that, at the briefing, OPM be prepared to disclose in detail its actual plans concerning the return of federal workers to their pre-pandemic workplaces, and to either refute or confirm the accuracy of the *Washington Post's* reporting suggesting that OPM is finalizing details of plans to allow permanent, broadly expanded levels of telework for federal workers. Equally imperative, if OPM indeed intends to implement such an expansion in the post-pandemic era, OPM must be prepared to explain in detail: the bases of OPM's decision to institute the expansion; the long-term impacts the expansion would have on the ability of federal workers to perform agency missions fully; and the costs associated with the expansion, including the costs of continuing to maintain and lease vacant office space, continuing current locality-pay levels; purchasing and supporting increased telework infrastructure; and ensuring necessary communications security.

If you have any follow-up questions regarding these topics, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you for your cooperation with this inquiry.

Sincerely,



Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States

Washington, DC 20515

June 9, 2021

Mr. Brian Deese
Director
National Economic Council
1600 Pennsylvania Ave. N.W.
Washington, DC 20500

Dear Director Deese:

We write today to urge the Biden Administration to empower the American people to get back to work. Despite 9.3 million job openings in April, the U.S. labor market only added 266,000 jobs—substantially below the 1 million jobs economists estimated.¹ The May jobs report was similarly disappointing with only 559,000 jobs added—nearly 100,000 fewer than expected.² Enhanced unemployment benefits and public school closures in certain states are weighing down an American economy trying to rebound from the COVID-19 pandemic. It is past time for Americans to get back to normal. It is past time to end the stay-at-home bonus, reopen schools for full in-person instruction, and incentivize Americans to get back to work.

When Congress passed its COVID-relief packages last year, enhanced unemployment benefits from the federal government were intended to help those who lost their jobs, businesses, and livelihoods after state and local governments closed down the economy. Thankfully, Operation Warp Speed (OWS) developed successful vaccines, encouraging governments to reopen businesses, and allowing Americans to safely return to work. Rather than champion OWS's amazing results, Democrats are proposing to permanently extend these enhanced benefits with a corresponding tax hike.³ This would have a devastating effect on our economy, which is already struggling with government-induced inflation.

The average American unemployment recipient receives \$387 from their state in weekly unemployment payments, but with the COVID-19 federal enhancements, the average is \$687.⁴

¹ Eli Rosenberg, *U.S. picked up just 266,000 jobs in April, well below expectations as economy struggles to rebound*, THE WASH. POST (May 7, 2021), <https://www.washingtonpost.com/business/2021/05/07/april-jobs-report-economy-unemployment/>; Press Release, U.S. Bureau of Labor & Statistics, Job Openings and Labor Turnover (Jun. 8, 2021), <https://www.bls.gov/news.release/pdf/jolts.pdf>.

² Jonathan Garber, *Jobs report misses estimates with 559,000 jobs added, unemployment rate falls to 5.8%*, FOXBUSINESS (Jun. 4, 2021), <https://www.foxbusiness.com/economy/jobs-nonfarm-payroll-report-may-2021>.

³ Matt Weidinger, *New Senate plan would make pandemic unemployment benefits permanent*, AM. ENTERPRISE INST., (Apr. 22, 2021), <https://www.aei.org/poverty-studies/new-senate-plan-would-make-pandemic-unemployment-benefits-permanent/>.

⁴ Nicholas Reimann, *Florida the Latest State Dropping \$300-A-Week Federal Unemployment Benefits*, FORBES (May 18, 2021), <https://www.forbes.com/sites/nicholasreimann/2021/05/24/florida-the-latest-state-dropping-300-a-week-federal-unemployment-benefits/?sh=7aef09f75730>.

An estimated 40% of those unemployed now earn more staying at home than working, causing severe labor shortages across the country and impacting numerous industries, including hospitality, retail, construction, and manufacturing.⁵ While claims have dropped somewhat since the height of the pandemic, recent data shows there are still approximately 15 million Americans collecting unemployment benefits—almost eight times the pre-pandemic rate.⁶

In response to the disappointing job numbers from April and May, as of June 7, 2021, 25 states, all led by Republican governors, have elected to opt out of the supplemental federal unemployment benefit programs by June or July, a few months before their September 6 expiration.⁷ Some states are going a step further by giving incentives to people to return to work with financial bonuses.⁸ Additionally, 35 states have reinstated a pre-pandemic requirement that recipients of unemployment benefits actively search for work.⁹ We applaud these governors for their leadership and encourage other governors to follow suit.

The Biden Administration claims these additional unemployment benefits are not stopping people from returning to work. Instead, it claims lack of childcare and fear of contracting COVID-19 are the obstacles.¹⁰ The Administration also claims that unemployed workers are required to take suitable job offers, yet at the same time the Department of Labor (DOL) has told state governments to continue providing unemployment payments all the same. The President issued an executive order in January that directed the DOL to allow workers who refuse a job to receive unemployment insurance.¹¹ In February, President Biden's Labor Department issued guidance telling states that workers receiving unemployment benefits are still eligible for federal pandemic unemployment assistance, even when they had their regular state unemployment benefits' claims denied after they refused to work or accept an offer of work at a worksite.¹²

⁵ *Id.*

⁶ Matt Weidinger, *It's not just the \$300-per-week bonuses that are perpetuating unemployment benefit claims*, AMERICAN ENTERPRISE INST. (May 28, 2021), <https://www.aei.org/poverty-studies/its-not-just-the-300-per-week-bonuses-that-are-perpetuating-unemployment-benefit-claims/>.

⁷ Alicia Adamczyk, *Ending federal unemployment benefits early will cost states more than \$12 billion, new report finds*, CNBC (Jun. 3, 2021), <https://www.cnbc.com/2021/06/03/ending-federal-unemployment-benefits-early-will-costs-states-billions.html>.

⁸ Shahar Ziv, *3 States Offer \$1000, \$1,200, and \$2,000 Return to Work Bonuses As More End \$300 Unemployment Benefit*, FORBES (May 18, 2021), <https://www.forbes.com/sites/shaharziv/2021/05/18/2-states-offer-1200-and-2000-return-to-work-bonuses-as-more-states-cancel-300-unemployment-benefit/?sh=4181cf71685f>.

⁹ Christopher Rugaber, *More jobless getting aid than in past even as cutoffs loom*, AP NEWS (May 27, 2021) <https://apnews.com/article/pandemics-jobless-claims-coronavirus-pandemic-health-business-a7ea3e65542c137865bd449626b31461>.

¹⁰ Eli Rosenberg, *U.S. picked up just 266,000 jobs in April, well below expectations as economy struggles to rebound*, THE WASH. POST (May 7, 2021), <https://www.washingtonpost.com/business/2021/05/07/april-jobs-report-economy-unemployment/>.

¹¹ Fact Sheet, *The White House, President Biden's New Executive Actions Deliver Economic Relief for American Families and Businesses Amid the COVID-19 Crises* (Jan. 22, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/22/fact-sheet-president-bidens-new-executive-actions-deliver-economic-relief-for-american-families-and-businesses-amid-the-covid-19-crises/>.

¹² Press Release, U.S. Dep't of Labor, *U.S. Department of Labor Guidance to State UI Programs Expands Eligibility for Workers Who Declined Work Due to Pandemic Safety Concerns* (Feb. 25, 2021), <https://www.dol.gov/newsroom/releases/eta/eta20210225-0>.

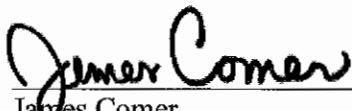
Again, the Administration has contributed to these obstacles rather than tried to remove them. The Administration—and specifically the Centers for Disease Control and Prevention (CDC)—continues to flip-flop and engage in overcautious behavior on outdoor transmission, masking, and youth summer camps.¹³ Democrats continue to ignore sound scientific evidence that the vaccines are working, which is hampering parents' ability to return to the workforce. Further, thanks to President Trump's leadership through OWS, vaccines are widely available to all adults and many teenagers in America. If Democrats focused on encouraging trust in the vaccine and showing the American people that the vaccine works, Americans would not live in fear of contracting COVID-19.

To better understand the Biden Administration's approach to enable the American workforce to return in full, we request the following documents and information no later than June 23, 2021:

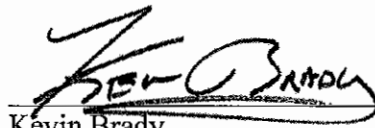
1. All communications between state governors and the White House regarding states opting out of enhanced unemployment benefits, including any meetings.
2. All documents and communications between the White House and the Department of Labor regarding states opting out of enhanced federal unemployment benefits.
3. All communications between the White House and American Federation of Teachers (AFT), including documents related to any meetings.
4. All documents related to the Administration's strategy to ensure all schools are open for full in-person instruction.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



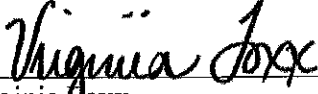
James Comer
Ranking Member
Committee on Oversight and Reform



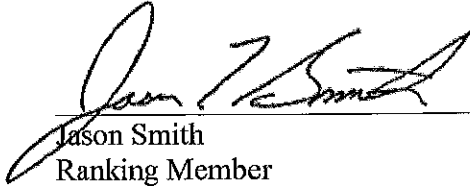
Kevin Brady
Ranking Member
Committee on Ways and Means

¹³ David Leonhardt, *The Morning: A New C.D.C. story*, THE N.Y. TIMES (May 26, 2021), <https://www.nytimes.com/2021/05/26/briefing/CDC-outdoor-covid-risks-guidelines.html>.

Mr. Brian Deese
June 9, 2021
Page 4



Virginia Foxx
Ranking Member
Committee on Education and Labor



Jason Smith
Ranking Member
Committee on the Budget

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Richard Neal, Chairman
Committee on Ways and Means

The Honorable Robert Scott, Chairman
Committee on Education and Labor

The Honorable John Yarmuth, Chairman
Committee on the Budget

Congress of the United States

Washington, DC 20515

June 9, 2021

Dr. Anthony Fauci
Director
National Institute of Allergy and Infectious Diseases
5601 Fishers Lane, MSC 9806
Bethesda, M.D. 20892

Dear Dr. Fauci:

House Republicans remain concerned about the origins of COVID-19, including the increasing possibility it originated and subsequently leaked from the Wuhan Institute of Virology (WIV) in China.

At a 2012 conference entitled “Gain-of-Function Research on HPA1 H5N1 Viruses,” you said, “[w]hat historically investigators have done is to actually create gain-of-function by making mutations, passage adoption, or other genetic techniques, such as *reverse genetics*.”¹

In 2014, you, through the National Institutes of Health (NIH) awarded EcoHealth Alliance, Inc. (EcoHealth) a grant entitled “Understanding the Risk of Bat Coronavirus Emergence.”² This grant allowed EcoHealth to “[t]est predictions of [coronavirus]...transmission...using *reverse genetics*...”³ Funds from this grant were subsequently awarded to the WIV.⁴ Using your own definition, it appears the NIH funded gain-of-function research at the WIV.

On May 11, 2021, while testifying under oath, you stated, “[t]he NIH has not ever and does not now fund gain-of-function research in the [WIV].”⁵ This appears to contradict your 2012 statement regarding gain-of-function research and the WIV.

Can you please confirm the authenticity of the 2012 video accessible on the YouTube platform? Further, please verify that the 2014 grant description is accurate and explain the apparent discrepancy in your recent testimony?

¹ *Gain-of-Function Research on HPA1 H5N1 Viruses: Welcome and Introductory Remarks*, YouTube (Mar. 20, 2013), <https://www.youtube.com/watch?v=BACqgRpktA&t=1257s> (*emphasis added*).

² *Understanding the Risk of Bat Coronavirus Emergence*, R01AI110964 (last accessed June 7, 2021), <https://reporter.nih.gov/search/PbfOIYYqDU28xKp7OMp5vg/project-details/8674931>.

³ *Id.* (*emphasis added*).

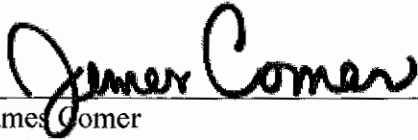
⁴ *Id.*

⁵ Zachary Basu, *Fauci and Rand Paul clash over NIH funding for Wuhan Institute of Virology*, Axios (Mar. 11, 2021), <https://www.axios.com/fauci-rand-paul-wuhan-lab-coronavirus-eff1bb08-f6c7-4d63-b170-c49e87c2e3dd.html>.

Dr. Anthony Fauci
June 9, 2021
Page 2

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jim Jordan
Ranking Member
Committee on the Judiciary

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Jerrold Nadler, Chairman
Committee on the Judiciary

Congress of the United States

Washington, DC 20515

June 10, 2021

The Honorable Merrick Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

We write to inquire into the Department of Justice's (DOJ) efforts to investigate a massive leak of the sensitive tax information of thousands of Americans from the Internal Revenue Service (IRS). Leaks of tax information, particularly by government officials entrusted with caring for that sensitive information, are completely unacceptable. Those responsible must be pursued to the fullest extent of the law.

On June 8, 2021, ProPublica published an article relying on "a vast cache of IRS information."¹ In a gross breach of public trust, it appears someone illegally leaked this sensitive and non-public information. The article contains details of federal tax filings going back more than a decade, involving individuals from across the business and political spectrum, including Jeff Bezos, Elon Musk, Bill Gates, Warren Buffett, Rupert Murdoch, Michael Bloomberg, and George Soros.² In fact, ProPublica alleges it obtained data "on the tax returns of thousands of the nation's wealthiest people, covering more than 15 years."³

Tax returns are filled with personal, private, and sensitive information including social security numbers and intimate details of one's financial situation. As you are aware, federal law requires that "[r]eturns and return information shall be confidential"⁴ except as otherwise authorized by limited exceptions in federal law. "No officer or employee of the United States . . . shall disclose any return or return information obtained by him in any manner in connection with his service"⁵ Furthermore, it is a felony for a federal officer or employee to unlawfully disclose tax return information.⁶ Given the nature of this data, it appears very likely that a Federal officer or employee leaked that protected information to ProPublica.

Whether it is George Soros or Rupert Murdoch, every American should have confidence that their personal tax information is secure and safe from privacy violations. Especially as the

¹ See Eisinger, Jesse et. al., *The Secret IRS Files: Trove of Never-Before-Seen Records Reveal How the Wealthiest Avoid Income Tax*, PROPUBLICA (Jun. 8, 2021), available at <https://www.propublica.org/article/the-secret-irs-files-trove-of-never-before-seen-records-reveal-how-the-wealthiest-avoid-income-tax>.

² *Id.*

³ *Id.*

⁴ 26 U.S.C. § 6103(a).

⁵ *Id.*

⁶ 26 U.S.C. § 7213(a)(1).

Biden Administration's proposed budget would vastly increase the size and staffing of the IRS,⁷ we are concerned about the potential for future leaks of sensitive tax information, particularly if such leaks are politically motivated or targeted against those who may take unpopular positions. Such leaks will continue to deteriorate the American people's trust in the IRS, and our federal government.

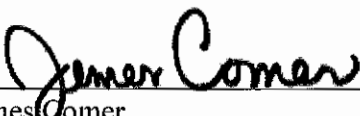
To assist the Committees in conducting oversight over this egregious and potentially criminal leak of personal tax information, we request a staff-level briefing no later than June 17, 2021 on efforts by the DOJ to investigate and bring those responsible to justice, as well as the following:

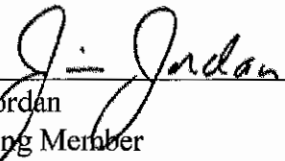
1. All documents and communications regarding efforts to enforce federal tax confidentiality law within the Department of Justice, particularly as those efforts relate to preventing Internal Revenue Service officials from misusing their positions to disclose confidential tax information; and
2. All documents and communications regarding efforts to investigate the leak of tax records which form the basis of the ProPublica article referenced above, including whether any criminal inquiry has been opened.

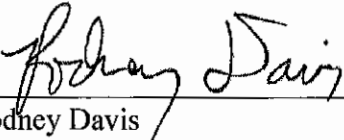
To make arrangements for the briefing, document delivery, or to ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you for your cooperation with this inquiry.

Sincerely,


James Comer
Ranking Member
Committee on Oversight and Reform


Jim Jordan
Ranking Member
Committee on the Judiciary


Rodney Davis
Ranking Member
Committee on House Administration

⁷ See The White House, Office of Management and Budget, *Budget of the U.S. Government, FY 2022*, available at https://www.whitehouse.gov/wp-content/uploads/2021/05/budget_fy22.pdf.

Attorney General Garland

June 10, 2021

Page 3 of 3

cc: The Honorable Carolyn Maloney, Chairwoman, Committee on Oversight and Reform
The Honorable Jerrold Nadler, Chairman, Committee on the Judiciary
The Honorable Zoe Lofgren, Chairwoman, Committee on House Administration

Congress of the United States
Washington, DC 20515

June 14, 2021

The Honorable John Kerry
Special Presidential Envoy
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Secretary Kerry:

We write to you today to request information about your position as Special Presidential Envoy for Climate. Your cabinet-level position, which includes a place on the National Security Council, appears to have an outsized role within the Biden Administration. It appears that in your role, you have some ability to set foreign policy and to bind the United States to international agreements, despite not being confirmed with advice and consent of the Senate. We are particularly concerned with how you, as the Special Presidential Envoy for Climate, may handle an increasingly adversarial U.S. relationship with the People's Republic of China (PRC).

You joined the Biden Administration as the Special Presidential Envoy for Climate, a newly created position as of January 20, 2021.¹ President Biden said he selected you, in part by because you are “one of [his] closest friends . . .”² Your position is apparently distinct from Gina McCarthy’s role as National Climate Advisor³—another unconfirmed position that President Biden says “run[s] everything.”⁴ It is unclear what the scope of your duties are or how your role plays into the National Security Council, as your mission is a highly nebulous one to simply “combat[] the climate crisis to meet the existential threat that we face.”⁵

¹ U.S. Department of State, Biographies, John Kerry: Special Presidential Envoy for Climate, *available at* <https://www.state.gov/biographies/john-kerry/> (last visited May 20, 2021)

² White House Briefing Room, *Remarks by President Biden Before Signing Executive Actions on Tackling Climate Change, Creating Jobs, and Restoring Scientific Integrity* (Jan. 27, 2021), *available at* <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/01/27/remarks-by-president-biden-before-signing-executive-actions-on-tackling-climate-change-creating-jobs-and-restoring-scientific-integrity/>.

³ See White House Briefing Room, *Readout of the Second National Climate Task Force Meeting* (Mar. 18, 2021), *available at* <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/18/readout-of-the-second-national-climate-task-force-meeting/>.

⁴ White House Briefing Room, *Remarks by President Biden Before Signing Executive Actions on Tackling Climate Change, Creating Jobs, and Restoring Scientific Integrity* (Jan. 27, 2021), *available at* <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/01/27/remarks-by-president-biden-before-signing-executive-actions-on-tackling-climate-change-creating-jobs-and-restoring-scientific-integrity/>.

⁵ *Id.*

Nevertheless, you appear to be negotiating on behalf of the United States with foreign governments, including the PRC. The Trump Administration made significant strides toward commitments with the PRC to emissions reductions without sacrificing economic prosperity.⁶ Yet, the Biden Administration appears poised to make further commitments without regard to economic repercussions, and without a reciprocal agreement from the PRC, the world's largest polluter.⁷

The Biden Administration recently released a joint statement with the PRC,⁸ which conveniently fails to bind the PRC to anything in terms of concrete and measurable steps it must take to remedy its environmental degradation. The Biden Administration has set a 2030 greenhouse gas emissions target of 50 to 52 percent below 2005 levels, which will greatly impact the economy of the United States,⁹ while it is not clear that the PRC is even attempting to follow suit.

The PRC's own Vice Foreign Minister Le Yucheng has stated recently that notions of China accelerating carbon reduction targets are "not very realistic" and that "China is at a different stage than the U.S., Western nations and other developed countries."¹⁰ Even as the PRC pretends to cooperate with the international community by pledging to be carbon neutral by 2060, the PRC has not cut its emissions and is actually *increasing* its ability to grow its emissions.¹¹

It is of paramount importance that we conduct oversight over your position as the Special Presidential Envoy for Climate and how the position will impact the interests of the United States, especially where the role appears to intersect with the U.S. response to a hostile foreign regime such as the Chinese Communist Party. To date, the White House has failed to provide any information about your security clearance, which Committee Republicans requested on May 4, 2021.¹² This lack of transparency appears to be a pattern of avoiding Congressional oversight

⁶ U.S. Department of State, *United States National Statement at UNFCCC COP25* (Dec. 11, 2019), available at <https://2017-2021.state.gov/united-states-national-statement-at-unfccc-cop25/index.html>.

⁷ U.S. Department of State, *China's Environmental Abuses*, available at <https://2017-2021.state.gov/chinas-environmental-abuses/index.html#ChinasOneBeltOneRoadInitiative>. (last accessed May 21, 2021)

⁸ U.S. Department of State, *U.S.-China Joint Statement Addressing the Climate Crisis* (Apr. 17, 2021), available at <https://www.state.gov/u-s-china-joint-statement-addressing-the-climate-crisis/>.

⁹ White House Briefing Room, *Press Briefing by Press Secretary Jen Psaki, Special Presidential Envoy for Climate John Kerry, and National Climate Advisor Gina McCarthy* (Apr. 22, 2021), available at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/04/22/press-briefing-by-press-secretary-jen-psaki-special-presidential-envoy-for-climate-john-kerry-and-national-climate-advisor-gina-mccarthy-april-22-2021/>

¹⁰ *Highlights: An interview with China's vice foreign minister*, Associated Press (Apr. 17, 2021), available at <https://apnews.com/article/joe-biden-world-news-china-asia-a53a95d2bc60686f5761bc04c8a8907e>.

¹¹ Quinn, Jimmy, *Sorry, John Kerry, Cooperation Won't Stop China's Climate Assault*, NATIONAL REVIEW (Apr. 21, 2021), available at <https://www.nationalreview.com/2021/04/sorry-john-kerry-cooperation-wont-stop-chinas-climate-assault/>.

¹² Letter from James Comer, et. al., Ranking Member, H. Comm. on Oversight and Reform, to Dana Remus, Counsel to the President. (May 4, 2021), available at <https://republicans-oversight.house.gov/wp-content/uploads/2021/05/Letter-to-WHCO-Re.-Kerry.pdf>.

Secretary Kerry
June 14, 2021
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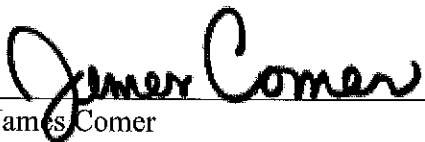
while Democrats maintain majorities in the House and Senate.¹³ The American people deserve to understand your role in the government and what authority you have to negotiate with foreign adversaries.

To assist us in conducting oversight of these important issues, please provide the Committee with the following information no later than June 28, 2021:

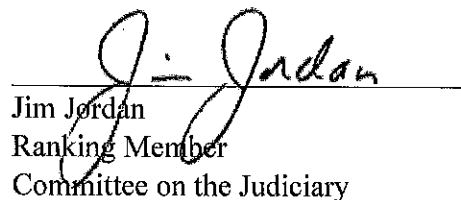
1. All documents and communications regarding the nature and scope of the role of the Special Presidential Envoy for Climate;
2. A detailed explanation of the scope of the role played by the Special Presidential Envoy for Climate, the authorities exercised by the incumbent, and why the incumbent would sit on the National Security Council;
3. A detailed explanation of why the Special Presidential Envoy for Climate would have a need to know classified national security information and maintain a security clearance;
4. All documents and communications from January 20, 2021 to the present regarding negotiations between the Special Presidential Envoy for Climate and PRC officials.

To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jim Jordan
Ranking Member
Committee on the Judiciary

cc: The Honorable Carolyn Maloney, Chairwoman, Committee on Oversight and Reform
The Honorable Jerrold Nadler, Chairman, Committee on the Judiciary

¹³ See Schultz, Marisa, *John Kerry likely to avoid Iran comments investigation with Republicans in minority in Congress*, FOX NEWS (Apr. 27, 2021), available at <https://www.foxnews.com/politics/john-kerry-likely-avoid-iran-comments-investigation-republican-minority-congress>.

Congress of the United States
Washington, DC 20515

June 15, 2021

The Honorable Shalanda Young
Acting Director
Office of Management and Budget
Washington, D.C. 20503

Dear Acting Director Young:

We are conducting oversight of the Office of Management and Budget's (OMB) decision to use ethics waivers to pave the way for increased union influence over government policy. These waivers allow former union officials to conduct official government business with their former employer, creating the likelihood of conflict of interests and political cronyism. Given the recent revelations that unions influenced the U.S. Centers for Disease Control and Prevention's (CDC) guidance on whether to reopen schools, we are particularly concerned about OMB's use of waivers for labor officials.¹

On April 27, 2021, President Joe Biden appointed Celeste Drake to a position created for her—Made in America Director at OMB.² Ms. Drake was previously a Trade and Globalization Policy Specialist for the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).³ The AFL-CIO is a massive Democrat lobbying organization that routinely contributes to Democrat candidates, including President Biden's 2020 campaign. Because of the ethics waiver, Ms. Drake will be able to communicate with her former employer, allowing her to enact and advocate for policy that would directly benefit the AFL-CIO. This is the classic definition of a conflict of interest.

Pursuant to Executive Order 13989, all appointees of the Biden Administration are required to sign an ethics pledge, including limiting interaction with their former employers.⁴ This is in place to avoid conflicts of interest and the government becoming beholden to interest

¹ Lachlan Markay, *Biden's ethics end-around for labor*, AXIOS (May 7, 2021), <https://www.axios.com/bidens-ethics-union-labor-69aa2550-495e-422c-afce-07a80be0893e.html>; Letter from Steve J. Scalise, et. al., Ranking Member, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, to Rochelle Walensky, Director, U.S. Cents. For Disease Control & Prevention (May 11, 2021).

² Statement, *President Biden Announces Key Hire at the Office of Management and Budget*, THE WHITE HOUSE (Apr. 27, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/27/president-biden-announces-key-hire-at-the-office-of-management-and-budget/>.

³ *Celeste Drake*, AMERICAN FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS (last accessed May 14, 2021), <https://aflcio.org/author/celeste-drake>; *DGA Hires Celeste Drake to Head Government Affairs*, DIRECTORS GUILD OF AMERICA (last accessed Jun. 4, 2021), <https://www.dga.org/News/PressReleases/2019/190509-CelesteDrake-to-Head-Government-Affairs.aspx>.

⁴ E.O. 13989, 86 Fed. Reg. 7029 (Jan. 20, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01762/ethics-commitments-by-executive-branch-personnel>.

groups, such as political unions. While some claim President Biden's ethics pledge is allegedly the most stringent ever, unions are receiving special treatment. By appointing former union officials to positions that directly interact with their former employers, unions stand to directly benefit from Biden Administration policies. This is alarming considering the devastating effect teachers unions have had on the educational prospects of so many of our nation's children.

The White House has stated these waivers were "in the public interest."⁵ Ironically, within a month of President Biden taking office, the American Federation of Teachers—a political union—was able to successfully influence scientists at the CDC to amend official guidance with the goal of keeping children out of the classroom.⁶ The revised guidance was contrary to science and contrary to the public interest. It is unclear the extent other unions have infiltrated the highest ranks of the Administration.

In the prior Congress, Democrats launched an investigation into the White House's use of ethics waivers.⁷ The recent reporting necessitates a similar review of the Biden Administration's waivers. No political union should hold the levers of government power, but all indicators are that President Biden caves to the unions to the detriment of our children.

To better understand how these waivers were granted and the scope of these appointees' interactions with their former employers, we request the following documents and information as soon as possible but no later than June 29, 2021 for the time period January 20, 2021 to the present:

1. All documents and communications regarding the granting of waivers for appointees within the Office of Management and Budget from Executive Order 13989.
2. All waivers, recusals, or divestitures related to Executive Order 13989 for appointees within the Office of Management and Budget.
3. All documents and communications between Celeste Drake, Director, Made in America Office, Office of Management and Budget and her former employers, the Director's Guild of America and the American Federal of Labor and Congress of Industrial Organizations (AFL-CIO).
4. All documents and communications regarding whether Celeste Drake will participate in any of the following duties:
 - a. Drafting or approving regulations or guidance;

⁵ Brook Singman, *White House defends ethics waivers for ex-union officials, says they are 'in the interest of governing'*, FOX NEWS (May 11, 2021), <https://www.foxnews.com/politics/white-house-ethics-waivers-for-ex-union-officials>

⁶ Steve J. Scalise, *supra* note 1.

⁷ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Pat Cipollone, Counsel to the President (May 16, 2019).

The Honorable Shalanda Young
June 15, 2021
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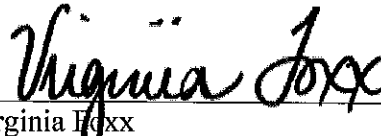
- b. Drafting or approving contracts or grants;
- c. Drafting or approving Presidential documents;
- d. Drafting or approving documents of Administration policy.

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. Thank you for your attention to this important inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Virginia Foxx
Ranking Member
Committee on Education and Labor

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Bobby Scott, Chairman
Committee on Education and Labor

Congress of the United States
Washington, DC 20515

June 15, 2021

Ms. Kathleen McGettigan
Acting Director
Office of Personnel Management
Washington, D.C. 20503

Dear Acting Director McGettigan:

We are conducting oversight of the Office of Personnel Management's (OPM) decision to use ethics waivers to pave the way for increased union influence over government policy. These waivers allow former union officials to conduct official government business with their former employer, creating the likelihood of conflict of interests and political cronyism. Given the recent revelations that unions influenced the U.S. Centers for Disease Control and Prevention's (CDC) guidance on whether to reopen schools, we are particularly concerned about OPM's use of waivers for labor officials.¹

On March 25, 2021, OPM announced the appointment of Alethea Predeoux to be Director of the Office of Congressional, Legislative and Intergovernmental Affairs at OPM.² Ms. Predeoux was previously the Director of Legislative, Political and Grassroots Mobilization at the American Federation of Government Employees (AFGE).³ AFGE lobbies for and represents hundreds of thousands of federal government employees providing "comprehensive services for members including legislative ...and political...assistance."⁴ According to Ms. Predeoux's official biography, while at AFGE, she "worked to advance the union's legislative agenda" much of which would take place in front of the agency she now represents.⁵ Because of the ethics waiver, Ms. Predeoux will be able to communicate with her former employer, allowing her to immediately enact and advocate for policy that would directly benefit AFGE. This is the classic definition of a conflict of interest.

¹ Lachlan Markay, *Biden's ethics end-around for labor*, AXIOS (May 7, 2021), <https://www.axios.com/bidens-ethics-union-labor-69aa2550-495e-422c-afce-07a80be0893e.html>; Letter from Steve J. Scalise, et. al., Ranking Member, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, to Rochelle Walensky, Director, U.S. Cents. For Disease Control & Prevention (May 11, 2021).

² Erich Wagner, *OPM Appointments Mark a Radical Shift in Agency's Role*, GOVERNMENT EXECUTIVE (Mar. 31, 2021), <https://www.govexec.com/management/2021/03/opm-appointments-mark-radical-shift-agencys-role/173063/>.

³ *About Us*, U.S. OFFICE OF PERSONNEL MANAGEMENT (last accessed Jun. 4, 2021), <https://www.opm.gov/about-us/our-people-organization/senior-staff-bios/alethea-predeoux/>.

⁴ *AFGE At A Glance*, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES (last accessed Jun. 4, 2021), <https://www.afge.org/about-us/afge-at-a-glance/>.

⁵ *About Us*, *supra* note 3.

The Honorable Kathleen McGettigan

June 15, 2021

Page 2

Pursuant to Executive Order 13989, all appointees of the Biden Administration are required to sign an ethics pledge, including limiting interaction with their former employers.⁶ This is in place to avoid conflicts of interest and the government becoming beholden to interest groups, such as political unions. While some claim President Biden's ethics pledge is allegedly the most stringent ever, unions are receiving special treatment. By appointing former union officials to positions that directly interact with their former employers, unions stand to directly benefit from Biden Administration policies. This is alarming considering the devastating effect teachers unions have had on the educational prospects of so many of our nation's children.

The White House has stated these waivers were "in the public interest."⁷ Ironically, within a month of President Biden taking office, the American Federation of Teachers—a political union—was able to successfully influence scientists at the CDC to amend official guidance with the goal of keeping children out of the classroom.⁸ The revised guidance was contrary to science and contrary to the public interest. It is unclear the extent other unions have infiltrated the highest ranks of the Administration.

In the prior Congress, Democrats launched an investigation into the White House's use of ethics waivers.⁹ The recent reporting necessitates a similar review of the Biden Administration's waivers. No political union should hold the levers of government power, but all indications are that President Biden caves to the unions to the detriment of our children.

To better understand how these waivers were granted and the scope of these appointees' interactions with their former employers, we request the following documents and information as soon as possible but no later than June 29, 2021 for the time period, January 20, 2021 to the present:

1. All documents and communications regarding the granting of waivers for appointees within the Office of Personnel Management under Executive Order 13989.
2. All waivers, recusals, or divestitures related to Executive Order 13989 for appointees within the Office of Personnel Management.
3. All documents and communications between Alethea Predeoux, Director, Congressional, Legislative & Intergovernmental Affairs, Office of Personnel Management, and her former employer, the American Federal of Government Employees.

⁶ E.O. 13989, 86 Fed. Reg. 7029 (Jan. 20, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01762/ethics-commitments-by-executive-branch-personnel>.

⁷ Brook Singman, *White House defends ethics waivers for ex-union officials, says they are 'in the interest of governing'*, FOX NEWS (May 11, 2021), <https://www.foxnews.com/politics/white-house-ethics-waivers-for-ex-union-officials>

⁸ Steve J. Scalise, *supra* note 1.

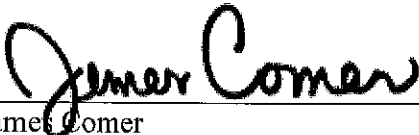
⁹ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Pat Cipollone, Counsel to the President (May 16, 2019).

The Honorable Kathleen McGettigan
June 15, 2021
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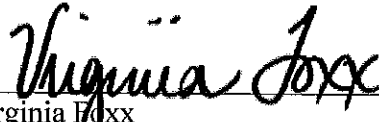
4. All documents and communications regarding whether Alethea Predeoux will participate in any of the following duties:
 - a. Drafting or approving regulations;
 - b. Drafting or approving contracts or grants;
 - c. Drafting or approving Presidential documents;
 - d. Drafting or approving documents of Administration policy.

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. Thank you for your attention to this important inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Virginia Foxx
Ranking Member
Committee on Education and Labor

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Bobby Scott, Chairman
Committee on Education and Labor

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-6051
MINORITY (202) 225-5074
<https://oversight.house.gov>

June 22, 2021

Mr. Mark Bialek
Inspector General, Board of Governors of the Federal Reserve and
Consumer Financial Protection Bureau
20th Street and Constitution Avenue NW
Mail Stop K-300
Washington, DC 20551

Dear Inspector General Bialek:

I am writing with extreme concern at recent reports the Biden Administration is targeting certain career civil servants in positions at the Consumer Financial Protection Bureau, and I ask for your immediate investigation.

According to a recent press report, CFPB has “offered separation incentives including early retirement and launched investigations into career senior executives to sideline them, targeting about a half-dozen of the highest-ranked non-political staffers at the bureau.”¹

After the baseless rhetoric regarding President Trump’s supposed efforts to create a patronage system² and to damage the federal workforce,³ this stands out as a monument to hypocrisy. Purging career employees who happened to serve under a previous administration specifically because they served under the previous administration could not be more counter to merit-system protection principles.

Given the severity of these allegations, please confirm you intend to investigate them by June 29, 2021.

¹ Eric Katz, *Biden Employs Aggressive Strategy to Sideline Top Career Officials at Consumer Protection Bureau* (June 14, 2021) available at <https://www.govexec.com/management/2021/06/biden-employs-aggressive-strategy-sideline-top-career-officials-consumer-protection-bureau/174711>

² Nicole Ogrysko, *New House bill would block future administrations from using Schedule F, or anything else like it* (January 14, 2021) available at <https://federalnewsnetwork.com/workforce/2021/01/new-house-bill-would-block-future-administrations-from-using-schedule-f-or-anything-else-like-it/>

³ Nicole Ogrysko, *Schedule F is gone, but the debate continues in Congress* (February 24, 2021) available at <https://federalnewsnetwork.com/workforce/2021/02/schedule-f-is-gone-but-the-debate-continues-in-congress/>

Sincerely,

A handwritten signature in black ink that reads "Jody Hice". The signature is written in a cursive style with a large initial "J" and a stylized "H".

Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051

MINORITY (202) 225-5074

<https://oversight.house.gov>

June 24, 2021

Ms. Christi Grimm
Acting Inspector General
Department of Health and Human Services
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Acting Inspector General Grimm:

On June 2, 2021, House Committee on Oversight and Reform Chairwoman Carolyn Maloney, along with the subcommittee chairs of the Committee, wrote you about the federal workforce's cybersecurity posture while teleworking. Specifically, they asked you to provide:

*“an assessment of any vulnerabilities created or exacerbated by the Department's use of remote-access software to facilitate telework during the coronavirus pandemic, and whether any such vulnerabilities were effectively mitigated as part of your annual cybersecurity assessment required by the Federal Information Security Modernization Act of 2014 (FISMA).”*¹

While the security issues referenced in the June 2 letter are important, additional issues require your review, including the inability of some employees to perform their job duties and the decline in job performance by federal employees while working remotely. On June 8, 2021, Rep. Gerry Connolly, chairman of the Government Operation Subcommittee, wrote the acting director of the Office of Personnel Management (OPM) regarding the Biden Administration's “recent move to require agencies to submit reentry plans by June 19, 2021” and the additional requirement that such plans include safety measures.² The letter further highlights telework as a “proven successful” safety measure and cites the 2020 Federal Employee Viewpoint Survey

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(FEVS) as evidence of this success.³ However, despite Chairman Connolly's endorsement of telework, it has not been successful for all federal agencies and employees.

On June 9, 2021, the Committee received a briefing from the National Archives and Records Administration and National Personnel Records Center regarding the backlog of record requests affecting veterans seeking access to benefits; a backlog of half a million requests that agency officials estimate will take at least a year to resolve. This occurred because the NRPC was not structured to handle a remote work environment and will not be for some time.⁴ Meanwhile, veterans are unable to obtain records they need to receive benefits earned while serving our country.

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FEVS can be a valuable tool for understanding aspects of the federal civil service work experience, such as the consistent rise in job satisfaction over the course of the Trump presidency, or the continued dissatisfaction with the ability to discipline poorly performing coworkers.⁶ It is not, however, an objective benchmark with which to assess the challenges and shortcomings of expanded telework as a permanent policy. Additional work is needed.

On June 10, 2020, OPM, the Office of Management and Budget (OMB) and the General Services Administration (GSA) released a memorandum for the heads of executive departments and agencies giving guidance on the increased return of federal employees and contractors to physical workplaces.⁷ The memorandum encourages permanent, increased utilization of telework, remote work and flexible work schedules.⁸ It further states, "[a]s shown during the pandemic, agencies can, where appropriate, deploy personnel policies such as telework, remote work, and flexible work schedules effectively and efficiently."⁹ It is unclear, however, what the objective basis for this claim is.

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Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States
House of Representatives

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<https://oversight.house.gov>

June 24, 2021

The Honorable Joseph Cuffari
Inspector General
Department of Homeland Security
245 Murray Drive, Building 410
Washington, D.C. 20528

Dear Inspector General Cuffari:

On June 2, 2021, House Committee on Oversight and Reform Chairwoman Carolyn Maloney, along with the subcommittee chairs of the Committee, wrote you about the federal workforce's cybersecurity posture while teleworking. Specifically, they asked you to provide:

*“an assessment of any vulnerabilities created or exacerbated by the Department's use of remote-access software to facilitate telework during the coronavirus pandemic, and whether any such vulnerabilities were effectively mitigated as part of your annual cybersecurity assessment required by the Federal Information Security Modernization Act of 2014 (FISMA).”*¹

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Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States
House of Representatives

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June 24, 2021

The Honorable Michael J. Missal
Inspector General
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Dear Inspector General Missal:

On June 2, 2021, House Committee on Oversight and Reform Chairwoman Carolyn Maloney, along with the subcommittee chairs of the Committee, wrote you about the federal workforce's cybersecurity posture while teleworking. Specifically, they asked you to provide:

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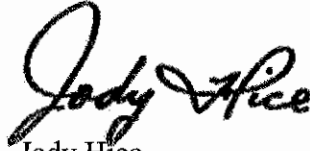
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Sincerely,

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Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

June 24, 2021

The Honorable Michael E. Horowitz
Inspector General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Inspector General Horowitz:

On June 2, 2021, House Committee on Oversight and Reform Chairwoman Carolyn Maloney, along with the subcommittee chairs of the Committee, wrote you about the federal workforce's cybersecurity posture while teleworking. Specifically, they asked you to provide:

*“an assessment of any vulnerabilities created or exacerbated by the Department's use of remote-access software to facilitate telework during the coronavirus pandemic, and whether any such vulnerabilities were effectively mitigated as part of your annual cybersecurity assessment required by the Federal Information Security Modernization Act of 2014 (FISMA).”*¹

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Jody Hice
Ranking Member
Subcommittee on Government Operations

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Congress of the United States

House of Representatives

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Minority (202) 225-5074
<https://oversight.house.gov>

June 24, 2021

Ms. Diana Shaw
Acting Inspector General
Department of State
PO Box 9778
Arlington, VA 22209

Dear Acting Inspector General Shaw:

On June 2, 2021, House Committee on Oversight and Reform Chairwoman Carolyn Maloney, along with the subcommittee chairs of the Committee, wrote you about the federal workforce's cybersecurity posture while teleworking. Specifically, they asked you to provide:

*“an assessment of any vulnerabilities created or exacerbated by the Department's use of remote-access software to facilitate telework during the coronavirus pandemic, and whether any such vulnerabilities were effectively mitigated as part of your annual cybersecurity assessment required by the Federal Information Security Modernization Act of 2014 (FISMA).”*¹

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<https://oversight.house.gov>

June 24, 2021

Ms. Tamara A. Johnson
Acting Inspector General
Intelligence Community
Reston 3 Room E220
Washington, D.C. 20511

Dear Acting Inspector General Johnson:

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Sincerely,

A handwritten signature in black ink that reads "Jody Hice". The signature is written in a cursive style with a large, looped initial "J".

Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-6051
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<https://oversight.house.gov>

June 24, 2021

The Honorable Teri L. Donaldson
Inspector General
Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Inspector General Donaldson:

On June 2, 2021, House Committee on Oversight and Reform Chairwoman Carolyn Maloney, along with the subcommittee chairs of the Committee, wrote you about the federal workforce's cybersecurity posture while teleworking. Specifically, they asked you to provide:

*“an assessment of any vulnerabilities created or exacerbated by the Department's use of remote-access software to facilitate telework during the coronavirus pandemic, and whether any such vulnerabilities were effectively mitigated as part of your annual cybersecurity assessment required by the Federal Information Security Modernization Act of 2014 (FISMA).”*¹

While the security issues referenced in the June 2 letter are important, additional issues require your review, including the inability of some employees to perform their job duties and the decline in job performance by federal employees while working remotely. On June 8, 2021, Rep. Gerry Connolly, chairman of the Government Operation Subcommittee, wrote the acting director of the Office of Personnel Management (OPM) regarding the Biden Administration's “recent move to require agencies to submit reentry plans by June 19, 2021” and the additional requirement that such plans include safety measures.² The letter further highlights telework as a “proven successful” safety measure and cites the 2020 Federal Employee Viewpoint Survey

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Sincerely,

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Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

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MAJORITY (202) 225-5051
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<https://oversight.house.gov>

June 24, 2021

Mr. Richard K. Delmar
Acting Inspector General
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

Dear Acting Inspector General Delmar:

On June 2, 2021, House Committee on Oversight and Reform Chairwoman Carolyn Maloney, along with the subcommittee chairs of the Committee, wrote you about the federal workforce's cybersecurity posture while teleworking. Specifically, they asked you to provide:

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While the security issues referenced in the June 2 letter are important, additional issues require your review, including the inability of some employees to perform their job duties and the decline in job performance by federal employees while working remotely. On June 8, 2021, Rep. Gerry Connolly, chairman of the Government Operation Subcommittee, wrote the acting director of the Office of Personnel Management (OPM) regarding the Biden Administration's “recent move to require agencies to submit reentry plans by June 19, 2021” and the additional requirement that such plans include safety measures.² The letter further highlights telework as a “proven successful” safety measure and cites the 2020 Federal Employee Viewpoint Survey

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Sincerely,

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Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

June 24, 2021

Ms. Sandra Bruce
Acting Inspector General
Department of Education
550 12th Street, S.W.
Washington, D.C. 20024

Dear Acting Inspector General Bruce:

On June 2, 2021, House Committee on Oversight and Reform Chairwoman Carolyn Maloney, along with the subcommittee chairs of the Committee, wrote you about the federal workforce's cybersecurity posture while teleworking. Specifically, they asked you to provide:

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Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

June 24, 2021

The Honorable Sean O'Donnell
Acting Inspector General
Department of Defense
4800 Mark Center Drive
Arlington, VA 22350

Dear Acting Inspector General O'Donnell:

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Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States

Washington, DC 20515

June 30, 2021

The Honorable J. Russell George
Inspector General for Tax Administration
U.S. Department of Treasury
1401 H Street NW, Suite 469
Washington, DC 20005

Dear Mr. George:

The Internal Revenue Service (IRS) appears to be engaging again in viewpoint discrimination. According to a recent report, the IRS improperly denied tax-exempt status to a religious group on the basis that “bible teachings are typically affiliated with the [Republican] party and candidates.”¹ Over ten years after the IRS began targeting Tea Party groups, it seems the IRS could be up to its old tricks. We ask that the Treasury Inspector General for Tax Administration (TIGTA) immediately review this matter.

On May 18, 2021, Stephen Martin, Lois Lerner’s successor as Director of the IRS’s Exempt Organizations Division, denied a religious group called Christians Engaged 501(c)(3) tax-exempt status.² Section 501(c)(3) of the Internal Revenue Code exempts from federal taxation groups that are “organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or education purposes” that do not participate or intervene in a political campaign.³ Martin explained that “bible teachings are typically affiliated with the [Republican] party and candidates. This disqualifies you from exemption under [Internal Revenue Code] 501(c)(3).”⁴

Christians Engaged is a Christian organization that seeks “to awaken, motivate, and empower ordinary believers in Jesus Christ to: pray for our nation regularly, vote in every election to impact our culture, [and] engage our hearts in some form of political education or activism for the furtherance of our nation.”⁵ The organization engages with the public on public policy issues through the lens of the Bible’s teachings and sincerely held religious beliefs.⁶

The IRS’s denial of tax-exempt status to Christians Engaged on the assumption that bible teaching is an activity “typically” associated with Republicans is wrong and outrageous. Federal

¹ Michael Lee, *IRS denies tax-exempt status to Christian nonprofit group because ‘Bible teachings are typically affiliated with the Republican Party’*, YAHOO NEWS (Jun. 20, 2021).

² Letter from Mr. Stephen Martin, Dir., Exempt Org. Rulings & Agreements, Internal Rev. Serv., to Christians Engaged (May 18, 2021).

³ I.R.C. § 501(c)(3) (2019). *See generally* INTERNAL REVENUE SERV., REVENUE RULING 2007-41 (Jun. 18, 2007).

⁴ Letter from Mr. Stephen Martin, Dir., Exempt Org. Rulings & Agreements, Internal Rev. Serv., to Christians Engaged (May 18, 2021).

⁵ Christians Engaged, <https://christiansengaged.org/> (last visited Jun. 23, 2021).

⁶ Letter from Ms. Lea Patterson, Counsel, First Liberty Institute, to Internal Revenue Serv. (Jun. 16, 2021).

law allows a religious group to obtain tax-exempt status.⁷ IRS regulations permit a tax-exempt organization to “take positions on public policy issues, including issues that divide candidates in an election for public office.”⁸ Christians Engaged is not affiliated with a specific political party or candidate.⁹ The group’s religious teachings and educational material do not amount to support for a specific political party or candidate.¹⁰

Even worse, the IRS’s ruling violates fundamental First Amendment rights of citizens affiliated with Christians Engaged. The IRS granted former First Lady Michelle Obama’s When We All Vote organization 501(c)(3) tax-exempt status.¹¹ This group encourages its “supporters and volunteers to take action through voting, advocating for their rights, and holding their elected officials accountable.”¹² The IRS’s denial of tax-exempt status to Christians Engaged while granting exempt status to another organization that “encourage[s] civic engagement from different viewpoints demonstrates the IRS’s impermissible viewpoint discrimination.”¹³

The IRS has a sad history of violating American citizens’ constitutional rights. In 2010 and 2011, the IRS targeted Tea Party groups that applied for tax-exempt status.¹⁴ In 2013, you issued a report that found that “[t]he IRS used inappropriate criteria that identified for review Tea Party and other organizations applying for tax-exempt status based upon their names or policy positions instead of indications of potential political campaign involvement.”¹⁵ The ensuing investigation by the House Committee on Oversight and Government Reform detailed how the IRS, responding to political pressure from the Obama-Biden Administration, weaponized our tax laws to silence and censor conservative speech.¹⁶

The revelation that the IRS unlawfully denied tax-exempt status to Christians Engaged comes on the heels of news of a massive breach of confidential taxpayer data. Earlier this month, *ProPublica* published an article that relied on a large amount of tax return information, which is protected from disclosure under federal law.¹⁷ Although *ProPublica* claims not to know the source of this taxpayer information, it seems likely that an individual working at the IRS or someone with access leaked the confidential tax documents of American citizens. We understand that the IRS has announced that the agency is reviewing the release of this information and referred this issue to your office for review.¹⁸ But we cannot trust the IRS to police itself.

⁷ I.R.C. § 501(c)(3) (2019).

⁸ INTERNAL REVENUE SERV., REVENUE RULING 2007-41 (2007).

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¹⁴ Bradley A. Smith, *The Unresolved IRS Scandal*, WALL ST. J. (May 9, 2018).

¹⁵ TIGTA, 2013-10-053, Inappropriate Criteria Were Used to Identify Tax-Exempt Applications for Review, <https://www.treasury.gov/tigta/auditreports/2013reports/201310053fr.pdf>.

¹⁶ Staff Report, H. Comm. on Oversight & Gov’t Reform, *The Internal Revenue Service’s Targeting of Conservative Tax-Exempt Applicants: Report of Findings for the 113th Congress*, 113th Cong. (2014).

¹⁷ Jesse Eisinger, Jeff Ernsthause, Paul Kiel, *The Secret IRS Files: Trove of Never-Before-Seen Records reveal How the Wealthiest Avoid Income Tax*, PROPUBLICA (Jun. 8, 2021); 26 U.S.C. § 7213(a) (2019).


¹⁸ Richard Rubin, *IRS Is Investigating Release of Tax Information of Wealthy Americans*, WALL ST. J. (Jun. 8, 2021).

The Honorable J. Russell George
June 30, 2021
Page 3


We must ensure the IRS is not reverting back to its targeting of conservative tax-exempt groups. Government agencies that work for the American public should not be in the business of violating citizens' constitutional rights. The Committee on the Judiciary has jurisdiction over civil liberties under House Rule X. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Therefore, we urge you to immediately review the IRS's denial of tax-exempt status to Christians Engaged and whether the IRS has denied similarly situated applicants on the basis of constitutionally protected speech.

We appreciate your prompt attention to this request and look forward to hearing from you.

Sincerely,


Jim Jordan
Ranking Member
Committee on the Judiciary


James Comer
Ranking Member
Committee on Oversight and Reform


Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights, and Civil Liberties
Committee on the Judiciary

cc: The Honorable Jerrold Nadler, Chairman, Committee on the Judiciary

The Honorable Carolyn Maloney, Chairwoman, Committee on Oversight and Reform

The Honorable Steve Cohen, Chairman, Subcommittee on the Constitution, Civil Rights,
and Civil Liberties, Committee on the Judiciary

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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July 7, 2021

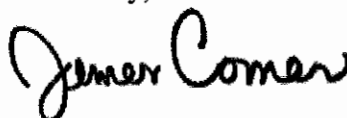
The Honorable Sean O'Donnell
Inspector General
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Inspector General O'Donnell:

I am writing to request the April 2006 document entitled, *Guidance for the Implementation of the Memorandum of Understanding between the Office of Inspector General and the Office of Enforcement and Compliance Assurance*.

The Committee on Oversight and Reform is the principal oversight Committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions about this request, please contact Oversight Committee staff at (202) 225-5074. Thank you for your cooperation with this inquiry.

Sincerely,



Ranking Member
Committee on Oversight and Reform

cc: The Honorable Carolyn Maloney, Chairwoman, Committee on Oversight and Reform

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

July 7, 2021

The Honorable Paul K. Martin
Inspector General
National Aeronautics and Space Administration
P.O. Box 23089
L'Enfant Plaza Station
Washington, D.C. 20026

Dear Inspector General Martin:

I am writing to request the unredacted case file, including but not limited to all underlying documents, including emails, related to the June 9, 2021 investigative report entitled, *A Review of Allegations of Unauthorized Activity by an Executive Assistant to a Former NASA Administrator*.

The Committee on Oversight and Reform is the principal oversight Committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions about this request, please contact Oversight Committee staff at (202) 225-5074. Thank you for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform

cc: The Honorable Carolyn Maloney, Chairwoman, Committee on Oversight and Reform

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-3051
MINORITY (202) 225-5074
<https://oversight.house.gov>

July 13, 2021

The Honorable Jennifer Granholm
Secretary
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Secretary Granholm,

We are continuing oversight of questionable ethical conduct at the Department of Energy (DOE). It appears that acting Assistant Secretary for Energy Efficiency and Renewable Energy, Kelly Speakes-Backman, may be using her position to advance the interests of an energy association where she was most recently the Chief Executive Office (CEO) – the Energy Storage Association (ESA).¹ On May 12, 2021, we first requested information about another conflict of interest regarding your relationship with Proterra, Inc. Your agency has failed to provide a substantive response. This lack of transparency and apparent pattern of ethical issues raises questions about the stewardship of the agency by the Biden Administration.

The ESA represents more than 200 businesses and is dedicated to advancing energy storage, including engaging with DOE to promote energy storage technologies.² According to media reports, Ms. Speakes-Backman has continuously mentioned the ESA while appearing in her official capacity at DOE.³ Ms. Speakes-Backman has even suggested publicly that DOE will be implementing initiatives that would likely benefit the ESA and its members.⁴ This appears to be a conflict of interest.

Ms. Speakes-Backman has also made several statements regarding new DOE initiatives that are similar to those proposed by ESA.⁵ For example, she stated at a public event that, “[b]ack in December 2020, when I was still with the Energy Storage Association, DOE published the energy storage grand challenge road map, then further explained, ‘I’m stealing this a little bit from my days at Energy Storage Association.’”⁶ Additionally, Ms. Speakes-Backman

¹ Adam Shaw, *Watchdog group says Energy Department official may have violated ethics obligations*, FOX NEWS, May 29, 2021, <https://www.foxnews.com/politics/watchdog-energy-deputy-may-have-violated-ethics-obligations>.

² U.S. Energy Storage Ass’n, *About ESA*, available at <https://energystorage.org/about-esa/> (last visited June 29, 2021); see also U.S. Energy Storage Ass’n, *Policies & Issues: Federal*, available at <https://energystorage.org/policies-issues/federal/administration/> (last visited June 30, 2021).

³ Shaw, *supra* note 1.

⁴ *Id.*

⁵ *See id.*

⁶ *Id.*

delivered a keynote address at an event where her sponsor was a “leadership circle member” of the ESA and raises questions about whether she has been in continuous communications with her former employer.⁷ Between these instances and her public statements, Ms. Speakes-Backman has a pattern of working toward advancing the interests of the ESA.⁸ In addition to being a potential conflict of interest, this conduct may also violate President Biden’s Ethics Pledge because of her active participation in policy decisions that are substantially related to ESA policies.⁹

It is imperative that all officials at DOE, particularly senior political appointees are taking their ethical obligations seriously and not using positions of public trust to benefit former employers. In order for Committee Republicans to determine if Ms. Speakes-Backman acted inappropriately, please provide the following documents and information as soon as possible but no later than July 27, 2021.

- (1) All documents and communications from January 20, 2021 to present by Ms. Speakes-Backman related to the Energy Storage Association.
- (2) All documents and communications from January 20, 2021 to present between Ms. Speakes-Backman and any employee at the Energy Storage Association.
- (3) All documents and communications from January 20, 2021 to present regarding the appearance by Ms. Speakes-Backman at the International Conservation Caucus Foundation panel.
- (4) All documents and communications from January 20, 2021 to present between Ms. Speakes-Backman and the Department of Energy related to the analysis of any conflict of interest.

To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



Ralph Norman
Ranking Member
Subcommittee on Environment

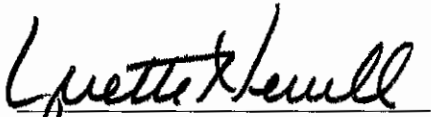


Paul A. Gosar, D.D.S.
Member of Congress

⁷ *Id.*

⁸ *Id.*

⁹ Exec. Order No. 13989, 86 Fed. Reg. 7029 (Jan. 25, 2021).



Yvette Herrell
Member of Congress

cc: The Honorable Ro Khanna, Chairman
Subcommittee on Environment

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

July 14, 2021

The Honorable David Ferriero
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Dear Mr. Ferriero:

Reports regarding President Joseph R. Biden, Jr.'s family members attempting to profit from their proximity to the White House have been disturbing and recurring. Unfortunately, these reports of President Biden using his former official positions of public trust to swell the coffers of his family members are widespread, and any hope the pattern of family self-dealing would finally stop when he assumed the presidency has been dashed.¹

Reporting indicates the President's son, Hunter Biden, a former lawyer and lobbyist tied to a string of opaque business dealings with China, Mexico, and Ukraine, has recast himself as an "undiscovered artist" living comfortably in the Hollywood Hills.² According to the *Washington Post*, Hunter Biden is now attempting to sell his artwork at extravagant prices, from \$75,000 for works on paper to "\$500,000 [for] large paintings."³

The prices for these paintings—by someone with no formal training or history as an artist—raise questions about whether the art is being offered for its merit or its connection to the White House. As one gallery owner said, "[A]nybody who buys it would be guaranteed instant profit . . . He's the president's son."⁴ And though the price of art is dependent on subjective tastes, one art consultant said that while he is "not a fan" of Mr. Biden's work, he is nonetheless

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² Adam Popescu, *There's a New Artist in Town. The Name is Biden.*, N.Y. TIMES (Feb. 28, 2020), available at <https://www.nytimes.com/2020/02/28/arts/design/hunter-biden-art.html>.

³ Matt Viser, *Deal of the Art: White House Grapples with Ethics of Hunter Biden's Pricey Paintings*, WASH. POST (Jul. 8, 2021), available at https://www.washingtonpost.com/politics/deal-of-the-art-white-house-grapples-with-ethics-of-hunter-bidens-pricey-paintings/2021/07/07/97e0528c-da72-11eb-9bbb-37c30dcf9363_story.html.

⁴ Nicholas Conca, Jessica Sonkin, and Kate Sheehy, *Hunter Biden's Artwork is Actually Good and Will be Worth a Lot, Experts Say*, N.Y. POST (Jun. 15, 2021), available at <https://nypost.com/2021/06/15/hunter-bidens-artwork-is-actually-good-experts-say/>.

“very positive that he’s gonna do well in the market because this industry is very much about, what’s a simple way to put this – it’s like clout.”⁵

The hidden nature of art purchasers and the difficult question of pricing art has made it a well-known tool for money laundering and other illicit activities. As the Senate’s Permanent Subcommittee on Investigations uncovered last year, “The art industry is the largest legal, unregulated market in the United States.”⁶ As the Senate report makes clear, at least since the Obama administration Russian oligarchs have “used transactions involving high-value art to evade sanctions imposed on them by the United States[.]”⁷

The anonymity surrounding Hunter Biden’s art sales is especially susceptible to fraud because “[a] foreign government could front someone to make a purchase... Art purchases are notoriously hard to track, and last year the Treasury Department warned that the secondary market for high value art, and the anonymity of purchasers, could allow foreigners to circumvent sanctions and gain access to the U.S. economy.”⁸

Walter Shaub, former Office of Government Ethics director under President Obama, said, “Because we don’t know who is paying for this art and we don’t know for sure that [Hunter Biden] knows, we have no way of monitoring whether people are buying access to the White House... What these people are paying for is Hunter Biden’s last name.”⁹ The public has a right to know how President Biden and his son intend to keep separate the interests of the American people from the earnings of President Biden’s family members.

This pattern—which appears to be nothing short of a cash-grab—continues beyond President Biden’s children. Just last week, it was reported that Valerie Biden Owens, the President’s “sister, confidante, and longtime political strategist,” will publish a book presumably detailing her time as “The Joe Biden Whisperer.”¹⁰ The publisher, Celadon Books, did not disclose “financial terms.” The nontransparent nature of the transaction raises questions about what exactly is *not* available to be monetized as it relates to President Biden’s time in the White House.

Unfortunately, this is a familiar story. In January, it was reported President Biden’s brother, Francis “Frank” Biden, “promoted his relationship to the commander-in-chief in an

⁵ *Id.*

⁶ The Art Industry and U.S. Policies that Undermine Sanctions, Staff Report, Permanent Subcomm. on Investigations (2020), available at <https://www.hsgac.senate.gov/imo/media/doc/2020-07-29%20PSI%20Staff%20Report%20-%20The%20Art%20Industry%20and%20U.S.%20Policies%20that%20Undermine%20Sanctions.pdf>.

⁷ *Id.*

⁸ Viser, *supra* note 3.

⁹ *Id.*

¹⁰ Hillel Italie, *Valerie Biden Owens, the President's Sister, Has a Book Deal*, ASSOC. PRESS. (Jun. 24, 2021), available at <https://apnews.com/article/joe-biden-valerie-biden-owens-entertainment-government-and-politics-arts-and-entertainment-46752afe6875e0cd0285d16676238c16>.

Inauguration Day advertisement for the law firm he advises.”¹¹ In an ad taking aim at Florida’s sugar companies, Frank Biden, who joined the firm as a non-lawyer senior adviser in July 2018,¹² appears alongside quotes regarding his relationship with President Biden. Abandoning any pretense of subtlety, Frank Biden brags in the ad that, “[t]he two Biden brothers have long held a commitment to pushing environmental issues to the forefront.”¹³ When CNBC inquired whether the firm would continue to use the Biden name in future ads, the firm provided no response to that question and, instead, painted Frank Biden as a “champion for social justice” and committed to fighting against “corporate behemoths that prey on the little guy.”¹⁴

The Biden Family Has a Pattern of Trading on Official Government Business

Details continue to unfold about Joe Biden’s history of alleged influence peddling while serving as a Senator and Vice President. Recent reporting indicates that in 2014, then-Vice President Biden hosted Hunter Biden’s business associates, including Mexican billionaire Carlos Slim, in the Vice President’s office. In 2016, while Vice President, Joe Biden flew Hunter Biden and his business associate, Jeff Cooper, on Air Force 2 to Mexico City where Hunter attended meetings regarding a business deal.¹⁵ As reported, this “[a]s seen in photographs and emails on Hunter’s abandoned laptop...the latest in a growing body of evidence calling into question the president’s claim that he never spoke about business with Hunter.”¹⁶

Investigative reporting—aptly titled “Biden Inc.”—has noted how “[o]ver his decades in office, ‘Middle-Class Joe’s’ family fortunes have closely tracked his political career.”¹⁷ Among a wealth of other stories, the piece begins by detailing the late summer of 2006 when the President’s sons, Hunter and Beau, showed up to the recently purchased Paradigm Global Advisors (purchased by Hunter and then-Senator Biden’s other brother, James), fired the president of the company, and had “two large men escort[] the fund’s president out of the firm’s midtown Manhattan office[.]”¹⁸ According to an executive present at the time, James Biden told the company “Don’t worry about investors... We’ve got people all around the world who want to invest in Joe Biden.”¹⁹ This executive explained how “James Biden made it clear he viewed the fund as a way to take money from rich foreigners who could not legally give money to his older

¹¹ Brian Schwartz, *Biden Brother Touts Relationship with President in Inauguration Day Ad for Law Firm*, CNBC (Jan. 27, 2021), available at <https://www.cnn.com/2021/01/27/biden-brother-touts-relationship-with-president-in-inauguration-day-ad-for-law-firm.html>.

¹² Ryan Nicol, *Law Firm Advised by Joe Biden’s Brother Takes Aim at Florida Sugar Companies*, FLAPOL (June 5, 2019), available at <https://floridapolitics.com/archives/297963-law-firm-a-bidens-brother-florida-sugar>.

¹³ *Supra*, note 8.

¹⁴ *Id.*

¹⁵ Josh Boswell, *Joe Biden Entertained Hunter’s Mexican Billionaire Business Associates in the Vice President’s Office in 2014 and Even Flew with His Son to Mexico City on Air Force 2 so Hunter Could Attend Meetings Over a ‘Flippin Gigantic’ Deal*, DAILY MAIL (Jun. 30, 2021), available at <https://www.dailymail.co.uk/news/article-9678005/Joe-Biden-entertained-Hunters-billionaire-business-associates-vice-presidents-office.html>.

¹⁶ *Id.*

¹⁷ Ben Schreckinger, *Biden Inc.*, POLITICO (Aug. 2, 2019), available at <https://www.politico.com/magazine/story/2019/08/02/joe-biden-investigation-hunter-brother-hedge-fund-money-2020-campaign-227407>.

¹⁸ *Id.*

¹⁹ *Id.*

brother or his campaign account,” and that Beau Biden told his uncle “This can never leave this room, and if you ever say it again, I will have nothing to do with this.”²⁰

In February 2011, while Joe Biden was Vice President, Frank Biden urged the Palm Beach County School Board to approve a charter school proposal from a for-profit company for which he was president, Mavericks in Education.²¹ A Mavericks press release about the eventual approval denoted Frank Biden as “Mavericks High’s Frank Biden (brother of Vice President Joe Biden).”²² Frank Biden has said his last name was important because people associate the Biden family name with “taking care of people who need help.”²³ Frank Biden has also said that the name is “a tremendous asset” and that he “enjoy[s] automatic acceptance or at least listening to what I have to say.”²⁴ At the time, his Twitter biography described him as “President and founder of Cygnus International LLC, a real estate development and consulting firm; brother of US Vice President, Joe Biden.”²⁵

In 2013, President Biden and his son Hunter visited Beijing, China, on a trip comprised of both official and unofficial meetings and events. NBC News has reported that, contemporaneous to the trip, Hunter Biden was “forming a Chinese private equity fund that associates said at the time was planning to raise big money, including from China.”²⁶ Ten days after the trip, Shanghai authorities issued a business license for the new fund.²⁷

The Biden Family Profiteering Must Stop

The recent revelations of Biden family members again trading on President Biden’s name is an inauspicious beginning to a presidency purportedly aimed at cultivating trust, unity, and honesty. To understand the extent of the Biden family’s use of its connection to the President to enrich itself, please produce the following information to the Committee by July 28, 2021:

1. All documents and communications between the Executive Office of the President or Office of the Vice President and members or associates of the Biden family referring or relating to the 2013 trip to China and the 2016 trip to Mexico; and
2. All documents and communications referring or relating to any security incidents on Air Force Two during the 2013 trip to China and the 2016 trip to Mexico.

²⁰ *Id.*

²¹ Valerie Strauss, *Brother of VP Biden Promotes Charters, Invoking Family Name*, WASH. POST (Dec. 10, 2011), available at https://www.washingtonpost.com/blogs/answer-sheet/post/brother-of-vp-biden-promotes-charters-invoking-family-name/2011/11/22/gIQAnhLFfO_blog.html.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

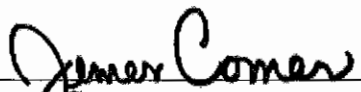
²⁶ Joe Lederman, *Bidens' Trip to China with Son Hunter in 2013 Comes Under New Scrutiny*, NBC NEWS (Oct. 2, 2019), available at <https://www.nbcnews.com/politics/2020-election/biden-s-trip-china-son-hunter-2013-comes-under-new-n1061051>.

²⁷ *Id.*

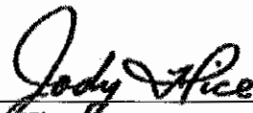
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If you have any questions about this request, please contact Committee staff at (202) 225-5074. Thank you for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



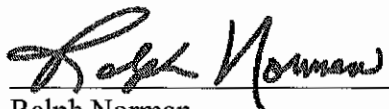
Jody Hice
Ranking Member
Subcommittee on Government
Operations



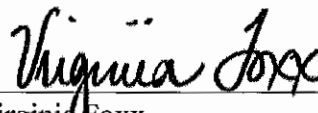
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



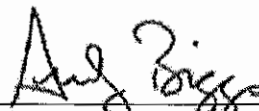
Ralph Norman
Ranking Member
Subcommittee on Environment



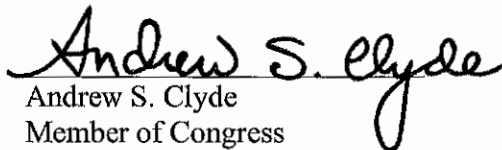
Virginia Foxx
Member of Congress



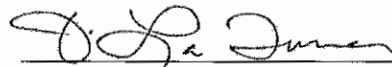
Fred Keller
Member of Congress



Andy Biggs
Member of Congress



Andrew S. Clyde
Member of Congress

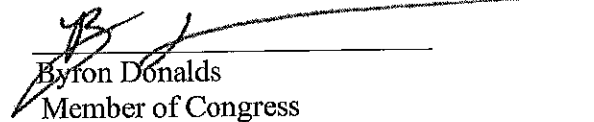


Jake LaTurner
Member of Congress

The Honorable David Ferriero
July 14, 2021
Page 6



Pat Fallon
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

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) 225-6074
<https://oversight.house.gov>

July 14, 2021

Ms. Dana Remus
Counsel to the President
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Ms. Remus:

Reports regarding President Joseph R. Biden, Jr.'s family members attempting to profit from their proximity to the White House have been disturbing and recurring. Unfortunately, these reports of President Biden using his former official positions of public trust to swell the coffers of his family members are widespread, and any hope the pattern of family self-dealing would finally stop when he assumed the presidency has been dashed.¹

Reporting indicates the President's son, Hunter Biden, a former lawyer and lobbyist tied to a string of opaque business dealings with China, Mexico, and Ukraine, has recast himself as an "undiscovered artist" living comfortably in the Hollywood Hills.² According to the *Washington Post*, Hunter Biden is now attempting to sell his artwork at extravagant prices, from \$75,000 for works on paper to "\$500,000 [for] large paintings."³

The prices for these paintings—by someone with no formal training or history as an artist—raise questions about whether the art is being offered for its merit or its connection to the White House. As one gallery owner said, "[A]nybody who buys it would be guaranteed instant profit . . . He's the president's son."⁴ And though the price of art is dependent on subjective tastes, one art consultant said that while he is "not a fan" of Mr. Biden's work, he is nonetheless "very positive that he's gonna do well in the market because this industry is very much about, what's a simple way to put this — it's like clout."⁵

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The anonymity surrounding Hunter Biden’s art sales is especially susceptible to fraud because “[a] foreign government could front someone to make a purchase... Art purchases are notoriously hard to track, and last year the Treasury Department warned that the secondary market for high value art, and the anonymity of purchasers, could allow foreigners to circumvent sanctions and gain access to the U.S. economy.”⁸

Walter Shaub, former Office of Government Ethics director under President Obama, said, “Because we don’t know who is paying for this art and we don’t know for sure that [Hunter Biden] knows, we have no way of monitoring whether people are buying access to the White House... What these people are paying for is Hunter Biden’s last name.”⁹ The public has a right to know how President Biden and his son intend to keep separate the interests of the American people from the earnings of President Biden’s family members.

This pattern—which appears to be nothing short of a cash-grab—continues beyond President Biden’s children. Just last week, it was reported that Valerie Biden Owens, the President’s “sister, confidante, and longtime political strategist,” will publish a book presumably detailing her time as “The Joe Biden Whisperer.”¹⁰ The publisher, Celadon Books, did not disclose “financial terms.” The nontransparent nature of the transaction raises questions about what exactly is *not* available to be monetized as it relates to President Biden’s time in the White House.

Unfortunately, this is a familiar story. In January, it was reported President Biden’s brother, Francis “Frank” Biden, “promoted his relationship to the commander-in-chief in an Inauguration Day advertisement for the law firm he advises.”¹¹ In an ad taking aim at Florida’s sugar companies, Frank Biden, who joined the firm as a non-lawyer senior adviser in July

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⁷ *Id.*

⁸ Viser, *supra* note 3.

⁹ *Id.*

¹⁰ Hillel Italie, *Valerie Biden Owens, the President’s Sister, Has a Book Deal*, ASSOC. PRESS. (Jun. 24, 2021), available at <https://apnews.com/article/joe-biden-valerie-biden-owens-entertainment-government-and-politics-arts-and-entertainment-46752afe6875e0cd0285d16676238c16>.

¹¹ Brian Schwartz, *Biden Brother Touts Relationship with President in Inauguration Day Ad for Law Firm*, CNBC (Jan. 27, 2021), available at <https://www.cnbc.com/2021/01/27/biden-brother-touts-relationship-with-president-in-inauguration-day-ad-for-law-firm.html>.

2018,¹² appears alongside quotes regarding his relationship with President Biden. Abandoning any pretense of subtlety, Frank Biden brags in the ad that, “[t]he two Biden brothers have long held a commitment to pushing environmental issues to the forefront.”¹³ When CNBC inquired whether the firm would continue to use the Biden name in future ads, the firm provided no response to that question and, instead, painted Frank Biden as a “champion for social justice” and committed to fighting against “corporate behemoths that prey on the little guy.”¹⁴

The Biden Family Has a Pattern of Trading on Official Government Business

Details continue to unfold about Joe Biden’s history of alleged influence peddling while serving as a Senator and Vice President. Recent reporting indicates that in 2014, then-Vice President Biden hosted Hunter Biden’s business associates, including Mexican billionaire Carlos Slim, in the Vice President’s office. In 2016, while Vice President, Joe Biden flew Hunter Biden and his business associate, Jeff Cooper, on Air Force 2 to Mexico City where Hunter attended meetings regarding a business deal.¹⁵ As reported, this “la[ys] bare in photographs and emails on Hunter’s abandoned laptop...the latest in a growing body of evidence calling into question the president’s claim that he never spoke about business with Hunter.”¹⁶

Investigative reporting—aptly titled “Biden Inc.”—has noted how “[o]ver his decades in office, ‘Middle-Class Joe’s’ family fortunes have closely tracked his political career.”¹⁷ Among a wealth of other stories, the piece begins by detailing the late summer of 2006 when the President’s sons, Hunter and Beau, showed up to the recently purchased Paradigm Global Advisors (purchased by Hunter and then-Senator Biden’s other brother, James), fired the president of the company, and had “two large men escort[] the fund’s president out of the firm’s midtown Manhattan office[.]”¹⁸ According to an executive present at the time, James Biden told the company “Don’t worry about investors... We’ve got people all around the world who want to invest in Joe Biden.”¹⁹ This executive explained how “James Biden made it clear he viewed the fund as a way to take money from rich foreigners who could not legally give money to his older brother or his campaign account,” and that Beau Biden told his uncle “This can never leave this room, and if you ever say it again, I will have nothing to do with this.”²⁰

¹² Ryan Nicol, *Law Firm Advised by Joe Biden's Brother Takes Aim at Florida Sugar Companies*, FLAPOL (June 5, 2019), available at <https://floridapolitics.com/archives/297963-law-firm-a-bidens-brother-florida-sugar>.

¹³ *Supra*, note 8.

¹⁴ *Id.*

¹⁵ Josh Boswell, *Joe Biden Entertained Hunter's Mexican Billionaire Business Associates in the Vice President's Office in 2014 and Even Flew with His Son to Mexico City on Air Force 2 so Hunter Could Attend Meetings Over a 'Flippin' Gigantic' Deal*, DAILY MAIL (Jun. 30, 2021), available at <https://www.dailymail.co.uk/news/article-9678005/Joe-Biden-entertained-Hunters-billionaire-business-associates-vice-presidents-office.html>.

¹⁶ *Id.*

¹⁷ Ben Schreckinger, *Biden Inc.*, POLITICO (Aug. 2, 2019), available at <https://www.politico.com/magazine/story/2019/08/02/joe-biden-investigation-hunter-brother-hedge-fund-money-2020-campaign-227407>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

In February 2011, while Joe Biden was Vice President, Frank Biden urged the Palm Beach County School Board to approve a charter school proposal from a for-profit company for which he was president, Mavericks in Education.²¹ A Mavericks press release about the eventual approval denoted Frank Biden as “Mavericks High’s Frank Biden (brother of Vice President Joe Biden).”²² Frank Biden has said his last name was important because people associate the Biden family name with “taking care of people who need help.”²³ Frank Biden has also said that the name is “a tremendous asset” and that he “enjoy[s] automatic acceptance or at least listening to what I have to say.”²⁴ At the time, his Twitter biography described him as “President and founder of Cygnus International LLC, a real estate development and consulting firm; brother of US Vice President, Joe Biden.”²⁵

In 2013, President Biden and his son Hunter visited Beijing, China, on a trip comprised of both official and unofficial meetings and events. NBC News has reported that, contemporaneous to the trip, Hunter Biden was “forming a Chinese private equity fund that associates said at the time was planning to raise big money, including from China.”²⁶ Ten days after the trip, Shanghai authorities issued a business license for the new fund.²⁷

The Biden Family Profiteering Must Stop

The recent revelations of Biden family members again trading on President Biden’s name is an inauspicious beginning to a presidency purportedly aimed at cultivating trust, unity, and honesty. To understand the extent of the Biden family’s use of its connection to the President to enrich itself and any steps your office is taking to mitigate future self-dealing, please produce the following information to the Committee by July 28, 2021:

1. All documents and communications between the Executive Office of the President or Office of the Vice President and members or associates of the Biden family referring or relating to the 2013 trip to China and the 2016 trip to Mexico;
2. All documents and communications referring or relating to any security incidents on Air Force Two during the 2013 trip to China and the 2016 trip to Mexico;
3. Both official and unofficial schedules for all Biden family members for the 2013 trip to China and the 2016 trip to Mexico;

²¹ Valerie Strauss, *Brother of VP Biden Promotes Charters, Invoking Family Name*, WASH. POST (Dec. 10, 2011), available at https://www.washingtonpost.com/blogs/answer-sheet/post/brother-of-vp-biden-promotes-charters-invoking-family-name/2011/11/22/gIQAnhLFfO_blog.html.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Joe Lederman, *Bidens’ Trip to China with Son Hunter in 2013 Comes Under New Scrutiny*, NBC NEWS (Oct. 2, 2019), available at <https://www.nbcnews.com/politics/2020-election/biden-s-trip-china-son-hunter-2013-comes-under-new-n1061051>.

²⁷ *Id.*

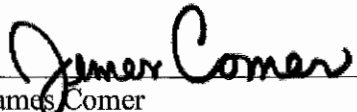
Ms. Dana Remus
July 14, 2021
Page 5

4. A list of all past and ongoing foreign business interests and past and ongoing foreign relations for members of the Biden family;
5. All documents and communications regarding Hunter Biden's artwork;
6. A list of all Biden family members' appearances in advertisements, public speaking events, or any instance in which the Biden name was used to solicit business, investments, or interest or awareness in a business, campaign, or organization of any sort; and
7. All policies and procedures in place to ensure the Biden family does not profit off the presidency.

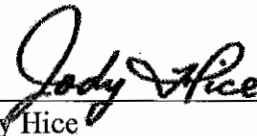
The Committee on Oversight and Reform is the principal oversight Committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

If you have any questions about this request, please contact Committee staff at (202) 225-5074. Thank you for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



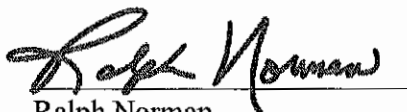
Jody Hice
Ranking Member
Subcommittee on Government
Operations



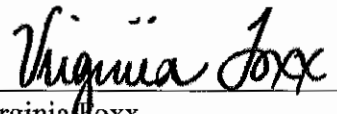
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Ralph Norman
Ranking Member
Subcommittee on Environment

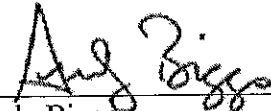


Virginia Foxx
Member of Congress

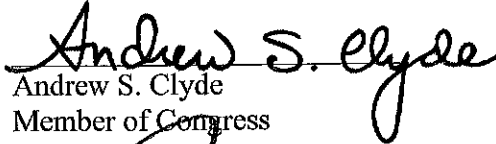
Ms. Dana Remus
July 14, 2021
Page 6



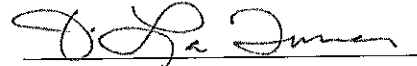
Fred Keller
Member of Congress



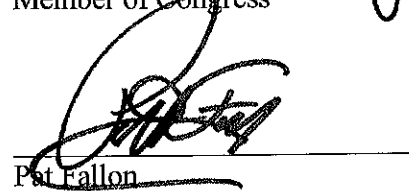
Andy Biggs
Member of Congress



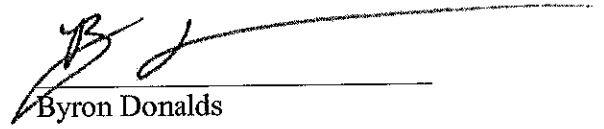
Andrew S. Clyde
Member of Congress



Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-6061
MINORITY (202) 226-5074
<https://oversight.house.gov>

July 15, 2021

The Honorable Francis Collins, M.D., Ph.D.
Director
National Institutes of Health
9000 Rockville Pike
Rockville, MD 20892

Dr. Anthony Fauci
Director
National Institute of Allergy and Infectious Diseases
5601 Fishers Lane, MSC 9806
Bethesda, MD 20892

Dear Directors Collins and Fauci:

On May 28, 2021, we wrote to you requesting information regarding a 2014 grant awarded by the National Institutes of Health (NIH) to EcoHealth Alliance, Inc. (EcoHealth) that was subsequently awarded to the Wuhan Institute of Virology (WIV).¹ You failed to respond.

On June 29, 2021, Select Subcommittee on the Coronavirus Crisis Republicans held a forum discussing the origins of COVID-19. Expert witnesses testified that “the COVID pandemic was not a natural process but instead came from a laboratory in Wuhan, China, and that it has the fingerprints of genetic manipulation through...gain-of-function research.”² You were invited to testify at this forum. You refused to participate.

The NIH had a relationship with the WIV in Wuhan, China. It also has a responsibility for helping develop our country’s response to pandemics, including COVID-19. In fact, you were key members of the COVID-19 task force. As such, we requested this information in an effort to understand whether failures occurred in our country’s pandemic response and where improvements are needed. Necessarily, our request includes understanding the scope of the NIH’s relationship with the WIV—the possible origin for the pandemic.

¹ Letter from Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform and Hon Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Francis Collins, Dir., Nat’l Inst. Of Health, and Dr. Anthony Fauci, Dir., Nat’l Inst. Of Allergy and Infectious Diseases (May 28, 2021).

² *Led By Science: The COVID-19 Origin Story: Forum Before Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform*, 117th Cong. (June 29, 2021) (statement by Dr. Steven Quay).

The Honorable Francis Collins, M.D., Ph.D.
Dr. Anthony Fauci
July 15, 2021
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Due to the importance of this investigation, we renew our May 28, 2021 request today and request these documents pursuant to 5 USC § 2954—commonly referred to as the “Seven Member Rule.” The Seven Member Rule is unique statutory authority—passed by Congress and signed by the President in 1928—requiring any executive agency to: “submit any information requested of it relating to any matter within the jurisdiction of the committee” on the request of any seven members of the Committee on Oversight and Reform.³

As our previous request highlights, mounting evidence suggests COVID-19 started in the WIV, the Chinese Communist Party (CCP) covered it up, and the CCP is responsible for the deaths of more than 600,000 Americans and millions more worldwide. The relationship between the NIH, the WIV, and EcoHealth raises serious questions about use of taxpayer dollars for gain-of-function research and when U.S. health officials became aware of the WIV’s role in the COVID-19 pandemic. The public health community—including the NIH—and the American people deserve the truth. The truth will enable American public health officials to prevent and minimize the effects of future global pandemics.

In fact, thousands of pages of Dr. Fauci’s emails released under the Freedom of Information Act (FOIA) make this request even more urgent.⁴ These emails indicate that Dr. Fauci knew early on of the possibility COVID-19 leaked from a U.S. taxpayer funded laboratory—the WIV.⁵ Specifically, the emails show:

- Dr. Fauci knew of possible gain-of-function coronavirus research being conducted with taxpayer funds;⁶
- The Chief Executive Officer of EcoHealth pressured Dr. Fauci to rebuke the theory COVID-19 first emerged from the WIV;⁷
- Dr. Fauci was working closely with the CCP;⁸ and
- At least one credible scientist stated in January 2020, in an email to Dr. Fauci, that some of the COVID-19 viral sequence “potentially look[s] engineered.”⁹

³ 5 USC § 2954. 45 Stat. 996, §2 (1928). The statute itself refers to the “Committee on Government Operations of the House of Representatives.” Since 1928, the standing Committee has been renamed several times and is currently known as the Committee on Oversight and Reform.

⁴ See Natalie Bettendorf & Jason Leopold, *Anthony Fauci’s Emails Reveal The Pressure That Fell on One Man*, BUZZFEED NEWS (June 1, 2021), <https://www.buzzfeednews.com/article/nataliebettendorf/fauci-emails-covid-response>.

⁵ *Id.*

⁶ Email from Hugh Auchincloss to Anthony Fauci (Feb. 1, 2020) (on file with Comm. staff).

⁷ Email from Peter Daszak to Anthony Fauci (Apr. 18, 2020) (on file with Comm. staff).

⁸ Email from George Gao to Anthony Fauci (Mar. 28, 2020) (on file with Comm. staff).

⁹ Email from Kristian Anderson to Anthony Fauci (Jan. 31, 2020) (on file with Comm. staff).

The Honorable Francis Collins, M.D., Ph.D.
Dr. Anthony Fauci
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Unfortunately, many of these emails are redacted. These redactions frustrate the Committee's efforts to uncover the truth as it relates to the CCP's culpability and whether NIH officials engaged in a cover-up.

Therefore, we renew our previous request for documents and information pertaining to the relationship between the NIH and EcoHealth pursuant to 5 USC § 2954, the Seven Member Rule. Please produce these documents as soon as possible but no later than July 29, 2021. For your ready reference, those requests are reiterated below:

1. All documents and communications between NIH and EcoHealth regarding grant R01AI110964 from October 1, 2019 through present.
2. All documents and communications between NIH and WIV regarding grant R01AI110964 from October 1, 2019 through present.
3. All documents and communications pertaining to or resulting from any U.S. government-led inspection of the WIV arranged by EcoHealth.
4. All documents and communications regarding Potential Pandemic Pathogen Care and Oversight Committee review of R01AI110964.
5. All documents and communications regarding gain of function research funded by EcoHealth or any other U.S. entity.

Further, we request unredacted versions of the following emails that were released under FOIA as soon as possible but no later than July 29, 2021:

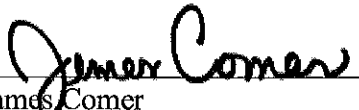
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2. NIH-000443
3. NIH-000470-NIH000471
4. NIH-000703
5. NIH-001920-NIH-001922
6. NIH-002014-NIH-002018
7. NIH-002149
8. NIH-002157-NIH002161
9. NIH-002218-NIH002221
10. NIH-002215-NIH002226
11. NIH-002314-NIH002324
12. NIH-002381-NIH002383
13. Email from Peter Daszak to Anthony Fauci, et.al. (Apr. 18, 2020, 9:43 PM)
14. Email from Francis Collins to Anthony Fauci, et. al. (Apr. 16, 2020, 5:02 PM)
15. Email from Anthony Fauci to Francis Collins (Apr. 17, 2020, 2:45 AM)

The Honorable Francis Collins, M.D., Ph.D.
Dr. Anthony Fauci
July 15, 2021
Page 4

In addition to these documents, please provide a full and complete briefing on these topics as soon as possible but not later than July 22, 2021. To schedule the briefing or ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074.

Further, the House Rules designate the Committee on Oversight and Reform as the principal oversight committee of the U.S. House of Representatives with broad authority to investigate "any matter" at "any time," under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



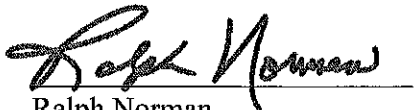
Jody Hice
Ranking Member
Subcommittee on Government
Operations



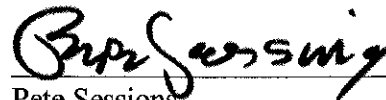
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



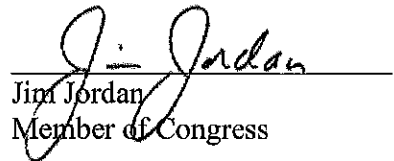
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Ralph Norman
Ranking Member
Subcommittee on Environment



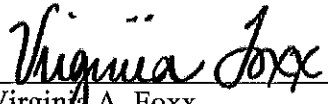
Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties

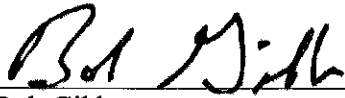


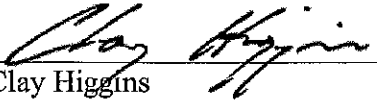
Jim Jordan
Member of Congress




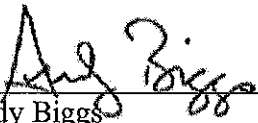
Paul A. Gosar, D.D.S.
Member of Congress

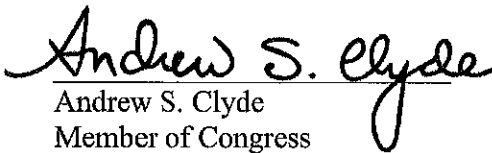

Virginia A. Foxx
Member of Congress


Bob Gibbs
Member of Congress

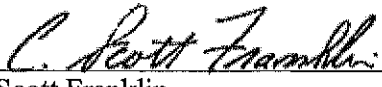

Clay Higgins
Member of Congress

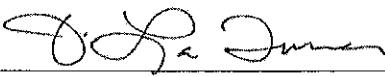

Fred Keller
Member of Congress

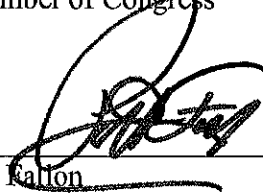

Andy Biggs
Member of Congress


Andrew S. Clyde
Member of Congress

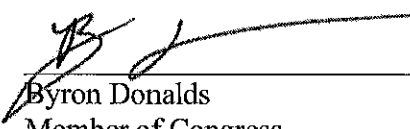

Nancy Mace
Member of Congress


Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Pat Fallon
Member of Congress


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

The Honorable Francis Collins, M.D., Ph.D.
Dr. Anthony Fauci
July 15, 2021
Page 6

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Majority (202) 225-3051

Minority (202) 225-6074

<https://oversight.house.gov>

July 20, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

We write to you today to inquire into the Biden Administration's policies which have led to the release of tens of thousands of illegal border crossers in recent months, as well as how the Biden Administration is facilitating onward travel of those illegal aliens into the interior of the United States, particularly on domestic commercial flights.

Despite the Biden Administration's repeated assertions that the border is closed and not open,¹ thousands of recent illegal border crossers have been permitted to remain in the United States and travel into the interior of the country to await Immigration Court proceedings – if they are issued Notices to Appear in Immigration Court at all. In fact, tens of thousands of illegal border crossers have been released by the Department of Homeland Security (DHS) into the United States in recent months without even a Notice to Appear in Immigration Court.² Immigration and Customs Enforcement (ICE) even ceased detaining families in their custody, reframing their family detention centers as family staging centers, and contracting with a nonprofit to temporarily house and process families in hotels, all to facilitate onward travel of those individuals into the United States.³

We are concerned about the vetting requirements for recent illegal border crossers that have been and will continue to be released into the interior of the country, as well as whether those individuals possess adequate credentials to permit them to board domestic flights in the United States. As you know, federal law requires individuals over the age of 18 to present

¹ Solomon, Daina Beth, *Homeland Security chief says U.S. – Mexico border not open*, REUTERS (Jun. 15, 2021), available at <https://www.reuters.com/world/americas/us-homeland-chief-says-us-mexico-border-not-open-irregular-migration-2021-06-15/>.

² See Ainsley, Julia, et. al., *Amid surge, border agents in Rio Grande Valley are releasing migrants without court dates*, NBC NEWS (Mar. 22, 2021), available at <https://www.nbcnews.com/politics/immigration/amid-surge-border-agents-rio-grande-valley-now-releasing-migrants-n1261720>.

³ See Statement attributable to ICE Acting Director Tae D. Johnson, U.S. Immigration and Customs Enforcement (Mar. 20, 2021), available at <https://www.ice.gov/news/releases/statement-attributable-ice-acting-director-tae-d-johnson>.

adequate identification at the security checkpoint to board domestic flights.⁴ Yet it is unclear what documents or other credentials are provided to recent illegal border crossers who are released by the DHS who may go on to board domestic flights, particularly when they are not issued a Notice to Appear in Immigration Court. This is particularly troubling considering that it is not uncommon for DHS personnel to encounter and apprehend sex offenders,⁵ gang members,⁶ and terrorists.⁷

To assist the Committee in exercising oversight over the Biden Administration's policies of releasing thousands of illegal border crossers into the United States as well as policies governing illegal aliens travelling on domestic flights, please provide the following information no later than August 3, 2021:

1. An explanation of any possible identification documents passengers are required to present prior to being permitted to enter the secure area by TSA screening officials, as well as an explanation of whether those same standards are applied for those illegally present in the country who intend to board domestic flights;
2. An accounting of the documentation and any identification credentials provided to recent illegal border crossers prior to release from DHS custody, as well as the vetting requirements required to be satisfied prior to issuing such documentation or credentials;
3. An explanation of any documents or other credentials issued by DHS to recent illegal border crossers who are released from DHS custody that would satisfy TSA screening requirements;
4. An answer to whether individuals without an I-862 are cleared by DHS to board domestic flights;
5. The total number of individuals who were apprehended after illegally crossing the southwest border and who were released from DHS custody – whether on recognizance or on Alternatives to Detention – into the interior of the United States since January 20, 2021;

⁴ See Transportation Security Administration, Security Screening, Identification, available at <https://www.tsa.gov/travel/security-screening/identification>.

⁵ See Virgin, Yami, *Felons, detainees released to the streets, not being picked up by immigration officials*, FOX NEWS SAN ANTONIO, (Apr. 29, 2021), available at <https://news4sanantonio.com/news/local/felons-detainees-released-to-the-streets-not-being-picked-up-by-immigration-officials>.

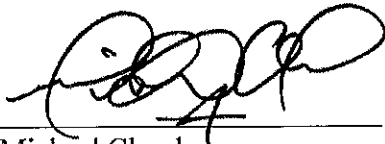
⁶ See Shaw, Adam, *Border Patrol nabs gang members, including MS-13, attempting to enter US as part of migrant wave*, FOX NEWS (May 2, 2021), available at <https://www.foxnews.com/politics/border-patrol-nabs-gang-members-ms-13>.

⁷ See Ainsley, Julia, *CBP stopped two men on terrorism watchlist at border, says such incidents are rare*, NBC NEWS, (Apr. 6, 2021), available at <https://www.nbcnews.com/politics/immigration/cbp-stopped-two-men-terror-watchlist-border-says-such-incidents-n1263167>.

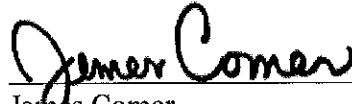
6. Is DHS expending any taxpayer resources for plane tickets to send recent illegal border crossers to their final destinations in the interior of the country?

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

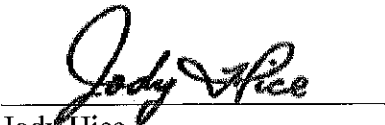
Sincerely,



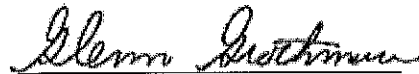
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



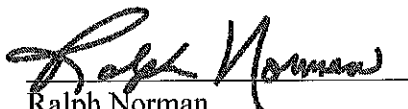
James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government Operations



Glenn Grothman
Ranking Member
Subcommittee on National Security



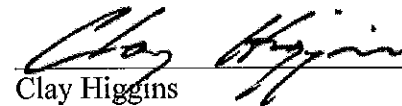
Ralph Norman
Ranking Member
Subcommittee on Environment



Paul A. Gosar, D.D.S.
Member of Congress



Bob Gibbs
Member of Congress

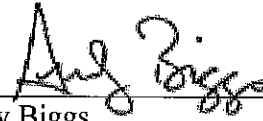


Clay Higgins
Member of Congress

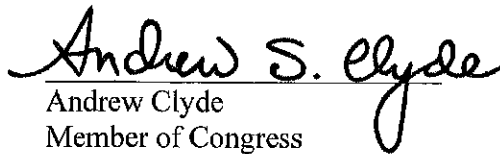
Secretary Mayorkas
July 20, 2021
Page 4 of 4



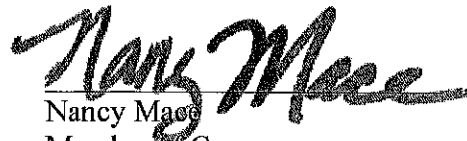
Fred Keller
Member of Congress



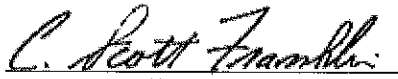
Andy Biggs
Member of Congress



Andrew Clyde
Member of Congress



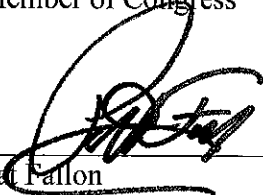
Nancy Mace
Member of Congress



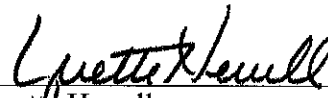
Scott Franklin
Member of Congress



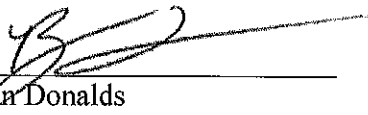
Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Yvette Herrell
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

July 21, 2021

Ms. Diana Shaw
Deputy Inspector General
U.S. Department of State
Office of Inspector General
SA-39
1700 North Moore Street
Arlington, VA 22209

Dear Deputy Inspector General Shaw:

I am writing to request six (6) recent reports related to the U.S. Agency for Global Media (USAGM), specifically Reports of Investigation Pursuant to Presidential Policy Directive 19 finalized in June 2021. Although these reports have not been publicly released, they have been referenced in several media articles.¹

The Committee on Oversight and Reform is the principal oversight Committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Oversight Committee staff at (202) 225-5074. Thank you for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform

cc: The Honorable Carolyn Maloney, Chairwoman, Committee on Oversight and Reform

¹ See, e.g., David Folkenflik, *A Report Clears Federal Officials Who Were Suspended by a Trump Appointee Over VOA*, NPR, July 10, 2021, available at <https://www.npr.org/2021/07/10/1014585331/report-clears-federal-officials-suspended-by-trump-appointee-over-voa> and Rebeccaa Beitsch, *Trump Appointee Erred in Firing Voice of America Whistleblowers: Watchdog*, THE HILL, July 8, 2021, available at <https://www.msn.com/en-us/news/politics/trump-appointee-erred-in-firing-voice-of-america-whistleblowers-watchdog/ar-AALVrhW>.

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051

MINORITY (202) 225-5074

<https://oversight.house.gov>

July 23, 2021

The Honorable Vivek Murthy, M.D., M.B.A.
U.S. Surgeon General
200 Independence Ave. S.W.
Washington, D.C. 20201

Dear Dr. Murthy:

We are conducting oversight over recent concerning reports that the Biden Administration is actively censoring medical information and opinions on social media. In fact, White House Press Secretary, Jen Psaki, confirmed the story when she said, “[the Biden Administration is] flagging problematic posts for Facebook.”¹, including “members of [White House] senior staff but also members of [the White House] COVID-19 team.”² This raises numerous concerning questions, particularly whether or not the White House is affirmatively colluding with Big Tech.

The First Amendment protects all Americans’ right to free speech—speech free from government intervention, free from government intrusion, and most importantly, free from government censorship. The First Amendment is not suspended in times of crisis; in fact, it should be amplified. Unfortunately, in an apparent effort to stifle scientific and medical debate, the Biden Administration is taking affirmative steps to moderate and censor Americans’ speech. This is unconscionable.

On July 15, 2021, you released an Advisory entitled “Confronting Health Misinformation.”³ This Advisory includes recommendations, from your office, to families, educators, journalists, social media platforms, and others on how you think they can combat misinformation.³ The recurring themes: censorship and division. **You suggest American families are lying to each other, children should censor their classmates, journalists be the**

¹ Douglas Ernst, *White House admits de facto moderating Facebook, is ‘flagging problematic posts’*, Wash. Times (July 15, 2020), <https://www.washingtontimes.com/news/2021/jul/15/jen-psaki-white-house-moderates-for-facebook-de-fa/>.

² Press Briefing by Press Secretary Jen Psaki and Surgeon General Dr. Vivek H. Murthy, July 15, 2021, <https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/15/press-briefing-by-press-secretary-jen-psaki-and-surgeon-general-dr-vivek-h-murthy-july-15-2021/>

³ CONFRONTING HEALTH MISINFORMATION, U.S. SURGEON GENERAL (July 15, 2021), <https://www.hhs.gov/sites/default/files/surgeon-general-misinformation-advisory.pdf>.

³ *Id.*

gatekeepers of fact and censor views that do not conform with the latest in elite consensus, and Big Tech be the arbiter of credibility and suppress debate and discussion.

You conclude with a warning to Big Tech—comply or else. The Advisory states, “[w]e need institutions to recognize that [confronting misinformation] is [social media’s] moral and civic responsibility, too, and they are accountable.”⁴ President Joe Biden confirmed this when he said social media was “killing people.”⁵ It is clear that the Biden Administration’s goal is to actively censor the American people. This is particularly concerning considering Big Tech’s collusion with the science community to suppress the theory COVID-19 originated in the Wuhan Institute of Virology—a theory the Biden Administration recently admitted is likely.⁶

To assist in our oversight of this matter, we request the following documents and information as soon as possible but no later than August 6, 2021:

1. All underlying communications and documents relating to the Surgeon General Advisory entitled “Confronting Health Misinformation.”
2. All communications from the Office of the Surgeon General:
 - a. Facebook, Inc., or any of its subsidiaries;
 - b. Twitter, Inc., or any of its subsidiaries;
 - c. Alphabet, Inc., or any of its subsidiaries;
 - d. Tik Tok, Inc., or any of its subsidiaries;
 - e. Reddit, Inc., or any of its subsidiaries;
 - f. Snap, Inc., or any of its subsidiaries.
3. Any written agreements or contracts regarding “Confronting Health Misinformation” between the Office of the Surgeon General and any of the companies listed in (2).

In addition to these documents, please provide a full and complete briefing on these topics as soon as possible but not later than July 30, 2021. To schedule the briefing or ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074.

⁴ *Id.*

⁵ Lauren Egan, ‘They’re killing people’: Biden blames Facebook, other social media for allowing Covid misinformation, NBC NEWS (July 16, 2021), <https://www.nbcnews.com/politics/white-house/they-re-killing-people-biden-blames-facebook-other-social-media-n1274232>.

⁶ Natasha Bertrand, et. al., Senior Biden officials finding that Covid lab leak theory as credible as natural origins, CNN (July 16, 2021), <https://www.cnn.com/2021/07/16/politics/biden-intel-review-covid-origins/index.html>.

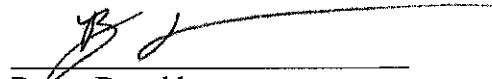
The Honorable Vivek Murthy, M.D., M.B.A.
July 23, 2021
Page 3

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

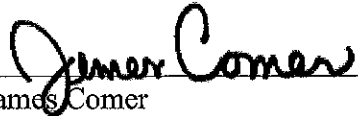
Sincerely,



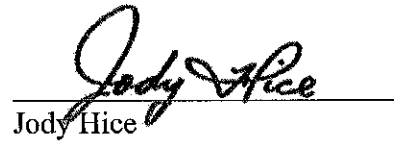
Bob Gibbs
Member of Congress



Byron Donalds
Member of Congress



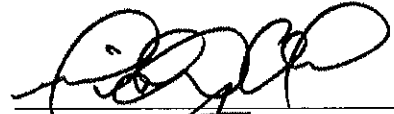
James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



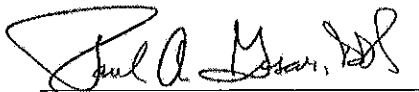
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



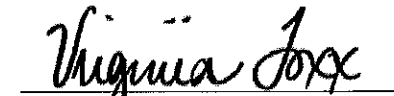
Ralph Norman
Ranking Member
Subcommittee on Environment



Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



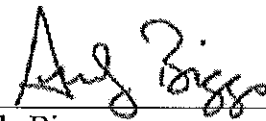
Paul A. Gosar, D.D.S.
Member of Congress



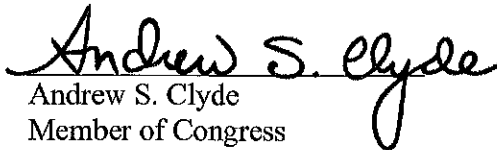
Virginia A. Foxx
Member of Congress



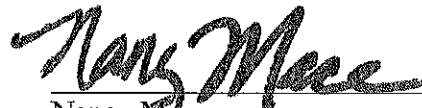
Fred Keller
Member of Congress



Andy Biggs
Member of Congress



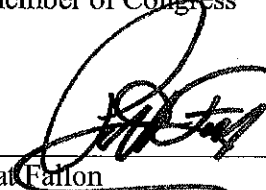
Andrew S. Clyde
Member of Congress



Nancy Mace
Member of Congress



Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

July 28, 2021

The Honorable Antony J. Blinken
Secretary
U.S. Department of State
2201 C Street Northwest
Washington, D.C. 20520

Dear Secretary Blinken:

Republicans on the House Oversight and Reform Committee are writing to request information about the delay in passport services offered by the State Department. Travel and tourism are essential parts of the U.S. economy and responsible for more than 10 percent of global GDP as well as 320 million jobs. The airline industry was among the hardest hit during the pandemic, and reigniting the travel industry is key to the economic recovery in the U.S. Many Americans are excited to travel internationally after more than a year of travel restrictions.¹

Despite the relaxed COVID-19 travel restrictions, U.S. citizens are encountering protracted delays when applying for or renewing their passports.² The State Department's website currently says that routine passport service can take up to 18 weeks (including mailing time).³ Routine passport service took up to 12 weeks before the COVID-19 pandemic began.⁴ Expedited passport processing is also delayed—now taking up to 12 weeks instead of four to six weeks.⁵

¹ Adam Behsudi, *Wish you were here*, INTERNAT'L MONETARY FUND (Winter 2020), <https://www.imf.org/external/pubs/ft/fandd/2020/12/impact-of-the-pandemic-on-tourism-behsudi.htm>

² Larry Bleiberg, *Don't Wait to Renew Your Passport*, AARP (Jun. 9, 2021), <https://www.aarp.org/travel/travel-tips/international/info-2021/passport-renewal-delays.html>.

³ *Passport Operations in response to COVID-19*, U.S. DEP'T OF STATE, <https://travel.state.gov/content/travel/en/traveladvisories/ea/passport-covid-19.html> (last visited Jul. 23, 2021).

⁴ Carol Morello, *U.S. passport processing resumes as centers first tackle a coronavirus backlog*, THE WASH. POST (Jun. 12, 2020), https://www.washingtonpost.com/national-security/us-passport-processing-resumes-as-centers-first-tackle-a-coronavirus-backlog/2020/06/12/34b2caf8-acc6-11ea-868b-93d63cd833b2_story.html; *Passport*

Operations in response to COVID-19, U.S. DEP'T OF STATE, <https://travel.state.gov/content/travel/en/traveladvisories/ea/passport-covid-19.html> (last visited Jul. 23, 2021).

⁵ *Id.*

It was reported last June that about half of the State Department's passport workers had returned to their offices.⁶ More than a year later the State Department has been unable to catch up with the demand and it appears the backlog is continuing to grow.⁷ Many Americans are being forced to cancel travel plans to see family and friends because despite trying to plan ahead, they are unable to renew or obtain a passport.⁸

In order to help the Committee better understand the scope and causes of the passport backlog, please provide the following documents and information no later than August 11, 2021:

1. A detailed explanation of the process the State Department goes through once the agency receives a passport application.
2. The number of applications and renewals currently pending and contributing to this backlog.
3. The average number of passport and renewal applications received each day.
4. The number of passport workers the State Department currently employs, and the percentage of passport workers currently in the office.
5. The plans and procedures which outline when all passport workers will be required to be back into the office.
6. Whether the State Department plans on hiring more staff to help work through the backlog?

In addition, please make arrangements to schedule a briefing no later than August 4, 2021 on the State Department's plan to reduce the backlog and begin issuing passports in a timely fashion. To schedule the briefing or ask any follow-up or related questions, please contact the Committee on Oversight and Reform Republican staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for cooperating with this inquiry.

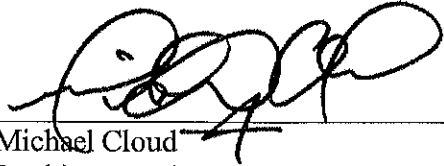
⁶ Carol Morello, *U.S. passport processing resumes as centers first tackle a coronavirus backlog*, THE WASH. POST (Jun. 12, 2020), https://www.washingtonpost.com/national-security/us-passport-processing-resumes-as-centers-first-tackle-a-coronavirus-backlog/2020/06/12/34b2caf8-acc6-11ea-868b-93d63cd833b2_story.html

⁷ Larry Bleiberg, *Don't Wait to Renew Your Passport*, AARP (Jun. 9, 2021), <https://www.aarp.org/travel/travel-tips/international/info-2021/passport-renewal-delays.html>.

⁸ Amy Davis, *Major passport delays cause travel troubles*, KPRC 2 HOUSTON, (July 5, 2021), <https://www.click2houston.com/news/local/2021/07/05/major-passport-delays-cause-travel-troubles/>

Hon. Antony Blinken
Page 3
July 28, 2021

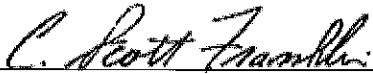
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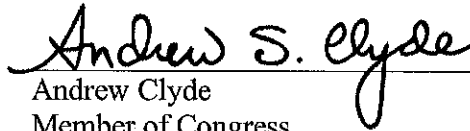
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



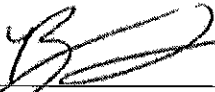
Fred Keller
Member of Congress



Scott Franklin
Member of Congress



Andrew Clyde
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

Congress of the United States

House of Representatives

July 28, 2021

The Honorable Janet Yellen
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C, 20220

Dear Secretary Yellen:

Over the last several months, the Treasury Department has struggled to administer key relief programs critical to the country's economic recovery. During that same period, you avoided a series of opportunities to testify before congressional committees of jurisdiction and answer questions, in public. What initially appeared to be an effort to avoid answering difficult questions from Republicans and Democrats alike now appears to be something more cynical in light of yesterday morning's private meeting with a House Democrat—a coordinated strategy to provide critical information on a partisan *ex parte* basis. In fact, your closed-door meeting to discuss the Department's emergency rental assistance program occurred during a public hearing on that very topic!

Indeed, House Democrats have countenanced your effort to undermine congressional oversight of the Treasury Department by waiving a series of statutorily mandated appearances and refusing to invite you to hearings about programs that affect renters, workers, and small businesses—programs administered by the Treasury Department. On May 26, 2021, you failed to appear at a hearing on the Paycheck Protection Program before the House Committee on Small Business,¹ as required by the bipartisan Consolidated Appropriations Act of 2021.² Then, in July 2021, House Financial Services Committee Chairwoman Maxine Waters waived your quarterly testimony pursuant to Section 4016 of the CARES Act.³ Last week, Chairwoman Waters refused a request from Committee Republicans to invite you to a July 20, 2021 hearing on housing matters.⁴ And yesterday, the Select Subcommittee on the Coronavirus Crisis held a hearing on emergency rental assistance and, contrary to a request from Subcommittee Republicans,⁵ Chairman James Clyburn refused to include you among the witnesses.

¹ Press Release, *Committee on Small Business, Committee Republicans Demand Answers on Secretary Yellen's Refusal to Testify on PPP, Defying Law*, July 6, 2021, <https://republicans-smallbusiness.house.gov/news/documentsingle.aspx?DocumentID=403638>.

² Pub. L. No. 116-260 (2020).

³ Press Release, *McHenry Calls for Secretary Yellen to Testify on Emergency Rental Assistance Mismanagement*, July 13, 2021, <https://republicans-financialservices.house.gov/news/documentsingle.aspx?DocumentID=408049>

⁴ *Id.*

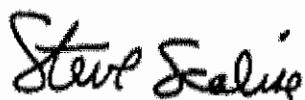
⁵ Press Release, *Scalise Presses Clyburn for Yellen Testimony About Pandemic Rental Assistance Program*, July 21, 2021, <https://republicans-oversight.house.gov/release/scalise-presses-clyburn-for-yellen-testimony-about-pandemic-rental-assistance-program/>.

In a press release issued just minutes after that hearing concluded, Chairwoman Waters announced she met with you “this morning” to discuss “emergency rental assistance to provide relief to families in need.”⁶ To be clear, rather than appear at a public hearing to help renters across the country understand how to access the Treasury Department’s emergency rental assistance program, you opted to meet in private to “discuss a variety of issues” with a Democrat who sits on the very committees you have so assiduously avoided.⁷

We are extremely disappointed at your posture with respect to your statutory and constitutional obligations to provide information to Congress. Our constituents expect answers—they do not benefit whatsoever from partisan, closed door meetings. The White House called for an “all-hands-on-deck effort by state and local governments, courts, community organizations, and the legal community” to reach families in need.⁸ By foregoing a series of opportunities to testify and highlight the urgent need for those key partners to disburse emergency rental assistance funds, you have failed to do your part.

We fully expect you will appear before our committees going forward, in compliance with your statutory obligations and as necessary to help our constituents understand the status of the many Treasury Department programs they are counting on. Please advise immediately as to when you intend to testify before the House of Representatives.

Sincerely,



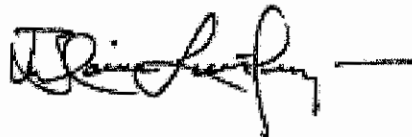
Steve Scalise
Ranking Member
Select Subcommittee on the
Coronavirus Crisis



James Comer
Ranking Member
Committee on Oversight
and Reform



Patrick McHenry
Ranking Member
Committee on Financial Services



Blaine Luetkemeyer
Ranking Member
Committee on Small Business

⁶ Press Release, Rep. Waters Meets with Secretary Yellen, Discusses Implementation of Rental Assistance, July 27, 2021, <https://waters.house.gov/media-center/press-releases/rep-waters-meets-secretary-yellen-discusses-implementation-rental>.

⁷ *Id.*

⁸ Dep’t of Treasury Blog Post, “Emergency Rental Assistance Data Shows Programs Ramping Up, but States and Localities Must Do More to Accelerate Aid” (July 2, 2021), <https://home.treasury.gov/system/files/136/2021-07-02-ERA-Data-Blog-Post-vF.pdf>.

Congress of the United States

Washington, DC 20515

July 29, 2021

Dr. Anthony Fauci
Director
National Institute of Allergy and Infectious Diseases
5601 Fishers Lane, MSC 9806
Bethesda, MD 20892

Dear Director Fauci:

On June 9, 2021, we wrote to you to provide you an opportunity to clarify an apparent discrepancy in your sworn congressional testimony regarding National Institute of Allergy and Infectious Diseases (NIAID) funding of gain-of-function research at the Wuhan Institute of Virology (WIV).¹ You failed to respond.

On July 20, 2021, you testified, again, that NIAID never funded dangerous gain-of-function research at the WIV.² New emails make this recurring testimony even more concerning and show a closer relationship between NIAID and the WIV than previously known.

1. **NIAID funded work at the WIV.** On February 1, 2020, you emailed the Deputy Director of NIAID, Dr. Hugh Auchincloss, a research paper entitled, “A SARS-like cluster of circulating bat coronavirus shows potential for human emergence” [hereinafter WIV Paper].³ This paper was primarily authored by Dr. Ralph Baric and Dr. Li-Zhengli Shi—a bat coronavirus expert from the WIV.⁴ In fact, the WIV is listed as a “Key Laboratory of Special Pathogens and Biosafety” in the paper.⁵ This work was funded by NIAID grant U19AI107810.⁶ Drs. Baric and Shi acknowledge this.⁷
2. **This work was gain-of-function research.** There is no need to conduct a scientific analysis of this paper to determine whether or not it constituted gain-of-function; you state it in your email to Dr. Auchincloss and it states it in the paper itself. The attachment line of your February 1, 2020 email to Dr. Auchincloss stated, “Baric, Shi et al – Nature medicine – SARS *Gain of Function*.pdf.”⁸ Additionally, the paper itself stated,

¹ Letter from Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform, & Hon. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Dr. Anthony Fauci, Director, Nat’l Inst. Of Allergy & Infectious Diseases (June 9, 2021).

² *The Path Forward: A Federal Perspective on the COVID-19 Response: Hearing Before S. Comm. on Health, Education, Labor, & Pensions, 117th Cong.* (July 20, 2021) (statement by Dr. Anthony Fauci).

³ Email from Anthony Fauci to Hugh Auchincloss (Feb. 1, 2020, 12:29 a.m.) (on file with Comm. staff).

⁴ Ralph Baric & Li-Zhengli Shi, *A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence*, NATURE MEDICINE (Nov. 9, 2015), <https://www.nature.com/articles/nm.3985#citeas>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Email, *supra* note 3 (emphasis added).

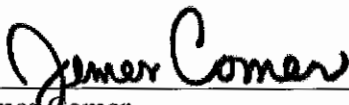
“[e]xperiments with the full-length and chimeric SHC014 recombinant viruses were initiated and performed before the *[gain-of-function]* research funding pause and have since been reviewed and approved for continued study by the [National Institute of Health] (NIH).”⁹

3. **This work did not go through proper oversight.** Drs. Baric and Shi claim their gain-of-function research conducted with American taxpayer dollars in the WIV was “reviewed and approved for continued study by the NIH.”¹⁰ Your Deputy, Dr. Auchincloss, disagrees. On February 1, 2020, Dr. Auchincloss emailed you and said, “[t]he [WIV Paper] says the experiments were performed before the gain of function pause but have since been reviewed and approved by NIH. Not sure what that means since [we are] sure that no Coronavirus work has gone through the P3 framework.”¹¹ This statement directly refutes the authors’ claims and raises serious questions as to who approved dangerous gain-of-function research to take place in the WIV.

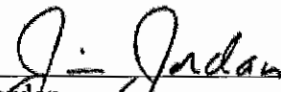
In short, NIAID funded gain-of-function research at the WIV and this research did not go through the proper oversight. It is unclear why you would continue to testify otherwise. We therefore ask you again to please clarify what you meant when you said twice—under oath—“[t]he NIH has not ever and does not now fund gain-of-function research in the [WIV].”¹²

To schedule a time to discuss this important topic or ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074. Under House Rule X, the Committee on Oversight and Reform as the principal oversight committee of the U.S. House of Representatives with broad authority to investigate “any matter” at “any time.” Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jim Jordan
Ranking Member
Committee on the Judiciary

cc: The Honorable Carolyn Maloney, Chairwoman, Committee on Oversight and Reform
The Honorable Jerrold Nadler, Chairman, Committee on the Judiciary

⁹ WIV Paper, *supra* note 4.

¹⁰ *Id.*

¹¹ Email from Hugh Auchincloss to Anthony Fauci (Feb. 1, 2020, 11:47 a.m.) (on file with Comm. staff).

¹² Zachary Basu, *Fauci and Rand Paul clash over NIH funding for Wuhan Institute of Virology*, Axios (Mar. 11, 2021), <https://www.axios.com/fauci-rand-paul-wuhan-lab-coronavirus-eff1bb08-f6c7-4d63-b170-c49e87c2e3dd.html>.

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

July 29, 2021

The Honorable Charles P. Rettig
Commissioner
Internal Revenue Service
1111 Constitution Avenue NW
Washington, D.C. 20224

Dear Commissioner Rettig:

Over the last several weeks, *ProPublica* has published a series of stories regarding the private tax information of prominent wealthy Americans.¹ According to *ProPublica*, the news source has obtained “a vast trove of Internal Revenue Service data on the tax returns of thousands of the nation’s wealthiest people, covering more than 15 years.”² *ProPublica* has since used this information, which shows no evidence of any wrongdoing by any subjects of the articles, to conclude that “billionaires . . . pay little in income tax compared to their massive wealth,”³ implying certain Americans should be obligated to pay more than legally required.

As *ProPublica* acknowledges, “[t]ax information is among the most zealously guarded secrets in the federal government.”⁴ Indeed, 26 U.S.C § 6103 states “[r]eturns and return information shall be confidential” and that “no other person (or officer or employee thereof) who has had access to returns or return information . . . shall disclose any return or return information obtained by him in any manner in connection with his service . . .” Though some exceptions do exist to this requirement, no exception exists for providing information to a news or so-called public interest organization. It is therefore deeply disturbing that *ProPublica*—or anybody outside of those with authorized access—has obtained, let alone analyzed and reported, tax information on any individual taxpayer.

¹ See, e.g., Jesse Eisinger, Jeff Ernsthansen, and Paul Kiel, *The Secret IRS Files: Trove of Never-Before-Seen Records Reveal How the Wealthiest Avoid Income Tax*, PROPUBLICA (June 8, 2021), available at <https://www.propublica.org/article/the-secret-irs-files-trove-of-never-before-seen-records-reveal-how-the-wealthiest-avoid-income-tax> [hereinafter June 8 Article]; Justin Elliott, Patricia Callahan, and James Bandler, *Lord of the Roths: How Tech Mogul Peter Thiel Turned a Retirement Account for the Middle Class Into a \$5 Billion Tax-Free Piggy Bank*, ProPublica (June 24, 2021), available at <https://www.propublica.org/article/lord-of-the-roths-how-tech-mogul-peter-thiel-turned-a-retirement-account-for-the-middle-class-into-a-5-billion-dollar-tax-free-piggy-bank>; and Robert Faturechi, Justin Elliott, and Ellis Simani, *The Billionaire Playbook: How Sports Owners Use Their Teams to Avoid Millions in Taxes*, ProPublica (July 8, 2021), available at <https://www.propublica.org/article/the-billionaire-playbook-how-sports-owners-use-their-teams-to-avoid-millions-in-taxes>.

² June 8 Article.

³ *Id.*

⁴ *Id.*

Soon after the publication of the first *ProPublica* story on the private information of wealthy Americans, Republican Committee staff began to investigate the extent of the information gathered, how confidential returns were accessed, and—ultimately—the source of this unprecedented leak. They have spoken with IRS employees, former IRS officers, experts who have deep knowledge of the workings of IRS and Treasury Department systems and security, and employees from the Treasury Inspector General for Tax Administration (TIGTA). Those discussions have revealed an audit trail system—the logs created to record events occurring on a computer system, in this case an account for every person accessing a sensitive file—wholly inadequate to protect Americans’ sensitive information from rogue IRS employees and contractors. As such, the IRS is completely unprepared to protect private data from improper use and disclosure, and an investigation into the ultimate source of the leak is seriously hampered.

A lack of an adequate audit trail system prevents the IRS and other investigators from being “able to reconstruct and determine what events occurred on a system . . . to establish[] individual accountability, monitor[] compliance with security policies, identify[] malicious activity, and investigat[e] security violations.”⁵ Prior TIGTA investigations have recommended the IRS clean up its audit trails so it can better identify unauthorized access to return information, and since at least 1997, the IRS has been warned that its audit trails are an area of weakness.⁶ Despite the Taxpayer Browsing Act of 1997⁷ placing “an additional responsibility on the IRS to protect taxpayer information from unauthorized inspection and disclosure,”⁸ apparently that weakness is still an area of vulnerability.

As the IRS has migrated increasingly to virtual data use and storage, the problems have only compounded. In 2020, of 67 IRS applications that store or process taxpayer data, only six, or nine percent, were providing accurate and complete audit trails. Thirty applications, or forty-five percent, were providing incomplete and inaccurate audit trails, and 31 applications, or forty-six percent, were not providing any audit trails at all. Additionally, TIGTA found that “the IRS could not provide an accurate inventory of all applications that store or process taxpayer data and Personally Identifiable Information.”⁹

It is therefore no surprise that certain Americans’ tax information has been leaked, and many are wondering whose information will be publicized next. Despite Americans expecting and deserving privacy concerning the tax information that the federal government requires from them, *ProPublica* has unilaterally determined it is in the public interest to reveal this private information.

⁵ *Most Internal Revenue Service Applications Do Not Have Sufficient Audit Trails to Detect Unauthorized Access to Sensitive Information*, Treasury Inspector Gen. for Tax Admin. (July 31, 2020), available at <https://www.treasury.gov/TIGTA/auditreports/2020reports/202020033fr.pdf> [hereinafter Audit Trails Report].

⁶ *Id.*

⁷ Pub. L. 105-35, 26 USC §§ 7213, 7213A, 7431.

⁸ Audit Trails Report.

⁹ *Id.*

Given the trove of 15 years' worth of IRS data on thousands of people, *ProPublica's* admission they "do not know the identity of [the] source" of the information,¹⁰ and the alarming lack of audit trails at the IRS, it is becoming increasingly clear that the source of the information was an Edward Snowden-like individual with inside access to the data and a political agenda he or she wanted to accomplish. This individual was meticulous and targeted with accessing the information, as no single application holds return information for thousands of the wealthiest Americans, and no single individual, even systems administrators or the Commissioner, has access to all return information.

Although Republican staff has been told in each interview that IRS employees "have it in their DNA" to zealously protect taxpayer return information, there are over 6,000 information technology contractors who have authorized access to this information as well and are subject to audit trails. At the time he extracted classified information and fled the country, Edward Snowden was a contractor at the National Security Agency—not a government employee. By publishing this information and doing the public bidding for this "IRS Snowden," *ProPublica*, therefore, is capitalizing on criminal behavior and encouraging future acts of criminal conduct for those who make a judgment that it serves the public interest.¹¹

Although you have acknowledged TIGTA has begun an investigation into the leak, such an investigation does not in any way preclude you from cooperating with a parallel congressional inquiry. Therefore, to assist the Committee with its investigation of the leak and to help understand the extent of the IRS's audit trail vulnerabilities, please produce the following information to the Committee by August 12, 2021:

1. The audit trail for the return information for each individual listed in Appendix A, from January 1, 2019 to June 1, 2021;
2. For each of the individuals listed in Appendix A, please list all IRS applications which contain their tax return information;
3. A list of the 67 applications discussed in the July 31, 2020 TIGTA report, broken down by application(s) that had accurate and complete audit trails in the Security Audit and Analysis System (SAAS), applications that had deficient audit trails, and applications that were not sending any audit trail information to the SAAS;
4. The rationale for the IRS's decision not to identify applications that use Personally Identifiable Information for the purpose of detecting improper activities and to reconstruct events for potential criminal investigations, as was recommended by TIGTA in 2020;

¹⁰ Stephen Engelberg and Richard Tofel, *Why We Are Publishing the Tax Secrets of the .001%*, PROPUBLICA (June 8, 2021), available at <https://www.propublica.org/article/why-we-are-publishing-the-tax-secrets-of-the-001>.

¹¹ See 26 U.S.C. § 7213(a)(1)..

The Honorable Charles P. Rettig
July 29, 2021
Page 4

5. A roster of all employees and contractors with access to any application with tax return information for all of the individuals identified in Appendix A; and
6. A list of the number, date, and nature of all phone calls you have had with *ProPublica* in an effort to stop them from publishing additional articles containing taxpayer return information, and a list of any other steps you may have taken to prevent the public dissemination of this information.

The Committee on Oversight and Reform is the principal oversight Committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

If you have any questions about this request, please contact Committee staff at (202) 225-5074. Thank you for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive, flowing style.

James Comer
Ranking Member
Committee on Oversight and Reform

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

Appendix A

1. Adelaide Avila
2. Steve Ballmer
3. Jeff Bezos
4. Michael Bloomberg
5. Warren Buffett
6. Anthony Davis
7. Farhad Ebrahimi
8. Bill Gates
9. Dan Gilbert
10. Carl Icahn
11. Michael Jordan
12. LeBron James
13. Shahid Khan
14. Floyd Mayweather
15. Robert Mercer
16. Michael Milken
17. Rupert Murdoch
18. Elon Musk
19. Bob Piccinini
20. Randall Smith
21. George Soros
22. David Tepper
23. Peter Thiel
24. Justin Verlander
25. Ted Weschler
26. Leonard Wilf
27. Tiger Woods
28. Mark Zuckerberg

Congress of the United States
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<https://oversight.house.gov>

July 30, 2021

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Ave. SW
Washington, D.C. 20202

Dear Secretary Cardona:

On April 30, 2021, House Committee on Education and Labor Ranking Member Virginia Foxx and House Committee on Veterans Affairs Ranking Member Mike Bost sent you a request for the public release of a report commissioned by former Secretary of Education Betsy DeVos regarding budgetary projections and student loan debt.¹ In response to that request, you belatedly provided a report with heavy redactions obfuscating much of the important details and information.

On June 2, 2021, Ranking Member Foxx wrote to you again, expressing disappointment with the lack of transparency from the Department of Education (Department) and requested nine categories of documents and information.² Ranking Member Foxx provided the Department one week to deliver a disclosure schedule to the Committee on Education and Labor. To date, the Education and Labor Committee has not received the requested schedule or any further communication from the Department. The American people have a right to know the true costs of the student loan program.

Therefore, pursuant to 5 USC § 2954 (*i.e.*, the Seven Member Rule), the Committee on Oversight and Reform renews Ranking Member Foxx's June 2, 2021, request for documents and information pertaining to the Department report on the federal government's student loan portfolio. The Seven Member Rule is a unique statutory authority—passed by Congress and signed by the President in 1928—requiring any executive agency to: “submit any information requested of it relating to any matter within the jurisdiction of the committee” on the request of

¹ Letter from Hon. Virginia Foxx, Ranking Member, H. Comm. on Educ. & Lab., and Hon. Mike Bost, Ranking Member, Comm. on Veterans Affairs, to Hon. Miguel Cardona, Sec'y of Educ, Dep't of Educ. (April 30, 2021).

² Letter from Hon. Virginia Foxx, Ranking Member, H. Comm. on Educ. & Lab., to Hon. Miguel Cardona, Sec'y of Educ., Dep't of Educ. (June 2, 2021).

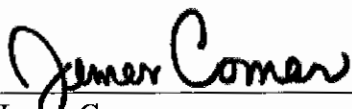
any seven members of the Committee on Oversight and Reform.³ Please produce the following documents to the Committee as soon as possible but no later than August 13, 2021:

1. All reports and other documents prepared and delivered related to the Department's contracts with FI Consulting to help Department and Federal Student Aid (FSA) in estimating the economic value of FSA's Direct Loan and the FFEL portfolio using multiple scenarios and assumptions, the development of new forecasting models, and other program management support.
2. The internal validation and presentation of the reports of the deliverables from FI Consulting conducted by the FSA Portfolio Validation Team.
3. The external validation of the reports of the deliverables from FI Consulting conducted by Deloitte.
4. Any Department memos or reports authored by Federal Student Aid relating to the report analyzing the credit risk and valuation of the federal student loan portfolio, the distribution of such report, or the completion of such work.

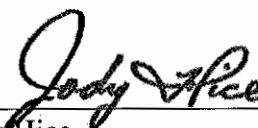
To ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074.

Further, the House Rules designate the Committee on Oversight and Reform as the principal oversight committee of the U.S. House of Representatives with broad authority to investigate "any matter" at "any time," under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations

³ 5 USC § 2954. 45 Stat. 996, §2 (1928). The statute itself refers to the "Committee on Government Operations of the House of Representatives." Since 1928, the standing Committee has been renamed several times and is currently known as the Committee on Oversight and Reform.



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



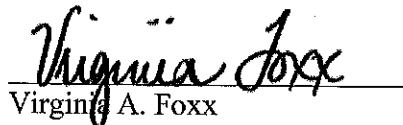
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Ralph Norman
Ranking Member
Subcommittee on Environment



Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



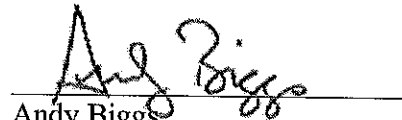
Virginia A. Foxx
Member of Congress



Bob Gibbs
Member of Congress



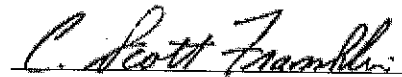
Fred Keller
Member of Congress



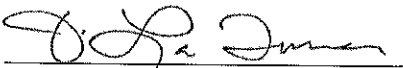
Andy Biggs
Member of Congress



Nancy Mace
Member of Congress



Scott Franklin
Member of Congress



Jake LaTurner
Member of Congress

The Honorable Miguel Cardona
July 30, 2021
Page 4

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

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<https://oversight.house.gov>

August 4, 2021

The Honorable Charles P. Rettig
Commissioner
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224

Dear Commissioner Rettig:

The purpose of this letter is to inquire about the current backlog at the Internal Revenue Service (IRS) and the impact those backlogs are having on Americans, particularly those who are eligible for Economic Injury Disaster Loans (EIDL) through the Small Business Administration (SBA). The SBA requires applicants for EIDLs to submit tax transcripts and other information from the IRS, yet lingering delays in obtaining the necessary documents from the IRS continue to prevent favorable adjudications of applicants' eligibility. Given that approximately 50% of American workers are employed by small businesses, it is imperative that the IRS work more efficiently to decrease its backlog so that small businesses can receive the funds they are eligible for and continue their operations.¹

Small businesses continue to suffer from the pandemic and are applying for EIDLs to mitigate pandemic losses and continue operations. To prove their eligibility, businesses are asked to provide several years of tax transcripts obtained from the IRS, as well as their most recent Federal Income Tax Return, among other information.² The SBA requires these forms to validate applicants' requests, protect against fraudulent EIDL claims, and ensure that deserving small business owners are receiving the financial assistance necessary to keep their businesses open.³

¹ U.S. SMALL BUS. ADMIN. OFF. OF ADVOC., 2020 SMALL BUSINESS PROFILE (2020), *available at* <https://cdn.advocacy.sba.gov/wp-content/uploads/2020/06/04144224/2020-Small-Business-Economic-Profile-US.pdf>.

² U.S. SMALL BUS. ADMIN., APPLYING FOR SBA DISASTER LOANS (EIDL) (2020), *available at* https://www.sba.gov/sites/default/files/articles/EIDL_Information_and_Documentation_-_3-23-2020.pdf.

³ Andrew Giambrone, *This Small-Business Disaster Relief Program Is a Disaster*, THE AMERICAN PROJECT (May 7, 2021), <https://prospect.org/coronavirus/small-business-disaster-relief-program-is-disaster>.

The Honorable Charles P. Rettig
August 4, 2021
Page 2 of 2

Unfortunately, applicants, who did not have this information from the IRS, have been denied EIDLs due to claims of insufficient evidence to support their application.⁴ In several cases, the SBA denied applicants because there was no record of a filed 2019 tax return.⁵ Our constituents have had their applications languish without this required information, delaying benefits for which they are likely eligible.


To obtain tax transcripts, businesses must submit an IRS Form 4506-T “Request for Transcript of Tax Return”; however, receipt of those tax transcripts has been delayed in many cases as IRS processing backlogs remain unresolved. Moreover, backlogs also exist in the processing of tax returns. By the close of the mid-May filing season, more than 35 million federal returns were waiting to be processed by the IRS, an amount three times greater than the number of backlogged returns at the end of last year’s filing season.⁶

This raises concerns about the Federal Government’s ability to deliver funds to small businesses that qualify for EIDLs given the IRS’s difficulty in performing its core functions. To assist Committee Republicans in understanding the IRS’s plan to reduce the backlog of unprocessed requests, we request a staff-level briefing no later than August 11, 2021, on efforts by the IRS to process taxpayer requests, particularly those made by small businesses who need tax documents to prove eligibility for EIDLs.

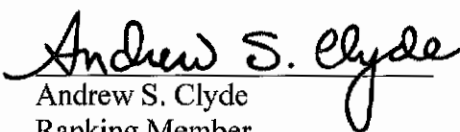
To make arrangements for the briefing or to ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your cooperation with this inquiry.

Sincerely,



Jody Hice
Ranking Member
Subcommittee on Government Operations



Andrew S. Clyde
Ranking Member

cc: The Honorable Carolyn B. Maloney, Chairwoman, Committee on Oversight and Reform
The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

⁴ *Id.*

⁵ *Id.*

⁶ Jeff Stein, *IRS faces 35 million unprocessed tax returns as backlog swells, watchdog says*, THE WASH. POST (June 30, 2021, 5:59 PM), <https://www.washingtonpost.com/us-policy/2021/06/30/irs-backlog-returns-taxpayers/>.

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<https://oversight.house.gov>

August 17, 2021

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
200 Independence Avenue, S.W.
Washington D.C. 20201

Dear Administrator Brooks-LaSure:

We are conducting oversight of federal entitlement programs. Republicans on the Committee have consistently sought to identify programs that have high levels of waste, fraud, and abuse.¹ According to the Government Accountability Office (GAO), there is no program with more rampant improper payments than the Medicaid program.²

The Center for Medicare and Medicaid Services' (CMS) own numbers show that in Fiscal Year (FY) 2019, Medicaid made \$57.36 billion³ in improper payments representing 32.8 percent⁴ of all improper payments across the federal government. According to CMS, in FY 2020, improper payments rose to \$86.9 billion, meaning more than 1 out of every 5 Medicaid payments were improper.⁵ This is an unacceptable waste of American taxpayer dollars.

These abuses are even more concerning since from 2015 to 2019 CMS did not audit states' Medicaid eligibility determinations.⁶ While CMS began working on an audit during

¹ See Letter from James Comer, Ranking Member, H. Comm. on Oversight & Reform & Rodney Davis, Ranking Member, H. Comm. on Admin, to Alex Padilla, CA Sec. of State, (Sept. 16, 2020); See also Letter from James Comer, Ranking Member, H. Comm. on Oversight & Reform, Gary Palmer, Chairman, Rep. Policy Committee, and Darrell Issa, Member of Congress, to Carolyn Maloney, Chairwoman, H. Comm. on Oversight & Reform, (Jun. 17, 2021).

² *Improper Payments*, Gov't. Accountability Office, available at <https://www.gao.gov/improper-payments>.

³ *2020 Estimated Improper Payment Rates for Centers for Medicare & Medicaid Services (CMS) Programs*, Cent. Medicare & Medicaid Services, Nov. 16, 2020, available at https://www.cms.gov/newsroom/fact-sheets/2020-estimated-improper-payment-rates-centers-medicare-medicaid-services-cms-programs#_ftn1.

⁴ *Supra* n. 2.

⁵ *Supra* n. 3.


⁶ Brian Blasé and Aaron Yelowitz, *Why Obama Stopped Auditing Medicaid*, WALL STREET JOURNAL, Nov. 18, 2019, available at <https://www.wsj.com/articles/why-obama-stopped-auditing-medicaid-11574121931>.

2020, it was delayed due to the COVID-19 pandemic.⁷ Failing to audit state Medicaid eligibility determinations in the midst of a dramatic expansion of Medicaid under Obamacare has more than tripled the amount of improper spending.⁸ The growth in improper payments is directly linked to states being incentivized to game the system by improperly classifying people as expansion enrollees to receive greater reimbursement rates.⁹ Unfortunately, it appears there are no plans to prevent improper payments from continuing to grow, particularly since Medicaid has been designated by GAO as a high-risk area for the past 18 years.¹⁰


In order for us to conduct oversight of the waste in the Medicaid program, it is vital that we understand the impact of each state's Medicaid policies on their improper payments rates. As such, please produce all state specific Medicaid improper payment rate information from 2015 to 2020 as soon as possible, but no later than August 31, 2021.

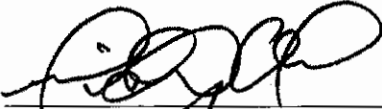
To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,


James Comer
Ranking Member
Committee on Oversight and Reform


Jody Hice
Ranking Member
Subcommittee on Government
Operations


Glenn S. Grothman
Ranking Member
Subcommittee on National Security

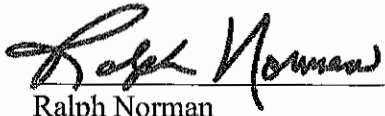

Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy

⁷ *Payment Error Rate Measurement (PERM)*, Cent. Medicare and Medicaid Services, Jun. 2021, <https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Improper-Payment-Measurement-Programs/PERM>

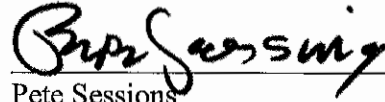
⁸ *Id.*

⁹ *Id.*

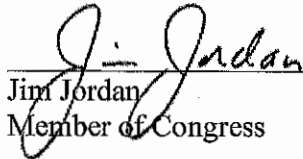
¹⁰ *Medicaid Program Integrity*, Gov't Accountability Office, available at <https://www.gao.gov/highrisk/strengthening-medicaid-program-integrity>.



Ralph Norman
Ranking Member
Subcommittee on Environment



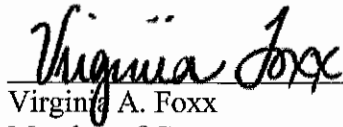
Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



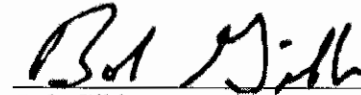
Jim Jordan
Member of Congress



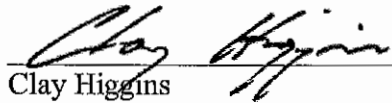
Paul A. Gosar, D.D.S.
Member of Congress



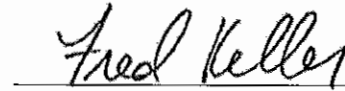
Virginia A. Foxx
Member of Congress



Bob Gibbs
Member of Congress



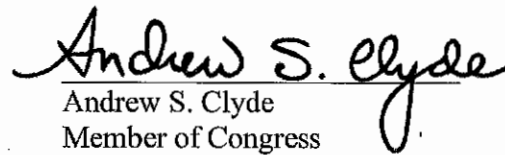
Clay Higgins
Member of Congress



Fred Keller
Member of Congress



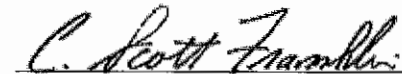
Andy Biggs
Member of Congress



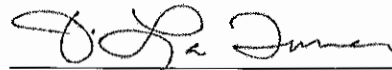
Andrew S. Clyde
Member of Congress



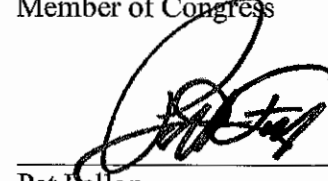
Nancy Mace
Member of Congress



Scott Franklin
Member of Congress



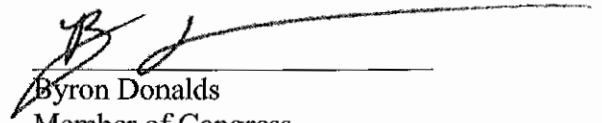
Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Yvette Herrell
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

August 17, 2021

Kevin Winters
Chairperson
Integrity Committee
Council of the Inspectors General on Integrity and Efficiency
Inspector General
Amtrak
10 G St. NE Suite 3W-300
Washington D.C., 20002

Chairperson Winters,

I write today due to the opacity of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) Integrity Committee (IC) regarding cases 20-042 and 20-059.

According to the CIGIE IC annual report for fiscal year 2020, you opened case 20-042 on April 10, 2020.¹ In your June 12, 2020, and August 19, 2020, letters to Congress detailing the numerous investigations which required extensions beyond the statutory deadline, you stated that you needed additional time to evaluate case 20-042 to get supplemental material and determine the next steps for the investigation.² Thereafter, case 20-042 was referred to the IC for investigation and did not return until after the 150-day statutory deadline had expired which you detailed in your December 16, 2020 letter to Congress notifying that you needed additional time.³ The same notification continued in your January 14, 2021 and February 17, 2021 letters to Congress notifying of your need for additional time to investigate the case.⁴ Finally, in your

¹ *Integrity Committee Annual Report FY 2020*, Council of the Inspectors General on Integrity and Efficiency, 8, (Dec. 8, 2020), <https://www.ignet.gov/sites/default/files/files/FY20ICAnnualReport.pdf>.

² Letter from Kevin Winters, Chairperson, Integrity Committee, to Ron Johnson, et al., Chairman, S. Comm. On Homeland Sec. and Gov't Affairs, (Jun. 12, 2020), [on file with the Committee]. See also Letter from Kevin Winters, Chairperson, Integrity Committee, to Ron Johnson, et al., Chairman, S. Comm. On Homeland Sec. and Gov't Affairs, (Aug. 19, 2020), [on file with the Committee].

³ Letter from Kevin Winters, Chairperson, Integrity Committee, to Ron Johnson, et al., Chairman, S. Comm. On Homeland Sec. and Gov't Affairs, (Dec. 16, 2020), [on file with the Committee].

⁴ Letter from Kevin Winters, Chairperson, Integrity Committee, to Gary Peters, et al., Chairman, S. Comm. On Homeland Sec. and Gov't Affairs, (Jan. 14, 2021), [on file with the Committee]. Letter from Kevin Winters, Chairperson, Integrity Committee, to Gary Peters, et al., Chairman, S. Comm. On Homeland Sec. and Gov't Affairs, (Feb. 17, 2021), [on file with the Committee].

March 17, 2021 letter you notified Congress that case 20-042 was in post-investigation review by the respondent and the IC.⁵

During this overly long investigation, the IC also opened another related investigation, case 20-059 on June 19, 2020.⁶ Thereafter you notified Congress that you required additional time to get supplemental material and to evaluate the information you received to determine next steps for your investigation on August 19, 2020, September 17, 2020, November 18, 2020, December 16, 2020, January 14, 2021, and April 14, 2021.⁷

On May 24, 2021, more than a year after the start of the investigation into case 20-042 and nearly a year after the start of the investigation into case 20-059, you informed this Committee that you intended to merge case 20-042, a case which was already in post-investigation review, with case 20-059, a case which had been referred for investigation less than a month prior.⁸ I am concerned with the actions of the IC to delay the investigation of case 20-059 and utilize that delay to withhold information regarding case 20-042

As you know, the Committee on Oversight and Reform has primary legislative jurisdiction over CIGIE and the IC and is the oversight committee of the U.S. House of Representatives with broad authority to investigate “any matter” at “any time” under House Rule X.

Therefore, I request that you provide to this Committee the following information no later than August 31, 2021:

- 1) The allegations referred to the IC that generated cases 20-042 and 20-059.
- 2) The name of the IG assisting with the investigation into case 20-042.
- 3) The assisting IG’s report of their investigation into case 20-042 submitted to the IC referred to in your March 17, 2021, letter to Congress.⁹
- 4) The name of the IG assisting with the investigation into case 20-059.
- 5) Any report from the assisting IG regarding their investigation into case 20-059.
- 6) The reasons for the IC’s delay to investigate case 20-042.
- 7) The reasons for the IC’s delay to investigate case 20-059.

⁵ Letter from Kevin Winters, Chairperson, Integrity Committee, to Gary Peters, et al., Chairman, S. Comm. On Homeland Sec. and Gov’t Affairs, (Mar. 17, 2021), [on file with the Committee].

⁶ *Supra* n. 1.

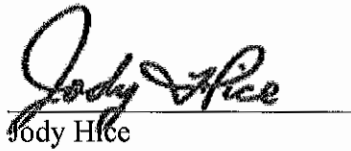
⁷ Letter from Kevin Winters, Chairperson, Integrity Committee, to Ron Johnson, et al., Chairman, S. Comm. On Homeland Sec. and Gov’t Affairs, (Aug. 19, 2020), [on file with the Committee]. *See also* Letters dated September 17, 2020, November 18, 2020, December 16, 2020, January 14, 2021, April 14, 2021 [on file with the committee].

⁸ Letter from Kevin Winters, Chairperson, Integrity Committee, to Ron Johnson, et al., Chairman, S. Comm. On Homeland Sec. and Gov’t Affairs, (May 24, 2020), [on file with the Committee].

⁹ *Supra* n. 5.

- 8) An expected date for the IC to finish the investigation into case 20-059 (which has subsumed case 20-042).

Sincerely,

A handwritten signature in black ink that reads "Jody Hice". The signature is written in a cursive style with a horizontal line underneath it.

Jody Hice
Ranking Member
Subcommittee on Government Operations
Committee on Oversight and Reform

Cc: Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

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MAJORITY (202) 225-5061
MINORITY (202) 225-6074
<https://oversight.house.gov>

August 19, 2021

The Honorable Antony J. Blinken
Secretary
U.S. Department of State
2201 C St., NW
Washington, D.C. 20520

The Honorable Lloyd J. Austin
Secretary
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretaries Blinken and Austin:

Yesterday, we requested the Chairwoman of the Committee on Oversight and Reform, Representative Carolyn Maloney, and the Chairman of the Subcommittee on National Security, Representative Stephen Lynch, to convene an oversight hearing of the Biden Administration's execution of the Afghan withdrawal.¹ We request that you both commit to testify in front of this Committee.

The execution of the withdrawal of U.S. and U.S.-allied troops from Afghanistan has been reckless and haphazard, leading to deadly consequences. In a matter of days, the Taliban went on an offensive and took over Kabul for the first time in nearly two decades. This is unacceptable.

President Joseph Biden claimed he put plans "in place to respond to every...contingency, including the rapid collapse we're seeing now."² This is difficult to believe. The U.S. abandoned Bagram Air Force Base under the cover of night without telling the Afghan Security Forces, abandoned U.S. civilian personnel with little to no U.S. military protection, waited until the Taliban took Kabul to begin evacuating core diplomatic staff and securing the U.S. embassy, eventually repositioned and deployed thousands of troops to secure the evacuation of U.S. citizens and our allies, and, as a result of the other negligent decisions, made the Hamid Karzai International Airport the only way for Americans to egress Afghanistan. Was this the plan?

We have numerous questions about President Biden's decision to withdraw troops from Afghanistan and the Biden Administration's plans, or lack thereof, to execute this withdraw. These questions include:

¹ Letter from Hon. James Comer, et. al., Ranking Member, H. Comm. on Oversight & Reform, to Hon. Carolyn Maloney, Chairwoman, H. Comm. on Oversight & Reform, and Hon. Stephen Lynch, Chairman, Subcomm. on Nat'l Sec., H. Comm. on Oversight & Reform (August 18, 2021).

² Remarks by President Biden on Afghanistan, The White House (Aug. 16, 2021).

1. Will U.S. financial or other assistance to Afghanistan continue considering it could be construed as providing material support to a foreign terror organization?
2. What is the location of U.S. assets and military equipment that was left to the Afghan government or abandoned during the withdrawal?
3. Will President Biden commit to ensuring the safe return of all U.S. citizens currently located in Afghanistan?
4. Did U.S. intelligence predict that Afghanistan would fall so rapidly?
5. Did President Biden and his Administration conceal any intelligence from Congress and relay different information to the American people than the intelligence suggested related to the U.S. withdrawal from Afghanistan?
6. Was President Biden briefed on the likelihood that the Afghan Security Forces would succumb to the Taliban so easily or would be likely to take bribes to lay down arms?
7. Will more U.S. or U.S. allied servicemembers be deployed?
8. How long will the current number of servicemembers be deployed?
9. When did President Biden notify our allies of the plans to withdraw and did our allies express concerns?
10. Did President Biden attempt to negotiate any agreements between the Afghan government and the Taliban before the complete withdrawal?
11. Did President Biden attempt to negotiate a cease fire with the Taliban in lieu of a complete withdrawal?
12. How many Afghans to whom we promised to provide shelter and that assisted the U.S. efforts have been kidnapped or murdered?
13. For those Afghans that we successfully extricated from the country, how did the Administration decide who to extricate and where were they relocated?
14. How many Afghan civilians have been killed by the Taliban during the ensuing chaos?
15. Was President Biden briefed by either military or diplomatic leaders that the evacuation of U.S. and U.S. allied personnel posted at the Embassy should have begun sooner?
16. Why didn't the evacuation begin before the Taliban entered Kabul?

The Honorable Antony Blinken
The Honorable Lloyd Austin
August 19, 2021
Page 3

17. Have any U.S. servicemembers been injured or killed thus far?
18. Was President Biden briefed on possible military actions against the Taliban as they made their way to Kabul?
19. Was President Biden briefed on possible military actions to destroy U.S. owned assets in Afghanistan?
20. Is the U.S. Embassy in Kabul secure?
21. Was all sensitive information within the embassy and any other U.S. buildings destroyed?

For the past 20 years, this Committee has conducted bipartisan oversight over the situation in Afghanistan; we see no reason to stop now. We reiterate our request that you commit to testify before this Committee as soon as possible.

To ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Thank you for your attention to this very important matter.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Glenn Grothman
Ranking Member
Subcommittee on National Security

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5081
MINORITY (202) 225-5074
<https://oversight.house.gov>

August 19, 2021

The Honorable John F. Sopko
Special Inspector General for Afghanistan Reconstruction
2530 Crystal City Drive
Arlington, VA 22202

Dear Inspector General Sopko:

Since the beginning of the conflict in Afghanistan, the U.S. has spent approximately \$837 billion on warfighting and \$145 billion on reconstruction efforts, including training and arming the Afghan Security Forces.¹ In addition to the monetary costs, nearly 70,000 Americans and allies lost their lives.² All of this work crumbled in a matter of weeks, culminating with the Taliban regaining control of Afghanistan for the first time in nearly two decades.³ It is vital to understand what happened in Afghanistan, how previous U.S. assistance was used, how much previously appropriated assistance remains unobligated, and, frankly, if ongoing assistance is legal and in the best interest of the U.S.

On April 14, 2021, President Joseph Biden announced he would unconditionally withdraw all U.S. forces from Afghanistan.⁴ The execution of this withdrawal has been an unmitigated disaster, and the Taliban now rule Afghanistan. President Biden's withdrawal contained no conditions requiring the Taliban to sever ties with any individual or group posing a threat to the U.S., including al-Qaeda.⁵

On August 17, 2021, National Security Advisor Jake Sullivan would not provide assurances that ongoing U.S. taxpayer assistance to Afghanistan would not go to the Taliban.⁶ Of the almost \$150 billion previously appropriated to Afghan reconstruction nearly \$7 billion

¹ WHAT WE NEED TO LEARN: LESSONS FROM TWENTY YEARS OF AFGHANISTAN RECONSTRUCTION, SPECIAL INSPECTOR GEN. FOR AFGHANISTAN RECONSTRUCTION, VII (Aug. 2021).

² *Id.*

³ Scott Neuman, *Afghanistan Falls To The Taliban Again As The U.S.-Backed Government Collapses*, NPR (Aug. 15, 2021), <https://www.npr.org/2021/08/15/1027860324/the-taliban-win-control-of-afghanistan-as-the-u-s-backed-government-collapses>.

⁴ Missy Ryan & Karen DeYoung, *Biden will withdraw all U.S. forces from Afghanistan by Sept. 11, 2021*, THE WASH. POST (Apr. 13, 2021), https://www.washingtonpost.com/national-security/biden-us-troop-withdrawal-afghanistan/2021/04/13/918c3cae-9beb-11eb-8a83-3bc1fa69c2e8_story.html.

⁶ Press Briefing, Jake Sullivan, Nat'l Sec. Advisor, The White House (Aug. 17, 2020).

The Honorable John F. Sopko
August 19, 2021
Page 2

remains unspent.⁷ Further, President Biden requested an additional \$3.3 billion for the Afghan Security Forces for fiscal year 2022.⁸ Since President Biden did not condition his withdrawal on the Taliban severing ties with al-Qaeda and other terror groups, it is unclear if continued U.S. assistance would find its way into the hands of terrorists and be used to finance attacks on Americans. This is a question that must be answered.

To help us better understand this and other issues, we respectfully request a Member-level briefing to take place as soon as possible but not later than August 26, 2021. To ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

Thank you for your attention to this very important matter.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Glenn Grothman
Ranking Member
Subcommittee on National Security

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

⁷ QUARTERLY REPORT TO THE UNITED STATES CONGRESS, SPECIAL INSPECTOR GEN. FOR AFGHANISTAN RECONSTRUCTION, 29 (July 30, 2021).

⁸ Jeff Seldin, *White House Proposes Slight Boost in Aid for Afghan Forces*, VOA NEWS (May 28, 2021), <https://www.voanews.com/south-central-asia/white-house-proposes-slight-boost-aid-afghan-forces>.

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

August 23, 2021

The Honorable Lloyd J. Austin
Secretary
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Austin:

As a direct result of the Biden Administration's poorly planned and executed U.S. withdrawal from Afghanistan, the Taliban is now armed with a significant arsenal of U.S.-made weaponry. Worse, it would appear the Biden Administration has no clue what or how many weapon platforms are now owned and operated by the Taliban.¹ With one U.S. official admitting, "[e]verything that hasn't been destroyed is the Taliban's now."² We are left wondering if the Biden Administration has a plan to prevent the Taliban from using our weapons against the U.S. or its allies, or selling them to foreign adversaries, like China, Russia, Iran, or North Korea.

According to a 2017 assessment, between 2003 and 2016, the U.S. military had transferred about 75,898 military vehicles, 599,690 weapons systems, and 208 aircraft to the Afghan National Defense Forces.³ On August 17, 2021, President Joseph Biden's National Security Advisor Jake Sullivan said, "[w]e don't have a complete picture, obviously, of where every article of defense materials has gone but certainly, a fair amount of it has fallen into the hands of the Taliban, and obviously, we don't have a sense that they are going to readily hand it over to us at the airport."⁴ Recent reporting supports Mr. Sullivan's suspicions and suggests the Taliban now control:

- Innumerable M4 and M16 rifles, M24 sniper rifles, and M2 .50 caliber machine guns;
- About 2,000 armored vehicles, including U.S. Humvees;

¹ Press Briefing, Jake Sullivan, Nat'l Sec. Advisor, The White House (Aug. 17, 2020).

² Idrees Ali, et. al., *Planes, guns, night-vision goggles: The Taliban's new U.S.-made war chest*, REUTERS (Aug. 19, 2021), <https://www.reuters.com/business/aerospace-defense/planes-guns-night-vision-goggles-talibans-new-us-made-war-chest-2021-08-19/>.

³ AFGHANISTAN SECURITY: U.S.-FUNDED EQUIPMENT FOR THE AFGHAN NATIONAL DEFENSE AND SECURITY FORCES, U.S. GOVT. ACCOUNTABILITY OFFICE, GAO-17-667R (Aug. 10, 2017).

⁴ Press Briefing, *supra* note 1.

- About 40 aircraft, including UH-60 Black Hawk helicopters, Scout Attack helicopters, and Scan Eagle military drones; and
- Innumerable pieces of communications equipment and night vision goggles.⁵

Further, it would appear the Taliban seized biometric devices that could aid in their attempts to identify and, eventually, persecute Afghans that assisted in the U.S. mission.⁶ This equipment contains data such as iris scans, fingerprints, and biographical information.⁷ It is likely this information will be used to attack U.S. allies.

To assist the Committee in our continued oversight of President Biden's execution of the withdrawal of U.S. and U.S.-allied forces from Afghanistan, please provide the following information as soon as possible but no later than September 7, 2021:

1. Documents sufficient to show a full accounting of all U.S. military equipment provided to the Afghan National Security Forces, or affiliated military group, since 2003.
2. Documents sufficient to show the following:
 - a. the amount of military equipment that has since been decommissioned or, for other reasons, was not in Afghanistan as of May 1, 2021.
 - b. the amount of military equipment that is inoperable without U.S. personnel.
3. All documents and information regarding planned or current efforts to recapture, destroy, or decommission the military equipment in (1) that remains operational in Afghanistan.

In addition to the above documents and information, we request staff-level briefing to cover the above questions as soon as possible but no later than August 30, 2021. To ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

⁵ Ali, *supra* note 2; Jared Keller, *Here's all the US military equipment that likely ended up in Taliban hands*, TASK & PURPOSE (Aug. 18, 2021), <https://taskandpurpose.com/news/taliban-weapons-afghanistan/>.

⁶ Klen Klippenstein & Sara Sirota, *The Taliban Have Seized U.S. Military Biometric Devices*, THE INTERCEPT (Aug. 17, 2021), <https://theintercept.com/2021/08/17/afghanistan-taliban-military-biometrics/>.

⁷ *Id.*

The Honorable Lloyd J. Austin
August 23, 2021
Page 3

Thank you for your attention to this very important matter.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Glenn Grothman
Ranking Member
Subcommittee on National Security

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

August 24, 2021

The Honorable Antony J. Blinken
Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken:

President Ashraf Ghani fled the country of Afghanistan on August 15, precipitating the rapid collapse of the Afghan government in Kabul and paving the way for the Taliban's entry into the capital city and presidential palace.¹ The Taliban are now in control of Afghanistan for the first time in nearly two decades.² President Ghani is residing in the United Arab Emirates, which has granted him humanitarian protection.³ However, reports state that President Ghani may have been self-dealing with U.S. funds intended for the Afghan people, having fled the country with enormous sums of cash totaling well over a hundred million dollars. If true, this was not the dignified exit of a benevolent head of state, but that of a coward and grifter. The United States must do everything in its power to seize any illicitly gained funds that were corruptly embezzled by President Ghani. If he diverted funds from their intended purposes, the U.S. should bring him to justice.

Not only did President Ghani flee the country of Afghanistan prematurely and contribute to the rapid fall of the American-backed democratic government in Kabul, but he brought with him duffle bags full of cash totaling \$169 million dollars.⁴ Reports indicate that President Ghani

¹ Matthew Rosenberg & Adam Nossiter, *After 7 years of Failing to Fix Afghanistan, Ghani Makes a Hasty Escape*, N.Y. TIMES (Aug. 16, 2021), <https://www.nytimes.com/2021/08/16/world/asia/afghanistan-president-ashraf-ghani.html>.

² Scott Neuman, *Afghanistan Falls To The Taliban Again As The U.S.-Backed Government Collapses*, NPR (Aug. 15, 2021), <https://www.npr.org/2021/08/15/1027860324/the-taliban-win-control-of-afghanistan-as-the-u-s-backed-government-collapses>.

³ Sudarsan Raghavan, *UAE says former Afghan president Ghani was welcomed into country 'on humanitarian grounds' after fleeing Kabul*, WASH. POST (Aug. 18, 2021), <https://www.washingtonpost.com/world/2021/08/18/afghanistan-kabul-taliban-live-updates/#link-WSXTBNZJ2NFELD2KWBV5334A3E>.

⁴ Brigid Kennedy, *Afghan President Ashraf Ghani reportedly fled Kabul with \$169 million in cash*, THE WEEK (Aug. 18, 2021), <https://theweek.com/afghanistan/1003879/afghan-president-ashraf-ghani-reportedly-fled-kabul-with-169-million-in-cash>.

in fact had so much looted money with him when he fled Afghanistan that not all of it would fit in his helicopter, and that he was forced to leave money lying on the tarmac.⁵

It is unclear how President Ghani obtained such a large sum of cash, but the amount and nature of his flight from Afghanistan raises the specter that he illegally and corruptly embezzled these funds from U.S. assistance intended for the Afghan people's welfare and defense. In fact, until recently, approximately 80% of Afghanistan's total budget was funded by the United States and other international assistance.⁶ Thus, if Ghani was embezzling funds from the government of Afghanistan, he was likely embezzling U.S. taxpayer funds.

U.S. taxpayers have provided \$145 billion to Afghanistan reconstruction efforts over the last 20 years in addition to \$837 billion directly spent on warfighting.⁷ This includes \$17.28 billion in "on-budget assistance to the government of Afghanistan," of which President Ghani was head since 2014.⁸ These amounts pale in comparison to the total cost of the Afghanistan war to the United States, which is estimated to be \$2.26 trillion.⁹

It is imperative that corrupt foreign government officials not be permitted to personally enrich themselves with U.S. taxpayer money intended to safeguard the welfare and security of the Afghan people. This is particularly the case where President Ghani's reckless and cowardly actions likely contributed to the speed with which the Taliban took over the country and toppled the Afghan government and led to the resulting chaotic situation now faced by American citizens and our allies who are now trapped in a country controlled by a hostile regime.

To assist the Republicans on the Oversight Committee in conducting important oversight into the potential embezzlement of U.S. taxpayer money initially intended to assist and secure the people of Afghanistan, please make arrangements to provide a staff-level briefing and all necessary information sufficient to answer the following questions no later than August 31, 2021:

1. Can the U.S. Department of State confirm that President Ghani fled the country with duffle bags full of cash totaling well over a hundred million dollars?
2. Was the cash embezzled from accounts funded with U.S. taxpayer funds or other international assistance provided to the reconstruction effort in Afghanistan? If not, what does the U.S. Department of State assess to be the provenance of the cash in President

⁵ *Russia says Afghan president fled with cars and helicopter full of cash*, REUTERS (Aug. 16, 2021), <https://www.reuters.com/world/asia-pacific/russia-says-afghan-president-fled-with-cars-helicopter-full-cash-ria-2021-08-16/>.

⁶ Jeff Stein, *Biden administration freezes billions of dollars in Afghan reserves, depriving Taliban of cash*, WASH. POST (Aug. 17, 2021), <https://www.washingtonpost.com/us-policy/2021/08/17/treasury-taliban-money-afghanistan/>.

⁷ WHAT WE NEED TO LEARN: LESSONS FROM TWENTY YEARS OF AFGHANISTAN RECONSTRUCTION, SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION, (Aug. 2021), <https://www.sigar.mil/pdf/lessonslearned/SIGAR-21-46-LL.pdf>.

⁸ QUARTERLY REPORT TO THE UNITED STATES CONGRESS, SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION (July 30, 2021), <https://www.sigar.mil/pdf/quarterlyreports/2021-07-30qr.pdf>.

⁹ *Id.*


The Honorable Antony J. Blinken
August 24, 2021
Page 3

Ghani's possession?

3. If the funds in Ghani's possession were illegally embezzled from U.S. assistance to the Afghan government for purposes of reconstruction, what is the U.S. Government planning to do, in partnership with our allies, to seize and recover those funds?
4. If President Ghani engaged in corrupt actions as President of Afghanistan to enrich himself at the expense of the U.S. taxpayers, what is the U.S. Government planning to do, partnership with our allies, to bring him to justice?

Thank you for your consideration of this important issue. To make arrangements to schedule the briefing and deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Glenn Grothman
Ranking Member
Subcommittee on National Security

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

August 24, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Garland:

President Ashraf Ghani fled the country of Afghanistan on August 15, precipitating the rapid collapse of the Afghan government in Kabul and paving the way for the Taliban's entry into the capital city and presidential palace.¹ The Taliban are now in control of Afghanistan for the first time in nearly two decades.² President Ghani is residing in the United Arab Emirates, which has granted him humanitarian protection.³ However, reports state that President Ghani may have been self-dealing with U.S. funds intended for the Afghan people, having fled the country with enormous sums of cash totaling well over a hundred million dollars. If true, this was not the dignified exit of a benevolent head of state, but that of a coward and grifter. The United States must do everything in its power to seize any illicitly gained funds that were corruptly embezzled by President Ghani. If he diverted funds from their intended purposes, the U.S. should bring him to justice.

Not only did President Ghani flee the country of Afghanistan prematurely and contribute to the rapid fall of the American-backed democratic government in Kabul, but he brought with him duffle bags full of cash totaling \$169 million dollars.⁴ Reports indicate that President Ghani

¹ Matthew Rosenberg & Adam Nossiter, *After 7 years of Failing to Fix Afghanistan, Ghani Makes a Hasty Escape*, N.Y. TIMES (Aug. 16, 2021), <https://www.nytimes.com/2021/08/16/world/asia/afghanistan-president-ashraf-ghani.html>.

² Scott Neuman, *Afghanistan Falls To The Taliban Again As The U.S.-Backed Government Collapses*, NPR (Aug. 15, 2021), <https://www.npr.org/2021/08/15/1027860324/the-taliban-win-control-of-afghanistan-as-the-u-s-backed-government-collapses>.

³ Sudarsan Raghavan, *UAE says former Afghan president Ghani was welcomed into country 'on humanitarian grounds' after fleeing Kabul*, WASH. POST (Aug. 18, 2021), <https://www.washingtonpost.com/world/2021/08/18/afghanistan-kabul-taliban-live-updates/#link-WSXTBNZJ2NFELD2KWBV5334A3E>.

⁴ Brigid Kennedy, *Afghan President Ashraf Ghani reportedly fled Kabul with \$169 million in cash*, THE WEEK (Aug. 18, 2021), <https://theweek.com/afghanistan/1003879/afghan-president-ashraf-ghani-reportedly-fled-kabul-with-169-million-in-cash>.

in fact had so much looted money with him when he fled Afghanistan that not all of it would fit in his helicopter, and that he was forced to leave money lying on the tarmac.⁵

It is unclear how President Ghani obtained such a large sum of cash, but the amount and nature of his flight from Afghanistan raises the specter that he illegally and corruptly embezzled these funds from U.S. assistance intended for the Afghan people's welfare and defense. In fact, until recently, approximately 80% of Afghanistan's total budget was funded by the United States and other international assistance.⁶ Thus, if Ghani was embezzling funds from the government of Afghanistan, he was likely embezzling U.S. taxpayer funds.

U.S. taxpayers have provided \$145 billion to Afghanistan reconstruction efforts over the last 20 years in addition to \$837 billion directly spent on warfighting.⁷ This includes \$17.28 billion in "on-budget assistance to the government of Afghanistan," of which President Ghani was head since 2014.⁸ These amounts pale in comparison to the total cost of the Afghanistan war to the United States, which is estimated to be \$2.26 trillion.⁹

It is imperative that corrupt foreign government officials not be permitted to personally enrich themselves with U.S. taxpayer money intended to safeguard the welfare and security of the Afghan people. This is particularly the case where President Ghani's reckless and cowardly actions likely contributed to the speed with which the Taliban took over the country and toppled the Afghan government and led to the resulting chaotic situation now faced by American citizens and our allies who are now trapped in a country controlled by a hostile regime.

To assist the Republicans on the Oversight Committee in conducting important oversight into the potential embezzlement of U.S. taxpayer money initially intended to assist and secure the people of Afghanistan, please make arrangements to provide a staff-level briefing and all necessary information sufficient to answer the following questions no later than August 31, 2021:

1. Is the U.S. Department of Justice investigating reports that President Ashraf Ghani transported millions of dollars in cash with him during his flight from Afghanistan?
2. Was the cash embezzled from accounts funded with U.S. taxpayer funds or other international assistance provided to the reconstruction effort in Afghanistan? If not, what

⁵ *Russia says Afghan president fled with cars and helicopter full of cash*, REUTERS (Aug. 16, 2021), <https://www.reuters.com/world/asia-pacific/russia-says-afghan-president-fled-with-cars-helicopter-full-cash-ria-2021-08-16/>.

⁶ Jeff Stein, *Biden administration freezes billions of dollars in Afghan reserves, depriving Taliban of cash*, WASH. POST (Aug. 17, 2021), <https://www.washingtonpost.com/us-policy/2021/08/17/treasury-taliban-money-afghanistan/>.

⁷ WHAT WE NEED TO LEARN: LESSONS FROM TWENTY YEARS OF AFGHANISTAN RECONSTRUCTION, SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION, (Aug. 2021), <https://www.sigar.mil/pdf/lessonslearned/SIGAR-21-46-LL.pdf>.

⁸ QUARTERLY REPORT TO THE UNITED STATES CONGRESS, SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION (July 30, 2021), <https://www.sigar.mil/pdf/quarterlyreports/2021-07-30qr.pdf>.

⁹ *Id.*

does the U.S. Department of Justice assess to be the provenance of the cash in President Ghani's possession?

3. If the funds in Ghani's possession were illegally embezzled from U.S. assistance to the Afghan government for purposes of reconstruction, what is the U.S. Government planning to do, in partnership with our allies, to seize and recover those funds? On what legal authority would the government rely on to seize and recover such funds?
4. If President Ghani engaged in corrupt actions as President of Afghanistan to enrich himself at the expense of the U.S. taxpayers, what is the U.S. Government planning to do, in partnership with our allies, to bring him to justice? What criminal statutes may have been violated in this case?

Thank you for your consideration of this important issue. To make arrangements to schedule the briefing and deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Glenn Grothman
Ranking Member
Subcommittee on National Security

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

Congress of the United States
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August 25, 2021

The Honorable Charles P. Rettig
Commissioner
Internal Revenue Service
1111 Constitution Avenue NW
Washington, D.C. 20224

Dear Commissioner Rettig:

Last month, I wrote to you requesting documents and information about audit trails and security at the IRS and *ProPublica's* sharing of IRS data.¹ While you have ignored that request, *ProPublica* continues to publish confidential IRS information. Just last week, a *ProPublica* story drew on confidential tax records to assert wealthy Americans do not pay enough in taxes and Republicans facilitate that alleged unfairness.² The IRS must not become a tool in media-driven inquisitions of this sort.

The IRS's failure to prioritize this lapse in security is unacceptable; your agency must commit to cooperating with Congress in this investigation of its compromised security. *ProPublica* has explained it will continue to illegally publish taxpayer information—likely without consequence.³ The IRS, therefore, must take every measure to avoid participating in such campaigns and should attempt to put an immediate end to the unlawful leaks and publications.

This letter serves to reiterate the requests for documents and information in my letter from July 29, 2021. Specifically, please produce the following information to the Committee by September 8, 2021:

1. The audit trail for the return information for each individual listed in Appendix A of my July 29 letter, from January 1, 2019 to June 1, 2021;

¹ Letter from the Hon. James Comer, Ranking Member, Comm. on Oversight and Reform, to the Hon. Charles P. Rettig, Commissioner, Internal Revenue Serv. (July 29, 2021).

² Justin Elliott and Robert Faturechi, *Secret IRS Files Reveal How Much the Ultrawealthy Gained by Shaping Trump's "Big Beautiful Tax Cut,"* PROPUBLICA (Aug. 11, 2021), available at <https://www.propublica.org/article/secret-irs-files-reveal-how-much-the-ultrawealthy-gained-by-shaping-trumps-big-beautiful-tax-cut>.

³ Stephen Engelberg and Richard Tofel, *Why We Are Publishing the Tax Secrets of the .001%*, ProPublica (Jun. 8, 2021), available at <https://www.propublica.org/article/why-we-are-publishing-the-tax-secrets-of-the-001>.

2. For each of the individuals listed in Appendix A of my July 29 letter, please list all IRS applications which contain their tax return information;
3. A list of the 67 applications discussed in the July 31, 2020 TIGTA report, broken down by application(s) that had accurate and complete audit trails in the Security Audit and Analysis System (SAAS), applications that had deficient audit trails, and applications that were not sending any audit trail information to the SAAS;
4. The rationale for the IRS's decision not to identify applications that use Personally Identifiable Information for the purpose of detecting improper activities and to reconstruct events for potential criminal investigations, as was recommended by TIGTA in 2020;
5. A roster of all employees and contractors with access to any application with tax return information for all of the individuals identified in Appendix A of my July 29 letter; and
6. A list of the number, date, and nature of all phone calls you have had with *ProPublica* in an effort to stop them from publishing additional articles containing taxpayer return information, and a list of any other steps you may have taken to prevent the public dissemination of this information.

In addition to the names included in Appendix A of the July 29 letter, please include the following individuals:

1. Brendan Bechtel
2. Darren Bechtel
3. Katherine Bechtel
4. Donald Bren
5. Diane Hendricks
6. Ted Kellner
7. Adam Portnoy
8. Steven Roth
9. Donald Sterling
10. Elizabeth Uihlein
11. Richard Uihlein

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The Honorable Charles P. Rettig
August 25, 2021
Page 3

If you have any questions about this request, please contact Committee staff at (202) 225-5074. Thank you for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a large, prominent "J" and "C".

James Comer
Ranking Member
Committee on Oversight and Reform

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

Congress of the United States

House of Representatives

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August 25, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

We write today to request a briefing from your Department on efforts underway to ensure adequate vetting of all Afghan nationals being evacuated from that country to the United States. Our country owes a moral obligation to those who put themselves at great personal risk to provide substantial assistance to coalition forces in Afghanistan. We therefore must work to ensure those individuals safe passage out of Afghanistan. And though we must expeditiously process and adjudicate any immigration benefits for which they may be eligible, we must also continue to guard against potential terrorist entry into the United States by those who would seek to covertly infiltrate this sympathetic population and take advantage of our good will.

It is no secret that terrorists and other bad actors will always seek to exploit any and all weaknesses in border security and vetting of foreign nationals seeking to enter the United States.¹ This is not unique to the situation in Afghanistan. For example, a program intended to resettle Iraqis who assisted the U.S. mission was discovered to be rife with fraud, with 4,000 Iraqis accused of having filed a fraudulent application, while over 100,000 other cases are suspect.² Over 500 Iraqis implicated in the fraud were even admitted to the United States; fortunately, none are known to have terrorist ties.³

In the chaotic situation left in the wake of the Taliban's takeover of Afghanistan, we are particularly concerned that terrorists and others who wish to harm the United States may seek to infiltrate the country disguised as those who provided assistance to coalition forces in Afghanistan. Indeed, the Taliban have taken control of prisons throughout the country and released inmates, including the Bagram prison which held Taliban and Islamic State fighters who are now mixing in with the general public.⁴ The integrity of our immigration system is

¹ *The 9/11 Commission Report: final report of the National Commission on Terrorist Attacks upon the United States*, (July 22, 2004) at pg. 384, <https://govinfo.library.unt.edu/911/report/911Report.pdf>.

² Jonathan Landay & Ted Hesson, *EXCLUSIVE U.S. suspects 4,000 cases of fraud in Iraqi refugee program – documents*, REUTERS (June 18, 2021), <https://www.reuters.com/world/exclusive-us-suspects-4000-cases-fraud-iraqi-refugee-program-documents-2021-06-18/>.

³ *Id.*

⁴ Ahmad Seir, et al, *Taliban sweep into Afghan capital after government collapses*, AP NEWS (Aug. 15, 2021), <https://apnews.com/article/afghanistan-taliban-kabul-bagram-e1ed33fe0c665ee67ba132c51b8c32a5>.

paramount. Those who are eligible for immigration benefits should receive them, while those who are not – especially those who may be inadmissible for security and related grounds – should be screened out.⁵

To assist the Republicans on the Oversight Committee in conducting important oversight into the ongoing efforts to screen and vet potentially tens of thousands of Afghan nationals who may ultimately be resettled in the United States, please make arrangements to provide a staff-level briefing and all necessary information sufficient to answer the following questions no later than September 1, 2021:

1. What are the procedures used to screen Special Immigrant Visa (SIV) applicants for eligibility for that benefit, as well as to prevent the entry of any foreign national into the United States who may be inadmissible under the security and related grounds set forth in 8 U.S.C. § 1182(a)(3)?
2. What are the procedures used to screen foreign nationals applying under the U.S. Refugee Admissions Program Priority 1 (P-1) or Priority 2 (P-2) designation for eligibility for that benefit, as well as to prevent the entry of any foreign national who may be inadmissible under the security and related grounds set forth in 8 U.S.C. § 1182(a)(3)?
3. What information is the government cross-referencing to ensure that principal applicants for Special Immigrant Visas meet all requirements, particularly the requirement that they be employed for the required time period in Afghanistan by or on behalf of the U.S. government or by the International Security Assistance Force (ISAF) or a successor mission?
4. How many total Afghan SIV applications have been approved?
5. What are the current average processing times for the various stages in the Afghan SIV application process and how have those processing times changed over the last six months?
6. How many Afghan SIV applications are being adjudicated per day, and how has that number changed over the last six months?

Thank you for your consideration of this important issue. To make arrangements to schedule the briefing and deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

⁵ 8 U.S.C. 1182(a)(3).

The Honorable Alejandro Mayorkas
August 25, 2021
Page 3

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a large, prominent "J" and "C".

James Comer
Ranking Member
Committee on Oversight and Reform

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

Congress of the United States
House of Representatives

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<https://oversight.house.gov>

August 25, 2021

The Honorable Antony J. Blinken
Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken:

We write today to request a briefing from your Department on efforts underway to ensure adequate vetting of all Afghan nationals being evacuated from that country to the United States. Our country owes a moral obligation to those who put themselves at great personal risk to provide substantial assistance to coalition forces in Afghanistan. We therefore must work to ensure those individuals safe passage out of Afghanistan. And though we must expeditiously process and adjudicate any immigration benefits for which they may be eligible, we must also continue to guard against potential terrorist entry into the United States by those who would seek to covertly infiltrate this sympathetic population and take advantage of our good will.

It is no secret that terrorists and other bad actors will always seek to exploit any and all weaknesses in border security and vetting of foreign nationals seeking to enter the United States.¹ This is not unique to the situation in Afghanistan. For example, a program intended to resettle Iraqis who assisted the U.S. mission was discovered to be rife with fraud, with 4,000 Iraqis accused of having filed a fraudulent application, while over 100,000 other cases are suspect.² Over 500 Iraqis implicated in the fraud were even admitted to the United States; fortunately, none are known to have terrorist ties.³

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² Jonathan Landay & Ted Hesson, *EXCLUSIVE U.S. suspects 4,000 cases of fraud in Iraqi refugee program – documents*, REUTERS (June 18, 2021), <https://www.reuters.com/world/exclusive-us-suspects-4000-cases-fraud-iraqi-refugee-program-documents-2021-06-18/>.

³ *Id.*

are now mixing in with the general public.⁴ The integrity of our immigration system is paramount. Those who are eligible for immigration benefits should receive them, while those who are not – especially those who may be inadmissible for security and related grounds – should be screened out.⁵

To assist the Republicans on the Oversight Committee in conducting important oversight into the ongoing efforts to screen and vet potentially tens of thousands of Afghan nationals who may ultimately be resettled in the United States, please make arrangements to provide a staff-level briefing and all necessary information sufficient to answer the following questions no later than September 1, 2021:

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Thank you for your consideration of this important issue. To make arrangements to schedule the briefing and deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

⁴ Ahmad Seir, et al, *Taliban sweep into Afghan capital after government collapses*, AP NEWS (Aug. 15, 2021), <https://apnews.com/article/afghanistan-taliban-kabul-bagram-e1ed33fe0c665ee67ba132c51b8e32a5>.

⁵ 8 U.S.C. 1182(a)(3).

The Honorable Antony J. Blinken
August 25, 2021
Page 3

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive, slightly slanted style.

James Comer
Ranking Member
Committee on Oversight and Reform

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

Congress of the United States

Washington, DC 20515

August 27, 2021

The Honorable Kelu Chao
Acting Chief Executive Officer
U.S. Agency for Global Media
330 Independence Ave SW Ste 3349
Washington, DC 20237

Dear Ms. Chao,

The U.S. Agency for Global Media (USAGM) recently rehired employees whose employment was terminated because of investigations finding mismanagement including providing false information during the security clearance process. The decision to rehire these employees raises concerns about USAGM's security clearance and hiring processes. To ensure USAGM is using proper vetting methods, we write to request information to understand the decision to rehire these employees and USAGM's security clearance process.

USAGM is an objective global media agency network comprised of five smaller media organizations, which "inform, engage, and connect people around the world" to the U.S. national interests of freedom and democracy.¹ These networks reach approximately 354 million people across the globe each week.² USAGM's mandate stems from various pieces of legislation and six bipartisan House and Senate committees are responsible for the oversight of USAGM's programs and policies.³

As part of the State Department, many of USAGM's employees have security clearances due to the international substance of their work.⁴ Approximately 1,500 of USAGM's 4,000 employees, however, had faulty security clearances.⁵ USAGM is aware of this disturbing pattern. According to internal reviews, some USAGM employees and contractors used aliases and fake Social Security numbers, while other employees left entire sections of required background and security forms blank.⁶ Additionally, USAGM management did not require

¹ *U.S. Agency for Global Media Who We Are*, <https://www.usagm.gov/who-we-are/> (last visited July 20, 2021) (The five smaller media organizations of USAGM include two federal organizations, the Voice of America and the Office of Cuba Broadcasting, and three non-profit organizations, Radio Free Europe, Radio Free Asia, and the Middle East Broadcasting Networks).

² *Id.*

³ *Id.*

⁴ Byron York, *America's lost voice*, WASH. EXAMINER, Feb. 4, 2021, <https://www.washingtonexaminer.com/politics/americas-lost-voice>.

⁵ *Id.*

⁶ Mark Hemingway and Susan Crabtree, *U.S. Broadcast Agency Didn't Thoroughly Vet Foreign Workers*, REALCLEARPOLITICS, Aug. 4, 2020, https://www.realclearpolitics.com/articles/2020/08/04/us_broadcast_agency_didnt_thoroughly_vet_foreign_workers.html.

prospective personnel to disclose foreign travel and foreign contacts.⁷ A senior USAGM official admitted that in some cases, employees were fingerprinted, but their prints were never submitted to the Federal Bureau of Investigation—failing to comply with government hiring requirements, while some employees were never fingerprinted.⁸

The Office of Personnel Management (OPM) detected problems within USAGM programs in 2010 and offered 14 recommendations in 2012.⁹ In 2014, OPM and the Office of the Director of National Intelligence again reviewed USAGM's suitability and security program and alerted USAGM to several recommendations, several of which were repeat recommendations.¹⁰ Between 2014 and 2019, there were two additional reviews that resulted in similar findings.¹¹ By 2019, OPM had provided USAGM with 37 separate recommendations and warned that USAGM could lose its adjudicative authority if it failed to address OPM's recommendations.¹² USAGM ultimately addressed only 18 recommendations.¹³ OPM then suggested six additional suggestions in 2020 and announced that it would begin steps to revoke USAGM's adjudicative and other delegated authorities.¹⁴

A memorandum of understanding between USAGM and OPM giving USAGM authority to oversee their own background investigations expired in 2012. Even after the expiration, USAGM continued exercising this authority despite multiple attempts by OPM to notify USAGM of its expiration.¹⁵ According to OPM, the Director of Security and the Chief of the Adjudications Branch at USAGM claimed that "nobody knew" of the expired memorandum of understanding until the Director of Security discovered its expiration in July of 2017 and made efforts to contact OPM.¹⁶ Yet, USAGM did not confirm that it had stopped conducting its own background investigations until 2019 when it transferred the work to Defense Counterintelligence and Security Agency.¹⁷ USAGM, however, is still responsible initiating the investigations for approximately 1,500 employees who were investigated since 2012.

The USAGM has recently rehired several former employees that were fired after investigations regarding mismanagement and providing false information during the security clearance process. USAGM's rehiring of these individuals suggests to federal employees that misconduct will be tolerated and even rewarded with rehiring. It is incumbent upon USAGM to ensure the security of classified information, which the agency cannot do if it employs those who have previously abused the system.

⁷ *Id.*

⁸ *Id.*; see U.S. OFF. OF PERSONNEL MANAGEMENT SUITABILITY EXEC. AGENT PROGRAMS, FOLLOW-UP REVIEW OF THE U.S. AGENCY FOR GLOBAL MEDIA SUITABILITY PROGRAM (2020) available at <https://www.usagm.gov/wp-content/uploads/2020/08/OPM-SuitEA-July-2020.pdf>.

⁹ Nicole Ogrysko, *In rare move, OPM strips broadcasting agency of background investigation and vetting authorities*, FED. NEWS NETWORK, Aug. 12, 2020, <https://federalnewsnetwork.com/workforce/2020/08/in-rare-move-opm-strips-broadcasting-agency-of-background-investigation-and-vetting-authorities/>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

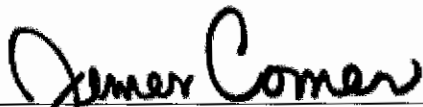
Most recently, the Department of State Office of Inspector General (OIG) investigated whether some of these employees' security clearances were suspended because they made protected whistleblower disclosures. Committee staff reviewed the OIG's findings, and although they shed some light, several questions remain. We are also concerned that the rehired USAGM employees and their lawyers are characterizing these reports to the media, yet the OIG has not made them public.¹⁸

To assist Committee Republicans in understanding the decisions behind rehiring these employees and the current security clearance process at USAGM, we request a staff-level briefing no later than September 3, 2021, on efforts by the USAGM to resolve these security threats and answer questions about the rehiring of previously investigated individuals, as well as the following:

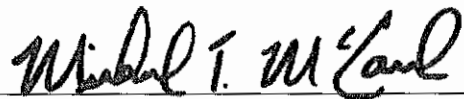
1. All documents and communications regarding USAGM personnel policies and practices between January 20, 2021 and August 26, 2021.
2. All documents and communications regarding the number of USAGM employees that have been investigated for misconduct related to the security clearance process since January 20, 2021 and the number of USAGM employees that still need to be investigated.
3. All reports or audits on employee misconduct or fraud regarding personnel or security paperwork.
4. All documents and communications regarding efforts to rehire previously investigated USAGM employees.

To make arrangements for the briefing, document delivery, or to ask any related follow up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you for your cooperation with this inquiry.

Sincerely,

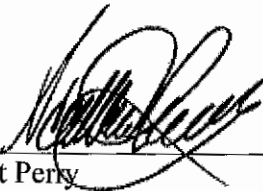


James Comer
Ranking Member
House Committee on Oversight and Reform



Michael McCaul
Ranking Member
House Foreign Affairs Committee

¹⁸ David Folkenflik, *A Report Clears Federal Officials Who Were Suspended By A Trump Appointee Over VOA*, NPR, July 10, 2021, <https://www.npr.org/2021/07/10/1014585331/report-clears-federal-officials-suspended-by-trump-appointee-over-voa>.



Scott Perry
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman,
House Committee on Oversight and Reform

The Honorable Gregory Meeks, Chairman,
House Foreign Affairs Committee

Congress of the United States

Washington, DC 20515

September 1, 2021

The Honorable Thomas Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Vilsack,

We write today to request documents and information about the dramatic and indefinite expansion of the Supplemental Nutrition Assistance Program (SNAP) benefits. Taxpayer-funded SNAP assists low-income Americans in meeting their nutrition needs. But based on recent actions, the Biden Administration is abusing its authority and expanding SNAP—without congressional authorization.

On August 16, 2021, the U.S. Department of Agriculture (USDA) released a re-evaluation of the Thrifty Food Plan (the Plan). Using this analysis, the USDA is increasing monthly SNAP benefits an average of 27 percent over pre-pandemic levels starting October 1, 2021.¹ The average monthly benefit will go up from about \$121 per person (pre-pandemic) to about \$157 per person.² The new maximum SNAP benefit for a family of four will be \$835 per month, or \$10,020 per year, for a nonworking household.³ In 2019 the average four-person household in the U.S. spent only \$537 per month on food at home—less than the benefits will now cover.⁴ It is estimated that this increase will cost the American taxpayers an additional \$20 billion per year.⁵

The law requires the Thrifty Food Plan to be updated every five years. The Biden Administration, however, broke with longstanding precedent that the USDA only increase the cost of the plan in accordance with inflation.⁶ Even last month, the Congressional Budget Office acknowledged this precedent when it estimated only inflationary adjustments to the Plan through 2031.⁷ The Biden Administration's move reflects its continued willingness to ignore precedent and unilaterally expand government programs.

¹ The Editorial Board, *The Democratic Food-Stamp Boom*, THE WALL ST. J. (Aug. 17, 2021), <https://www.wsj.com/articles/the-democratic-food-stamp-boom-joe-biden-usda-welfare-state-11629225286>.

² *Id.*

³ Angela Rachidi, *Biden ignores Congress to increase SNAP*, THE HILL (Aug. 19, 2021), <https://thehill.com/opinion/finance/568386-biden-ignores-congress-to-increase-snap>.

⁴ The Editorial Board, *The Democratic Food-Stamp Boom*, THE WALL ST. J. (Aug. 17, 2021), <https://www.wsj.com/articles/the-democratic-food-stamp-boom-joe-biden-usda-welfare-state-11629225286>.

⁵ Ashraf Khalil & Josh Boak, *Food stamp benefits to increase by more than 25% in October*, ASSOC. PRESS (Aug. 16, 2021), <https://apnews.com/article/health-coronavirus-pandemic-f51d32a6830fe74b8bc06fcf99c57f71>

⁶ Angela Rachidi, *Biden ignores Congress to increase SNAP*, THE HILL (Aug. 19, 2021), <https://thehill.com/opinion/finance/568386-biden-ignores-congress-to-increase-snap>.

⁷ *Id.*

Further, under the CARES Act, work requirements for food-stamp benefits are waived until the Department of Health and Human Services (HHS) declares the public health emergency over. HHS, however, appears unwilling to relinquish its emergency authorities. Therefore, these increased benefits continue to have no work, training, or education requirement. This could incentivize a pattern we are observing with enhanced unemployment benefits, and in fact research shows that since the 1970s, when SNAP was instituted, those eligible for benefits have worked less.⁸

The USDA claims that increasing these benefits enables beneficiaries to buy healthier foods which are more in line with the nation's nutritional guidelines, however very little recent, comprehensive data exists that shows this to be true.⁹ The updated Thrifty Food Plan emphasized the need for nutrient dense diets to improve the overall health of the American people.¹⁰ The government, however, does not restrict what kinds of food can be bought with SNAP benefits.¹¹ According to government data, food-stamp recipients spend about 26 percent of their funds on sweetened beverages, prepared foods, and candy.¹² The report also allowed recipients 7 percent more calories based off the fact that Americans are more obese now than before.¹³ This increase will not contribute to the healthier lifestyle the Thrifty Food Plan purports to promote.

Further, a 2018 study in the Journal of the American Medical Association examined the diet quality of food-stamp beneficiaries and similar SNAP eligible low-income individuals who didn't receive the benefits from 2003 to 2014—a period in which average benefits increased more than 50%.¹⁴ The study found low-income individuals not receiving SNAP ate healthier diets than SNAP beneficiaries, and their diets also improved more over time.¹⁵

The Biden Administration's actions to dramatically expand SNAP—without guardrails and without congressional input—appears to be another example of its efforts to keep Americans dependent on government handouts. To better understand the increases in SNAP benefits, please provide the following documents and information no later than September 15, 2021. In addition, please provide a staff level briefing no later than September 8, 2021.

⁸ Angela Rachidi, *Biden ignores Congress to increase SNAP*, THE HILL (Aug. 19, 2021), <https://thehill.com/opinion/finance/568386-biden-ignores-congress-to-increase-snap>.

⁹ Press Release, U.S. Dept. of Agriculture, *USDA Modernizes the Thrifty Food Plan, Updates SNAP Benefits* (Aug. 16, 2021), <https://www.usda.gov/media/press-releases/2021/08/16/usda-modernizes-thrifty-food-plan-updates-snap-benefits>.

¹⁰ THRIFTY FOOD PLAN, 2021, U.S. DEPT. OF AGRICULTURE (Aug. 2021) <https://www.fns.usda.gov/resource/thrifty-food-plan-2021>.

¹¹ The Editorial Board, *The Democratic Food-Stamp Boom*, THE WALL ST. J. (Aug. 17, 2021), <https://www.wsj.com/articles/the-democratic-food-stamp-boom-joe-biden-usda-welfare-state-11629225286>.

¹² Angela Rachidi, *Biden ignores Congress to increase SNAP*, THE HILL (Aug. 19, 2021), <https://thehill.com/opinion/finance/568386-biden-ignores-congress-to-increase-snap>.

¹³ Mike Doring, *Biden to provide more than 25% boost to food stamp benefits*, FORTUNE (Aug. 16, 2021), <https://fortune.com/2021/08/16/biden-food-stamps-program-25-percent-boost-usda-snap/>.

¹⁴ Fang Fang Zhang, et. al, *Trends and Disparities in Diet Quality Among US Adults by Supplemental Nutrition Assistance Program Participation Status*, J. OF AM. MEDICAL ASSOC. (Jun. 15, 2028), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2684625>.

¹⁵ *Id.*

The Honorable Thomas Vilsack
September 1, 2021
Page 3

1. A detailed accounting of the calculations used to determine the current food prices and consumption rates.
2. The rationale and authority under which the USDA moved away from the cost-neutral evaluation.
3. A copy of all relevant contracts with 3rd parties that conducted research as a part the re-evaluation of the Plan.
4. A detailed list of all factors considered in analyzing food insecurity.
5. Documents, data, research contracts, and other relevant information that sufficiently shows 1) that when provided additional benefits, recipient households have increased their purchase of healthy foods and, 2) how the USDA will ensure the increase in SNAP benefits correlates with better food choices by SNAP beneficiaries.
6. Whether the increase in benefits will be accompanied by an expectation of productivity, both through general work requirements and able-bodied adult without dependent (ABAWD) work requirements.
7. All documents, guidance, and information being provided to States in preparation for the cessation of the public health emergency and reinstatement of the work requirement for SNAP benefits.
8. Whether this increase in benefits will be accompanied by a work requirement post-public health emergency.
9. An accounting of how each State has used their FY 2021 Employment and Training funds.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The House Committee on Agriculture has jurisdiction over “human nutrition” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Beijing in their administration and challenges to academic freedoms.⁵ In fact, according to a recent *New York Times* article, leaders at HKUST, where Dr. Frey maintains his leave of absence, suspended students who held a memorial for a colleague who died during the 2019 Hong Kong protests.⁶ In light of this reporting, we are interested in understanding what analysis EPA conducted with regard to whether Dr. Frey's continued affiliation with HKUST runs afoul of the emoluments clause of the Constitution. The emoluments clause prevents any person that holds an official office from receiving gifts, payments, or titles from foreign governments.⁷

It is imperative that all officials at EPA, particularly senior political appointees are taking their ethical obligations seriously and not using positions of public trust to benefit former employers or foreign governments. To help us better understand Dr. Frey's relationship with China, please provide the following information by September 21, 2021:

- (1) All documents and communications from January 20, 2021 to present, between Dr. Frey and anyone affiliated with the Hong Kong University of Science and Technology or the Hong Kong Environmental Protection Agency.
- (2) All documents and communications from January 20, 2021 to present, between Dr. Frey and EPA officials, including but not limited to ethics counsels and the chief of staff, related to Dr. Frey's work in China.
- (3) All documents and communications from January 20, 2021 to present, between Dr. Frey and EPA officials related to potential Biden Administration policy decisions affects on China.
- (4) All documents and communications from January 20, 2021 to present, between and among EPA ethics officials related to Dr. Frey's prior connections with Chinese entities and any associated ethical obligations.
- (5) All documents and communications from January 20, 2021 to present, related to any work or writing Dr. Frey is conducting in connection with his affiliation with the Hong Kong University of Science and Technology.

To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

⁵ See Timothy McLaughlin, *How Academic Freedom Ends*, THE ATLANTIC, Jun. 6, 2021, available at <https://www.theatlantic.com/international/archive/2021/06/china-hong-kong-freedom/619088/>.

⁶ Vivian Wang, *'It Feels Like We're Just Waiting to Die': Hong Kong Targets Student Unions*, NY TIMES, Aug. 1, 2021, available at <https://www.nytimes.com/2021/07/31/world/asia/hong-kong-students.html>.

⁷ U.S. Constitution, Art. I, § 9, cl. 8.

The Honorable Michael S. Regan
Page 3
September 7, 2021

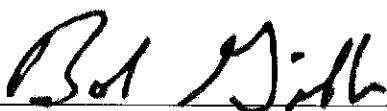
Sincerely,



Ralph Norman
Ranking Member
Subcommittee on Environment



Paul A. Gosar, D.D.S.
Member of Congress



Bob Gibbs
Member of Congress



Pat Fallon
Member of Congress



Yvette Herrell
Member of Congress

cc: The Honorable Ro Khanna, Chairman
Subcommittee on Environment

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6148

MAJORITY (202) 225-6061
MINORITY (202) 225-6074
<https://oversight.house.gov>

September 9, 2021

Mr. Zach Ducheneaux
Administrator
Farm Service Agency
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Administrator Ducheneaux:

Countless farmers in our districts have reached out concerned about staffing shortages in their local Farm Service Agency (FSA) offices. As their representatives and Members of the House Oversight and Reform Committee, we want to work with the current administration to equip FSA to meet the needs of farmers.

As our farmers progress through the planting season and into the harvesting season in the fall, it is important that the FSA office is adequately staffed. The direct interaction that many of our farmers have in these offices cannot be substituted with only emails and phone calls. Further, lengthy processing times are causing problems for many farmers. While we understand that processing times vary between counties, it is important to avoid unnecessary delays for these applications.

We were encouraged to receive notice from FSA at the beginning of the year that it had hired 165 permanent federal, 250 permanent non-federal, and 435 temporary employees during the pandemic. Similarly, we are encouraged that local FSA offices are allowing visitors back into the office and 75 percent of staff are working in the office. However, we are still hearing from farmers that there are shortages in various offices. The FSA offices exist to serve in the communities where they are located. It is hard to accomplish that goal when staffing levels in these offices remain low. It is our interest to work in good faith and learn about the challenges and needs of the FSA and the local offices.

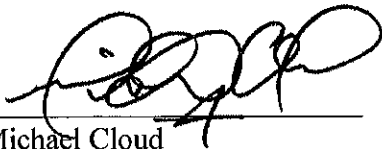
In order to ensure the FSA offices are able to provide adequate support for farmers, please respond to the following questions and provide the following documents and information no later than Sept. 23, 2021:

1. A narrative explaining what the agency can do to process farmers' reports and forms faster.

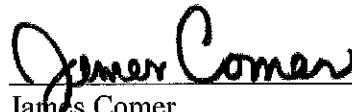
2. Documents showing the impact of the 18-member county-level hiring and processing team on hiring.
3. A detailed explanation of the onboarding process for non-federal FSA staff through the FSA business center.
4. The length of time to onboard a non-federal FSA staff person through the FSA business center.
5. An explanation of whether the FSA business center onboarding process has expedited the hiring process.
6. In 2018, USDA completed an Optimal Productive Office study to better inform the agency on hiring. What level of staffing is needed nationwide, based on this study, to boost productivity?
7. When can we expect FSA offices to be fully reopened?
8. Has there been discussion on allowing FSA offices to fully-reopen in states that have removed their COVID-19 restrictions? If not, why?
9. When will the Administration name appointees to serve as FSA State Executive Directors?

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry. Thank you for your consideration and for your assistance to farmers in our districts. We look forward to your response.

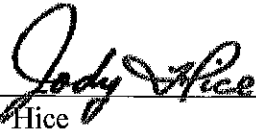
Sincerely,



Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



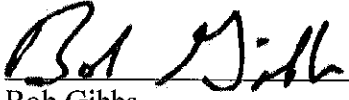
James Comer
Ranking Member
Committee on Oversight and Reform



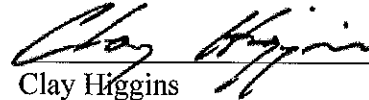
Jody Hice
Ranking Member
Subcommittee on Government
Operations



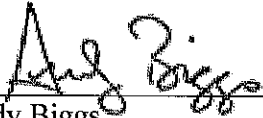
Pete Sessions
Ranking Member
Subcommittee on Civil Rights
and Civil Liberties



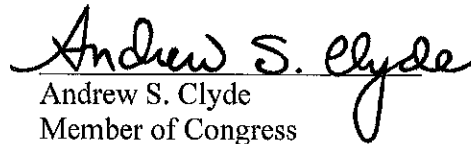
Bob Gibbs
Member of Congress



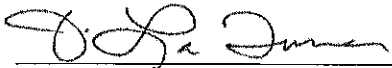
Clay Higgins
Member of Congress



Andy Biggs
Member of Congress



Andrew S. Clyde
Member of Congress



Jake LaTurner
Member of Congress



Yvette Herrell
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-3051
MINORITY (202) 225-5074
<https://oversight.house.gov>

September 13, 2021

The Honorable Kiran Ahuja
Director
U.S. Office of Personnel Management
Washington, D.C. 20415

Dear Director Ahuja:

The purpose of this letter is to request further information on the effect the border crisis has had on the U.S. federal workforce. As you are aware, the U.S. Department of Health and Human Services (HHS) solicited volunteers, in coordination with the U.S. Office of Personnel Management (OPM), from across the federal government on March 25, 2021 to serve up to 120-day deployment details to assist with caring for unaccompanied alien children (UAC) during an unprecedented situation precipitated by the border crisis.¹ Despite my attempt to obtain information related to the effect of these details on the federal workforce and the missions of sending agencies/departments, OPM has not adequately responded to my request.

On April 21, 2021, I wrote to OPM requesting information related to federal workforce detailees assigned to assist HHS with caring for UAC.² In addition to data on the number of reimbursable details, I also requested “[a]ll documents and communications containing an analysis of the impact of such details on the sending agencies/departments and performance of the volunteer’s original duties.”³ However, to date I have not received this information from OPM or any other federal government entity.

Instead, on May 5, 2021, former Acting Director Kathleen M. McGettigan responded to my April 21, 2021 letter with a single paragraph response referring me to the original job announcement and indicating without elaboration that OPM coordinated with HHS.⁴ No additional documents and communications containing any analysis of the impact of such details on the agencies/departments sending detailees have been provided. Therefore, I can only assume

¹ Memorandum for Heads of Executive Departments and Agencies from Kathleen M. McGettigan, Acting Director, U.S. Off. of Personnel Mgmt. re: Detail Opportunity (Mar. 25, 2021), available at <https://chcoc.gov/content/detail-opportunity-information-departmentagency-leadership>.

² Letter from Jody Hice, Ranking Member, H. Subcommittee on Gov’t Operations, to Kathleen M. McGettigan, Acting Dir., U.S. Off. of Personnel Mgmt. (April 21, 2021), available at <https://republicans-oversight.house.gov/wp-content/uploads/2021/04/Letter-to-OPM-from-Hice-04212021.pdf>.

³ *Id.*

⁴ Letter from Kathleen M. McGettigan, Acting Dir., U.S. Off. of Personnel Mgmt., to Jody Hice, Ranking Member, H. Subcommittee on Gov’t Operations (May 5, 2021), *on file with committee staff*.

that such an analysis was not contemplated by OPM—before, during, or after the detailees’ deployments.

It strains belief that these details would not have significant effects on federal detailees and operations at their home agencies/departments, and I am dismayed that OPM appears to have performed no analysis of these impacts. According to information from HHS, as of May 19, 2021 at the peak of the program, there were as many as 1,346 federal detailees serving in case-management and line-of-sight supervision tasks at HHS sites housing UAC across the country.⁵ As of August 23, 2021, there were still 194 federal detailees deployed to HHS’s UAC facilities.⁶ Details last in duration from 30 days to 120 days, with many workers working 12-hour shifts, 7 days a week.⁷ HHS was unable, however, to provide information adequate to assure me that detailees’ physical and mental health and wellness were adequately planned for, monitored and protected and that sending agencies’ mission-fulfillment was not unduly impacted by detailees’ absences from their normal duties. In short, to date OPM’s detailee program appears to be just another example of the Biden Administration provoking a crisis without adequately planning for or assuring the well-being of those whom the crisis would affect.

To assist the Subcommittee in exercising oversight of the effect of the border crisis on the federal workforce and agency missions overall, please provide a staff-level briefing no later than September 20, 2021 to address OPM’s assessment of the ramifications of these details from federal agencies and departments. Also, I reiterate my April 21, 2021 requests for information:

1. The total number of federal employees who have volunteered for a reimbursable detail with HHS as outlined in the March 25, 2021 memorandum, disaggregated by federal agency/department, permanent job title, and expected length of detail.
2. All documents and communications containing an analysis of the impact of such details on the sending agencies/departments and performance of the volunteer’s original duties.

Thank you for your consideration of this important issue. To make arrangements to schedule a briefing, deliver documents, or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal legislative committee having jurisdiction over “Federal civil service, including intergovernmental personnel” under House Rule X. Additionally, the

⁵ Briefing by HHS to H. Comm. on Oversight & Reform Staff (Aug. 24, 2021).

⁶ *Id.*

⁷ *Id.*

Director Ahuja
September 13, 2021
Page 3 of 3

Committee has broad authority to investigate "any matter" at "any time," also provided under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "Jody Hice". The signature is written in a cursive style with a large initial "J" and a stylized "H".

Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

September 14, 2021

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid services
Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Administrator Brooks-LaSure:

As Members of the House Committee on Oversight and Reform, we write today to express our concerns over the proposed multijurisdictional Local Coverage Determination (LCD) for epidural interventions.¹ The proposed changes are in contradiction to the 21st Century Cures Act and the reversal of multiple existing coverage policies will adversely affect access to care and increase costs to patients and the program.

We have heard from many physicians and patients about the proposed LCD for interventional pain management techniques that illustrates the existing problems. This LCD will result in patients losing access to non-opioid treatments – despite the evidence that the treatments are effective.

Specifically, we have received concerns in the following areas:

- (1) There is overwhelming evidence that shows epidural injections should be covered for multiple conditions and performed closer together in the diagnostic phase. The first procedure provides on average less than 6 weeks of pain relief and the second procedure 10 weeks of relief, on average. The proposed LCD calls for these procedures to be performed after 3 months of relief and limits patient's access as well as detrimentally impacting their health. Physicians and patients must be able make informed decisions regarding the timing of intervention to best provide the best patient outcomes.
- (2) The proposed denial of coverage for a procedure known as percutaneous adhesiolysis, a technique useful in treating chronic persistent low back and lower extremity pain, even

¹ DL 39095, *Epidural Procedures for Pain Management*, Cent. Medicare and Medicaid Services, (Aug. 31, 2021), <https://www.cms.gov/medicare-coverage-database/view/lcd.aspx?lcdid=39094&ver=6>

though there is significant clinical evidence supporting the procedure and it is approved for Medicare patients, will detrimentally impact patient care.

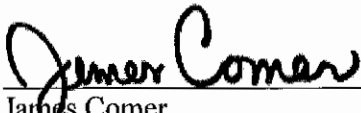
- (3) The proposed LCD unnecessarily prohibits multiple treatments from being performed during the same day. This fails to consider patients often have multiple regions involved when experiencing pain and will unnecessarily drive-up patient costs by forcing repeated visits to the clinic – resulting in more copays and travel expenses. This is particularly harmful for low-income patients and those who live in rural settings.

Due to the proposed LCD, many patients will lose access to the care they need. It is important that coverage policies are based on evidence with input from relevant experts. Beneficiaries in all parts of the country should have access to safe and effective treatments to manage their complex chronic pain conditions in a safe and appropriate setting.

We request that you rescind the proposed LCD and revise the proposed policies to ensure patients can have access to safe and effective care and doctors have the tools they need to treat their patients.

To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

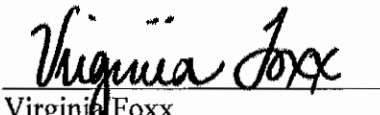
Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Virginia Foxx
Member of Congress



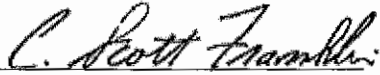
Bob Gibbs
Member of Congress



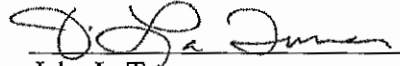
Fred Keller
Member of Congress



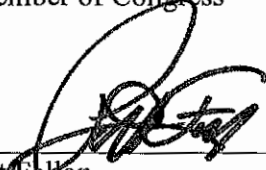
Andy Biggs
Member of Congress



Scott Franklin
Member of Congress



Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Lyette Herrell
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

Congress of the United States
Washington, DC 20515

September 14, 2021

Dr. Janet Woodcock
Acting Commissioner
U.S. Food & Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993

Dear Acting Commissioner Woodcock:

Select Subcommittee Republicans are conducting oversight of potential political interference with the U.S. Food and Drug Administration (FDA) by the Biden Administration. President Biden, instead of following the science, is attempting to distract from his numerous crises by playing politics and moving out ahead of the FDA and the Centers for Disease Control (CDC) when it comes to the science on coronavirus vaccine booster shots.

Without evidence and data, President Biden announced that booster doses of the mRNA vaccines would be available for Americans starting September 20, 2021.¹ Top scientists and researchers were stunned by this decision—particularly because the CDC and the FDA had not yet conducted their independent review of the data.² In fact, two vaccine manufacturers have not yet submitted the relevant data to the government agencies.³ The political manipulation and pressure to interfere with the science by President Biden's White House reportedly contributed to the decision of two top career scientists, Marion Gruber and Phill Krause, who were key in the vaccine process, to leave the FDA.⁴ They felt that the FDA was being sidelined by the Biden Administration and "what finally did it for them was the White House getting ahead of FDA on booster shots."⁵

Further, we now know that those same FDA scientists disagreed with the Biden Administration on the need for booster shots. In a paper published September 13, 2021, both

¹ Bob Herman, *FDA's top vaccine leaders are leaving*, Axios (Aug. 31, 2021), <https://www.axios.com/fda-vaccine-leaders-gruber-krause-leaving-2fbc4998-ed40-4864-b816-3a5ec81e9084.html>; Erin Banco, Sarah Owerwohle & Adam Cancryn, *Tensions mount between CDC and Biden health team over boosters*, POLITICO (Sept. 13, 2021), <https://www.politico.com/news/2021/09/13/cdc-biden-health-team-vaccine-boosters-511529>.

² Caitlin Owens, *The bureaucracy pushes back on Biden's booster plan*, AXIOS (Sept. 1, 2021), <https://www.axios.com/biden-coronavirus-vaccine-boosters-fda-cdc-4189df4c-e794-4e4f-af16-cce32f63b3d9.html>.

³ Erin Banco, Sarah Owerwohle & Adam Cancryn, *Tensions mount between CDC and Biden health team over boosters*, POLITICO (Sept. 13, 2021), <https://www.politico.com/news/2021/09/13/cdc-biden-health-team-vaccine-boosters-511529>.

⁴ Caitlin Owens, *The bureaucracy pushes back on Biden's booster plan*, AXIOS (Sept. 1, 2021), <https://www.axios.com/biden-coronavirus-vaccine-boosters-fda-cdc-4189df4c-e794-4e4f-af16-cce32f63b3d9.html>.

⁵ *Id.*

Krause and Gruber argued that “[c]urrent evidence does not, therefore, appear to show a need for boosting in the general population, in which efficacy against severe disease remains high.”⁶

In order for the Select Subcommittee to conduct legitimate oversight and enable a better response to the next pandemic, we request the following documents and information as soon as possible but no later than September 28, 2021.

1. All documents and communications relating to the study and implementation of a booster shot option for mRNA vaccine recipients.
2. All documents and communications between the FDA and the White House relating to booster shots.
3. All documents and communications related to President Biden’s August 18, 2021 announcement that booster shots would be available for Americans beginning September 20, 2021.
4. All documents and communications relating to any effort by political appointees or White House personnel to review, revise, edit, delay, or prohibit publication of information related to booster shots.
5. All documents and communications related to the departure of FDA scientist Marion Gruber.
6. All documents and communications related to the departure of FDA scientist Phil Krause.
7. All documents and communications relating to 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 science of American receiving booster shots.


The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Further, the Select Subcommittee on the Coronavirus Crisis is empowered to investigate “preparedness for and response to the coronavirus crisis, including the planning for and implementation of testing, containment, mitigation, and surveillance activities.”⁷ Thank you in advance for your cooperation with this inquiry.

⁶ Phillip R Krause, *et.al*, *Considerations in boosting COVID-19 vaccine immune responses*, LANCET (Sept. 13, 2021), <https://els-jbs-prod-cdn.jbs.elsevierhealth.com/pb-assets/Lancet/pdfs/S0140673621020468-1631529799470.pdf>.

⁷ H. Res. 935 § 3(a)(4) (2020).

Dr. Janet Woodcock
September 14, 2021
Page 3

Sincerely,



Steve J. Scalise
Ranking Member
Select Subcommittee on the
Coronavirus Crisis



James Comer
Ranking Member
Committee on Oversight and Reform

cc: The Honorable James E. Clyburn, Chairman
Select Subcommittee on the Coronavirus Crisis

The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-8051
MINORITY (202) 225-5074
<https://oversight.house.gov>

September 15, 2021

Mr. Sean W. O'Donnell
Acting Inspector General
U.S. Department of Defense
4800 Marl Center Drive
Alexandria, VA 22350

Ms. Diana Shaw
Acting Inspector General
U.S. Department of State
1700 North Moore Street
Arlington, VA 22209

Mr. Thomas J. Ullom
Acting Inspector General
U.S. Agency for International Development
1300 Pennsylvania Ave., NW
Washington, D.C. 20523

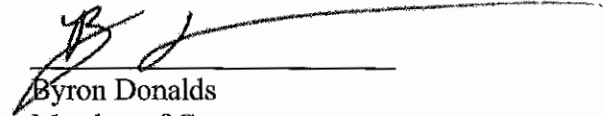
Dear Inspector Generals O'Donnell, Shaw, and Ullom:

On August 17, 2021, you released your most recent Quarterly Report on Operation Freedom's Sentinel. This included a classified annex, which we have reviewed. The classified annex presents new information and valuable context regarding the security situation in Afghanistan.

We respectfully request you declassify the report as soon as possible so the American people can have a better understanding of the facts surrounding the Afghanistan withdrawal.

Sincerely,


James Comer
Ranking Member


Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
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September 15, 2021

The Honorable Avril Haines
Director of National Intelligence
Office of the Director of National Intelligence
1500 Tysons McLean Drive
McLean, VA 22102

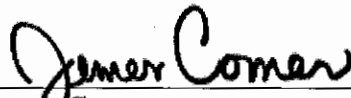
Dear Director Haines:

On May 26, 2021, President Biden ordered the Intelligence Community (IC) to begin a 90-day study into the origin of the virus that caused the ongoing pandemic.¹ The report, recently released on August 27, 2021, did not provide a conclusive assessment on the origin of the virus.² Unfortunately, the Assessment on COVID-19 Origins (the Assessment) only served to provide more confusion providing the American public with a vague, two-page unclassified summary.³ This is an unacceptable response that gives the American people little confidence our country is prepared for the next pandemic.

Therefore, to assist the Committee with its oversight, we request all raw intelligence reports, meeting notes, and emails relied upon by the IC to develop the Assessment. Please provide these documents as soon as possible, but no later than September 29, 2021.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions about this request, please contact Select Subcommittee Staff at 202-225-5074. Thank you for your attention to this matter.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform

cc: The Honorable Carolyn Maloney, Chairwoman, Committee on Oversight and Reform

¹ The White House, Press Release, *Statement by President Joe Biden on the Investigations into the Origins of COVID-19* (May 26, 2021), available at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/05/26/statement-by-president-joe-biden-on-the-investigation-into-the-origins-of-covid-19/>.

² Office of the Dir. of Nat'l Intelligence, Press Release, ODNI Issues Summary of Assessment on COVID-19 Origins (Aug. 27, 2021), available at <https://www.dni.gov/files/ODNI/documents/assessments/Unclassified-Summary-of-Assessment-on-COVID-19-Origins.pdf>.

³ *Id.*

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

September 16, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Becerra:

We write today to conduct oversight over recent reports that the U.S. Department of Health and Human Services (HHS) has been forced to engage in potentially unauthorized reprogramming of hundreds of millions of dollars within its budget to augment services for those unlawfully crossing the southern border. HHS is diverting hundreds of millions of taxpayer dollars from their intended purposes to cover the costs of housing unaccompanied migrant children during a crisis caused by the Biden Administration's policy decisions. We are concerned that these budget transfers are negatively impacting other mission-critical functions of HHS and the overall effort to combat the COVID-19 pandemic or respond to a future health crisis.

As you are aware, HHS has a statutory obligation under law to care for the unaccompanied children placed in its custody from the Department of Homeland Security (DHS).¹ The Biden Administration has failed to secure the border and regulate the flow of illegal border crossings, leaving HHS overburdened with an unprecedented level of unaccompanied children. Indeed, almost 19,000 unaccompanied children were encountered by DHS in July alone and thereafter transferred to HHS custody.² Although lower than its peak in early May with 22,000 unaccompanied children,³ HHS now has more than 14,000 children in the Department's custody across its licensed shelters, influx shelters, and emergency intake sites.⁴

¹ See 8 U.S.C. § 1232(b).

² Southwest Land Border Encounters, U.S. Customs and Border Protection, *available at* <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

³ Shaw, Adam, *DHS chief Mayorkas says hundreds of migrant kids still coming in daily*, FOX NEWS (May 8, 2021), *available at* <https://www.foxnews.com/politics/alejandro-mayorkas-dhs-chief-border-facility-unaccompanied-minors-a-day>.

⁴ Rosenberg, Mica & Go Nakamura, *Thousands of migrant kids stuck in U.S. border patrol custody, again*, REUTERS (Aug. 3, 2021), *available at* <https://www.reuters.com/world/americas/thousands-migrant-kids-stuck-us-border-patrol-custody-again-2021-08-03/>.

Caring for these children does not come without a cost. In early May, the Biden Administration had already awarded \$3 billion to contractors to house unaccompanied children, the majority of which were comprised of no-bid contracts awarded to just three entities.⁵ According to documents obtained by the *New York Times*, the Biden Administration estimated that it would need another \$4 billion before the end of the fiscal year to cover the costs of caring for unaccompanied children in custody *in addition* to money already reprogrammed—potentially without authorization—within HHS for that purpose.⁶

In fact, HHS is reportedly transferring \$589 million within its budget to cover the costs of continuing to care for unaccompanied children.⁷ Included in those funds are \$187.5 million originally intended by Congress to be used for vaccine “planning, distribution, monitoring and tracking” by the Centers for Disease Control, as well as \$225 million from the National Institute of Health.⁸ Incredibly, a spokesperson from HHS denied that the \$187.5 million loss will have an impact on the government’s vaccination efforts, likewise claiming that the multi-million dollar transfers would “not disrupt other HHS activities.”⁹

We are at a critical juncture in fighting the pandemic and it strains credibility that these huge transfers will have no impact on HHS mission critical functions or the Administration’s efforts in combatting the COVID-19 pandemic. This most recent round of budget transfers is only the latest in a months’ long process of raiding critical funding streams to pay for the consequences of the Border Crisis. For example, it was previously reported that HHS diverted \$2.1 billion from other health initiatives to cover the cost of caring for the surge in unaccompanied children.¹⁰ Those funds included \$850 million diverted from funds allocated by Congress to rebuild the Strategic National Stockpile, which was strained by the COVID-19 pandemic, and another \$850 million was taken from money allocated to expand coronavirus testing.¹¹

To assist Republicans on the Oversight Committee in conducting important oversight over the Border Crisis’s negative impact on HHS mission critical functions and activities to combat the COVID-19 pandemic, please provide the following information no later than September 30, 2021:

1. All documents and communications referring or relating to the need to reprogram \$589 million within HHS’s budget to cover the costs of caring for unaccompanied

⁵ Shaw, Adam, *Biden administration has spent \$3B on migrant facility contracts: report*, FOX NEWS (May 9, 2021), available at <https://www.foxnews.com/politics/biden-administration-border-migrant-facility-contracts-spending>

⁶ Sullivan, Eileen, et. al, *Overcrowded Border Jails Give Way to Packed Migrant Child Shelters*, N.Y. TIMES, (May 7, 2021), available at <https://www.nytimes.com/2021/05/07/us/politics/migrant-children-shelters.html>.

⁷ Shaw, Adam, *HHS diverting millions in funding marked for vaccine efforts to housing migrant children*, FOX NEWS (Aug. 27, 2021), available at <https://www.foxnews.com/politics/biden-administration-millions-funds-vaccines-housing-migrant-children>.

⁸ *Id.*

⁹ *Id.*

¹⁰ Cancryn, Adam, *Biden admin reroutes billions in emergency stockpile Covid funds to border crunch*, POLITICO (May 15, 2021), <https://www.politico.com/news/2021/05/15/hhs-covid-stockpile-money-border-migrants-488427>.

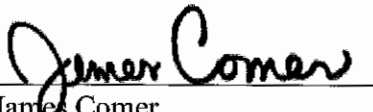
¹¹ *Id.*

children, as well as any alternatives that were explored;

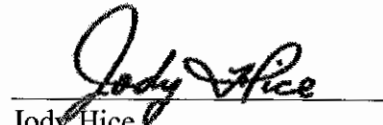
2. All documents and communications referring or relating to any analysis of the impact of the reprogramming of such funds from their originally intended purposes;
3. All documents and communications referring or relating to whether the reprogramming of such funds will have an impact on the government's ability to respond to the COVID-19 pandemic or any future health crisis;
4. All documents and communications between HHS and DHS referring or relating to DHS's efforts to mitigate the unprecedented surge of unaccompanied alien children and relieve the strain on HHS operations;
5. All documents and communications between HHS employees and any employees of the Office of Management and Budget referring or relating to funding of custody and care of unaccompanied alien minors.

Thank you for your consideration of this important issue. To make arrangements to deliver the requested documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



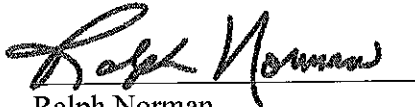
Jody Hice
Ranking Member
Subcommittee on Government
Operations

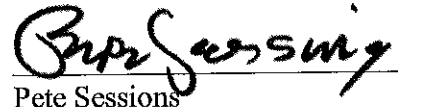


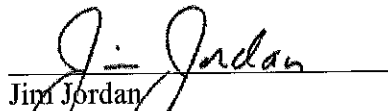
Glenn S. Grothman
Ranking Member
Subcommittee on National Security

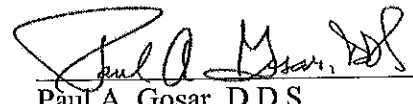


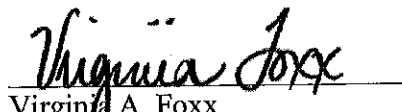
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy

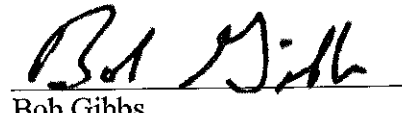

Ralph Norman
Ranking Member
Subcommittee on Environment

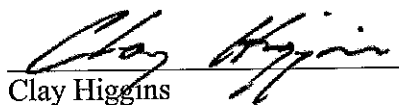

Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties

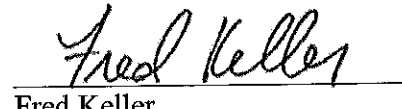

Jim Jordan
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress

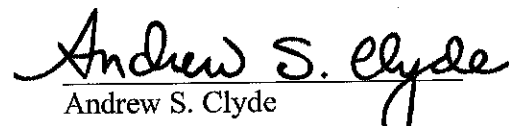

Virginia A. Foxx
Member of Congress



Bob Gibbs
Member of Congress

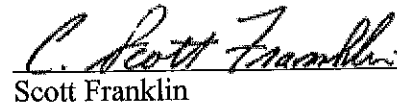

Clay Higgins
Member of Congress

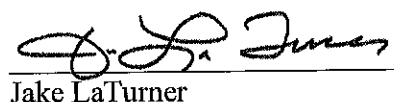

Fred Keller
Member of Congress

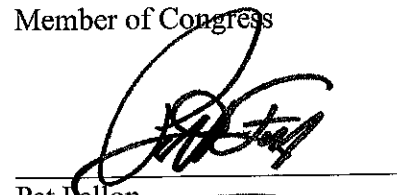

Andy Biggs
Member of Congress


Andrew S. Clyde
Member of Congress


Nancy Mace
Member of Congress



Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Pat Fallon
Member of Congress

Secretary Becerra
September 16, 2021
Page 5 of 5


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5061
MINORITY (202) 225-5074
<https://oversight.house.gov>

September 16, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Becerra:

We write today to express our continued concern with the Department of Health and Human Services' (HHS) use of massive, no-bid contract awards to handle the ongoing unaccompanied child crisis and whether HHS is adequately supervising those contractors. In light of multiple whistleblower complaints received by the Committee alleging disturbing conditions at HHS Emergency Intake Sites (EIS) housing unaccompanied children, there are serious questions about HHS's use of and failure to adequately oversee multiple contractors with no childcare experience. We are concerned that this has led to gross mismanagement and abuse.

HHS opened more than a dozen emergency intake shelters in recent months to house unaccompanied children on sites ranging from army bases to convention centers.¹ The Committee received multiple whistleblower complaints on July 7, July 28, and September 8, from four federal employees who were detailed to the Fort Bliss EIS and one additional federal employee who was detailed to two other now dormant EIS sites as well as Fort Bliss.² They describe poor conditions, poor management, and poor training for contractors and support personnel. The most recent complaint indicates that HHS has continuously failed to remedy these issues, which are "ongoing, systemic, and repeated EIS-wide."³ It is discouraging that children are being subjected to such appalling conditions.

Specifically, the complaints detail that multiple private contractors were awarded massive servicing contracts in a no-bid process even though they had no childcare experience whatsoever.

¹ Hackman, Michelle & Alicia A. Caldwell, U.S. Reduces Migrant Children in Border Patrol Custody, but Emergency Shelters Pose New Concerns, WALL STREET JOURNAL (May 5, 2021), available at <https://www.wsj.com/articles/u-s-reduces-migrant-children-in-border-patrol-custody-but-emergency-shelters-pose-new-concerns-11620234355>.

² Letter from Government Accountability Project to U.S. House of Representatives, Committee on Oversight and Reform, et. al. (Jul. 7, 2021), *on file with committee staff*; Letter from Government Accountability Project to U.S. House of Representatives, Committee on Oversight and Reform, et. al. (Jul. 28, 2021), *on file with committee staff*; Letter from Government Accountability Project to U.S. House of Representatives, Committee on Oversight and Reform, et. al. (Sept. 8, 2021), *on file with committee staff*.

³ Letter from Government Accountability Project to U.S. House of Representatives, Committee on Oversight and Reform, et. al. (Sept. 8, 2021), *on file with committee staff*.

The whistleblowers, who are federal government employees, reported that contract staff were on the job around children before background checks were complete. On site, lines of communication and chains of command were unclear. The complaints allege that HHS leadership was “invisible on site.” Contractors reported that they received little to no training. Detailees—many of whom have specialized skills, licenses, or have management and logistics experience—were not assigned based on their experience or skill, leading to detailees being paid six-figure salaries to babysit or perform clerical tasks on the taxpayer dime.

Given these serious management failures by HHS, it is no wonder that the whistleblowers report poor conditions at the EIS sites. Lice were a rampant problem at multiple facilities. At Fort Bliss in particular, the whistleblowers report that children were housed in tents with between 1,000 and 1,500 beds in each tent. Bedding was never washed even though some children remained in custody for months. Children frequently pleaded for clean underwear so they could shower and have something clean to wear. Contractors played extremely loud music at intolerable volumes early in the morning to wake up the children and yelled at them through a bullhorn. Contractors resisted the whistleblowers’ requests for medical attention on behalf of children in medical emergencies, and some children were made to wait for hours before being escorted to the medical tent for care. The whistleblowers were discouraged from providing feedback about these problems, and complaints made to HHS went unanswered.

If these reports are true, this is unacceptable. Not only is this a gross mismanagement of taxpayer dollars, but it is inhumane treatment of children. This cannot be allowed to continue in America. HHS must do a better job of caring for these children. The Biden Administration has already awarded \$3 billion to contractors to house these unaccompanied children, the majority of which were comprised of no-bid contracts awarded to just three entities.⁴ It is imperative that Committee Republicans understand whether HHS is adequately supervising its contractors, whether the contractors caring for children are actually qualified to do so, whether those contractors are providing the services they promised in exchange for billions of dollars in taxpayer funds, and if the allegations of neglect and poor conditions are true, then what steps are HHS and the contractors taking to remedy the conditions.

To assist the Republicans on the Committee in conducting oversight of this issue, please provide the following information no later than September 30, 2021 for the timeframe January 20, 2021 to present:

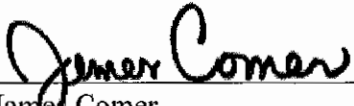
1. All contracts and related materials awarded to entities regarding the care of unaccompanied minors at the Fort Bliss Emergency Intake Site;
2. All documents and communications relating to the justification and approval required by the Federal Acquisition Regulation related to any sole-source contracts related to the Fort Bliss Emergency Intake Site;

⁴ Shaw, Adam, *Biden administration has spent \$3B on migrant facility contracts: report*, FOX NEWS (May 9, 2021), available at <https://www.foxnews.com/politics/biden-administration-border-migrant-facility-contracts-spending>.

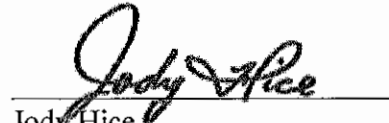
3. All documents and communications related to the experience of contractors caring for children at Fort Bliss, including any information known to HHS prior to entering into those contracts for childcare or related services;
4. All documents and communications relating to background check requirements for contract personnel interacting with children on site at the Fort Bliss Emergency Intake Site;
5. All documents and communications relating to training for contract personnel, federal detailees, or any other persons interacting with children at the Fort Bliss Emergency Intake Site;
6. All documents and communications referring or relating to any complaints elevated to HHS by personnel at the Fort Bliss Emergency Intake Site, as well as all documents and communications responding to those complaints.

Thank you for your attention to this important request. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform




Jody Hice
Ranking Member
Subcommittee on Government
Operations

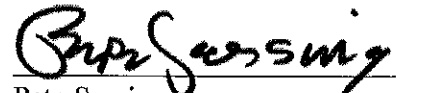


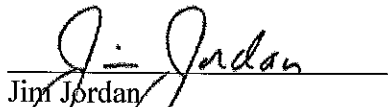
Glenn S. Grothman
Ranking Member
Subcommittee on National Security




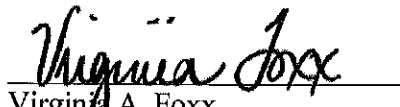
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy

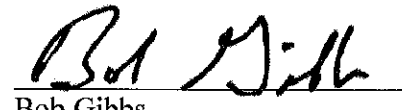

Ralph Norman
Ranking Member
Subcommittee on Environment

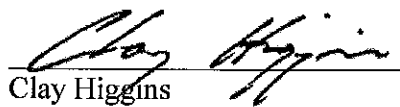

Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties

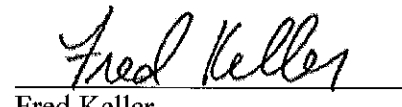

Jim Jordan
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress

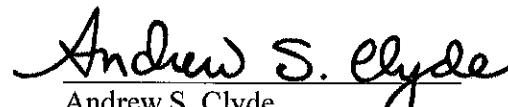

Virginia A. Foxx
Member of Congress


Bob Gibbs
Member of Congress

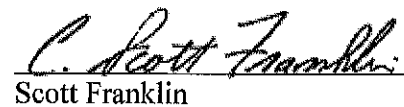

Clay Higgins
Member of Congress

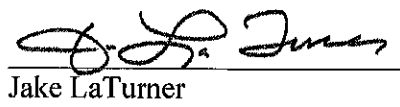

Fred Keller
Member of Congress

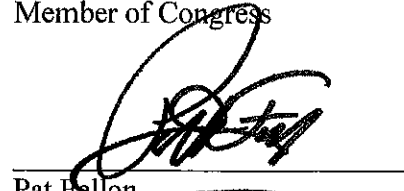

Andy Biggs
Member of Congress


Andrew S. Clyde
Member of Congress


Nancy Mace
Member of Congress

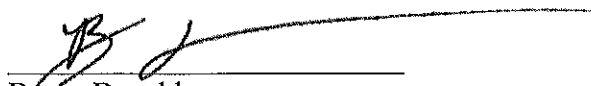

Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Pat Fallon
Member of Congress

Secretary Becerra
September 16, 2021
Page 5 of 5


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

September 17, 2021

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Austin:

The Committee on Oversight and Reform Republicans write to request the transcript(s) and related materials of calls reportedly conducted by General Mark A. Milley in October 2020 and January 2021 with Chinese military officials. According to media reports, on a forthcoming book by Bob Woodward and Robert Costa, these calls raise serious national security concerns implicating the ability of the U.S. to effectively counter threats posed by China. They also call into question Gen. Milley's conduct with respect to the military chain of command and his respect for and compliance with the paramount principle of civilian control over the military.

On September 14, 2021, public reporting emerged that Gen. Milley may have engaged in conduct intended to obstruct the President's ability to fully utilize his military authority as Commander-in-Chief. Specifically, the *Washington Post* reported that Gen. Milley utilized secret back channels to alert his Chinese counterpart, Gen. Li Zuo Cheng of the People's Liberation Army, about the Trump Administration's military strategy towards China.¹

Furthermore, according to reports, Gen. Milley told Gen. Li on October 30, 2020: "[w]e are not going to attack or conduct any kinetic operations against you."² He further stated that "[i]f we're going to attack, I'm going to call you ahead of time. It's not going to be a surprise."³ Gen. Milley called Gen. Li a second time on January 8, reportedly to "address Chinese fears about the events of Jan. 6," promising Li that "[w]e are 100 percent steady. Everything's fine." Members of the Oversight Committee have a responsibility to gather all the facts and, when necessary, hold government officials at the highest levels accountable for their actions. If a

¹ Isaac Stanley-Becker, *Top General was so Fearful Trump might spark war that he made secret calls to his Chinese counterpart, new book says*, WASH. POST, Sept. 14, 2021, available at <https://www.washingtonpost.com/politics/2021/09/14/peril-woodward-costa-trump-milley-china/>.

² *Id.*

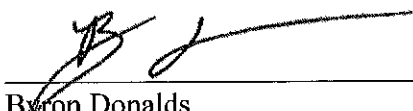
³ *Id.*

transcript of these calls exists, the Committee has an obligation to review these transcripts to validate or invalidate the allegations reportedly included in a new book entitled, *Peril*, by Bob Woodward and Robert Costa. Just days after the events of January 6, 2021, Gen. Milley also reportedly held covert Pentagon staff meetings “to review the process for military action, including launching nuclear weapons.” If the allegations are true, Gen. Milley’s actions were at best insubordinate, and at worst treasonous.

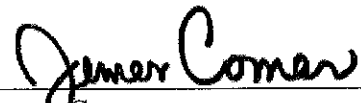
To assist the Republicans on the Oversight Committee in assessing the validity of these reports and Gen. Milley’s actions, please provide a list of all participants in the telephone calls, any notes taken in preparation or contemporaneous, and transcript(s) of both phone calls no later than October 1, 2021.

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight Committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your cooperation with this inquiry.


Sincerely,




Byron Donalds
Member of Congress




James Comer
Ranking Member
Committee on Oversight and Reform



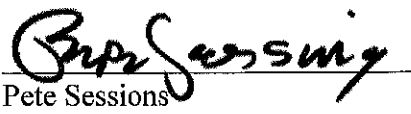
Jody Hice
Ranking Member
Subcommittee on Government Operations



Glenn Grothman
Ranking Member
Subcommittee on National Security



Ralph Norman
Ranking Member
Subcommittee on Energy

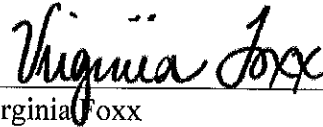


Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties

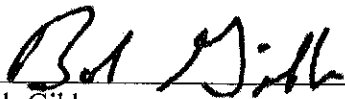
Secretary Austin
September 17, 2021
Page 3 of 3



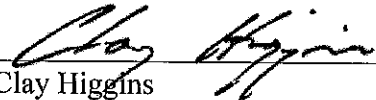
Paul A. Gosar, D.D.S.
Member of Congress



Virginia Foxx
Member of Congress



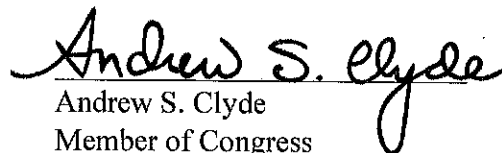
Bob Gibbs
Member of Congress



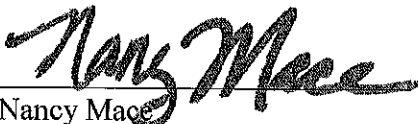
Clay Higgins
Member of Congress



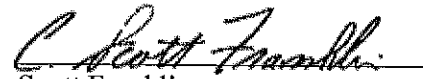
Fred Keller
Member of Congress



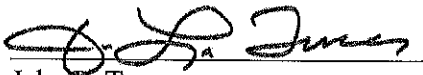
Andrew S. Clyde
Member of Congress



Nancy Mace
Member of Congress



Scott Franklin
Member of Congress



Jake LaTurner
Member of Congress



Yvette Herrell
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MAJORITY (202) 226-8061
MINORITY (202) 226-8074
<https://oversight.house.gov>

September 20, 2021

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

Dear Administrator Regan,

We are conducting oversight of the U.S. Environmental Protection Agency's (EPA) August 18, 2021 final rule revoking the use of chlorpyrifos on food.¹ Committee Republicans are concerned about the process that EPA used to promulgate this rule and the impact that the action will have on growers, who are left with no guidance on how to proceed after February 2022 when the ban is effective. It is critical that EPA ensures the American people and the agricultural community that it is using the best science in its regulatory decisions. Unfortunately, in this case, instead of following the science, it appears EPA leveraged a Ninth Circuit ruling to ban a product to appease liberal activists without considering the impacts on the agricultural community.²

EPA has maintained a record of inconsistent views on chlorpyrifos throughout the years. Before this final rule, EPA was in the midst of a registration review of chlorpyrifos, releasing a proposed interim decision on December 3, 2020, concluding that there were "agricultural uses that the agency has determined will not pose potential risk of concern" either from food residues or drinking water concentrations.³ Despite the ongoing scientific review in the registration process, it appears that a ruling from the Ninth Circuit Court of Appeals in April 2021 has given EPA a convenient off-ramp to take extreme action and ban the use of chlorpyrifos. In following the court's arbitrary deadline, instead of working to show the scientific record under review in the registration process, EPA has decided to subvert that process and issue a final rule banning

¹ 40 C.F.R. § 180, available at <https://www.regulations.gov/document/EPA-HQ-OPP-2021-0523-0001>. See EPA, Press Release, *EPA Takes Action to Address Risk from Chlorpyrifos and Protect Children's Health* (Aug. 18, 2021), available at <https://www.epa.gov/newsreleases/epa-takes-action-address-risk-chlorpyrifos-and-protect-childrens-health>.

² League of United Latin Am. Citizens v. Regan, No. 19-71982 CJS, (9th Cir. Apr. 29, 2021).

³ U.S. Environmental Protection Agency. December 3, 2020. Chlorpyrifos Proposed Interim Registration Review Decision Case Number 0100. PA-HQ-OPP-2008-0850. P. 40.

the product. Further scrutiny of this action is necessary given that EPA did not submit the rule to the Office of Management and Budget for interagency review in accordance with Executive Order 12866.⁴ This decision not only leaves the agricultural industry in a difficult position as they try to recover from the global pandemic but also leaves the American people in scientific doubt.

EPA's action will also have drastic economic consequences, including a major impact on the U.S. food supply chain. As you are aware, over 30 subsets of the U.S. agricultural industry, including retailers, applicators, manufacturers, processors, cooperatives, and crop consultants, have raised serious economic hardship concerns with EPA regarding this action.⁵ These important industries have been left with no guidance from EPA on how to comply with food stuffs that may contain chlorpyrifos residue after the February 2022 effective date – a true concern given that some crops may be treated before that date but sold or frozen after that time.

In order to better understand EPA's internal scientific and regulatory process underpinning this rule, please provide the following documents and information by October 4, 2021:

- (1) All documents and communications from January 20, 2021 to present, between Dr. Michal Freedhoff, Assistant Administrator for the Office of Chemical Safety and Pollution Prevention, and Environmental Protection Agency officials and employees, related to the August 18, 2021, pre-published Chlorpyrifos: Tolerance Revocation Final Rule.
- (2) All documents and communications between or among the Office of Management and Budget, including but not limited to the Office of Information and Regulatory Affairs, and the Environmental Protection Agency referring or relating to the August 18, 2021, pre-published Chlorpyrifos: Tolerance Revocation Final Rule.

Additionally, please make arrangements to schedule a briefing with Republican Committee staff on this matter. Please schedule the briefing no later than September 27, 2021. To schedule the briefing or ask any follow-up questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

⁴ Exec. Order No. 12866, 58 Fed. Reg. 190 (Oct. 4, 1993).

⁵ Letter from Agricultural Retailers Ass'n et al., to Michael Regan, Adm'r, EPA, *on file with committee staff*. (Sept. 1, 2021).

Administrator Michael S. Regan
Page 3
September 20, 2021

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Ralph Norman
Ranking Member
Subcommittee on Environment

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

Congress of the United States
Washington, DC 20515

September 20, 2021

The Honorable Donald L. Palmer
Chairman
U.S. Election Assistance Commission
633 3rd Street NW, Suite 200
Washington, DC 20001

Dear Chairman Palmer:

As committees with jurisdiction, we are concerned with the Election Assistance Commission's (EAC) ongoing failure to name an acting or permanent Inspector General to lead the EAC's Office of Inspector General (OIG). EAC's inability to name even an acting Inspector General to a position that has been vacant for nearly six months raises serious concerns about EAC's ability to oversee the more than one billion dollars of grant funds that it recently awarded.

Congress created the EAC OIG in 2002 under the Help America Vote Act (HAVA)¹ and the Inspector General Act of 1978 (IG Act).² Congress designated the EAC Commissioners to appoint the EAC Inspector General, who is charged with conducting robust oversight and investigating allegations of waste, fraud, abuse, and mismanagement.³ Yet, since the retirement of Inspector General Patricia Layfield on March 31, 2021, the EAC has not only failed to name an Inspector General, but has not named even an acting Inspector General.⁴

The EAC's failure to name a permanent or acting Inspector General has left the EAC OIG with only one full-time employee, preventing the office from adequately overseeing the record \$1.2 billion in HAVA grant funding that was awarded in 2020.⁵ Additionally, by failing to name a permanent or acting Inspector General, on-going Congressional priority investigations into the use of HAVA funds continue to languish, such as the EAC's slow-moving investigation of then-California Secretary of State Alex Padilla's apparent misuse of grant funding to contract with SKD Knickerbocker, Joe Biden's main election campaign advisory firm.⁶

¹ Pub. L. 107-252.

² 5 U.S.C. App. 8G.

³ *Id.*

⁴ Letter from Mia Forgy, Deputy Inspector General, U.S. Election Assistance Commission, to Donald L. Palmer, Chairman, U.S. Election Assistance Commission, (Jul. 26, 2021).

⁵ *Id.*

⁶ Lara Korte, California to Spend \$35 Million on Mail Voting Campaign Run by Firm With 'Team Biden' Ties, THE SACRAMENTO BEE, Aug. 27, 2020, available at <https://www.sacbee.com/news/politics-government/capitolalert/article245279195.html>.

We previously urged Inspector General Layfield in numerous calls, briefings, and letters to investigate this highly questionable and likely unlawful \$35 million contract.⁷ In her letter dated February 26, 2021, IG Layfield stated that the contract between the California Secretary of State and SKD Knickerbocker presented a risk of improper use that required further examination.⁸ The Commission's refusal to name a permanent or acting Inspector General raises questions about EAC's dedication to the important investigation of this contract and to ensuring that HAVA funds are used properly on the whole. Additionally, since the EAC's amount of grant funds to be dispersed in 2020 more than doubled and the agency's budget increased by 40 percent, Committee Republicans are concerned that no one is overseeing how taxpayer money is being spent.

To that end, please make arrangements to schedule a briefing with Committee Republican staff no later than September 27, 2021, to explain why EAC has not named an acting Inspector General or hired a permanent Inspector General, and how the EAC is currently overseeing the taxpayer money that was awarded during 2020.

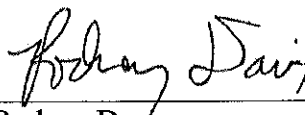
To ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074 or the Committee on House Administration staff at (202) 225-8281. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X, and the Committee on House Administration, which House Rules charge with broad authority over federal elections, is the oversight committee for the EAC.

Thank you in advance for your cooperation with this inquiry.

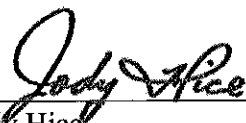
Sincerely,



James Comer
Ranking Member
House Committee on Oversight
and Reform



Rodney Davis
Ranking Member
House Committee on
Administration



Jody Hice
Ranking Member
Subcommittee on Government
Operations

⁷ Letter from James Comer et. al, to Patricia Layfield, Inspector General, Election Assistance Commission, (Dec. 22, 2020). *See also*, Letter from James Comer et. al, to Patricia Layfield, Inspector General, Election Assistance Commission, (Feb. 19, 2021).

⁸ Letter from Patricia Layfield, to James Comer et.al, Ranking Member, House Committee on Oversight and Reform, (February 26, 2020).

cc: The Honorable Carolyn B. Maloney, Chairwoman,
House Committee on Oversight and Reform

The Honorable Zoe Lofgren, Chairwoman,
House Committee on Administration

The Honorable Gerry Connolly, Chairman,
Subcommittee on Government Operations

Mia Forgy, Deputy Inspector General,
Election Assistance Commission

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MINORITY (202) 226-5074
<https://oversight.house.gov>

September 20, 2021

The Honorable Charles P. Rettig
Commissioner
Internal Revenue Service
1111 Constitution Avenue NW
Washington, D.C. 20224

Dear Commissioner Rettig:

On July 29, 2021, I wrote to you with a request for documents relating to the leak of legally protected tax information of American citizens and its subsequent publication by *ProPublica*.¹ Such information included the audit trail for individuals whose returns had been leaked, as well as “a list of the number, date, and nature of all phone calls you have had with *ProPublica* in an effort to stop them from publishing additional articles containing taxpayer information, and a list of any other steps you may have taken to prevent the public dissemination of this information.”

This afternoon, nearly two months later, you finally responded to my request for information.² While I appreciate the response, some of the information provided is woefully insufficient and needs further clarification.

Unlike a trove of information released in a compressed timeframe, as occurred with the Edward Snowden leaks, the slow drip of *ProPublica* articles has provided ample opportunity for you, as IRS Commissioner, to work to ensure the confidential information *ProPublica* possesses remains private. It is critical you provide assurances to Congress that you are taking every step in your power to ensure *ProPublica* does not publish any more confidential taxpayer information.

In your letter this afternoon, you wrote:

The Department of Justice (DOJ) has sole authority to initiate any civil action (such as seeking an injunction) or criminal prosecution pertaining to an unauthorized disclosure of tax information. Similarly, TIGTA has

¹ Letter from the Hon. James Comer, Ranking Member, Comm. on Oversight and Reform, to the Hon. Charles P. Rettig, Commissioner, Internal Revenue Serv. (July 29, 2021).

² Letter from Hon. Charles P. Rettig, Commissioner, Internal Revenue Serv. to Hon. James Comer, Ranking Member, Comm. on Oversight and Reform (Sept. 20, 2021).

The Honorable Charles P. Rettig
September 20, 2021
Page 2

“sole jurisdiction and responsibility to enforce criminal law as it pertains to IRS operations, including IRS employee misconduct and external attempts to corrupt tax administration.” As part of this mandate, TIGTA is charged with investigating “unauthorized inspection and/or disclosure of tax information.” As Secretary Yellen testified in June, the matter has been referred to TIGTA and DOJ.

My request, however, did not concern a civil action or criminal prosecution, but rather what steps you have taken, in your role as IRS Commissioner, to prevent the slow drip of taxpayer information publicized by *ProPublica*. It is not uncommon for leaders of executive branch agencies to reach out to editors or owners of media enterprises, prior to extremely sensitive information being released, to explain why the release of such information is damaging to the agency or public.

I wrote to you in July asking what steps you have taken to contact *ProPublica*. Your response today provides no information responding to that request. This lack of information is either because you have not taken any steps to contact *ProPublica* to ask them to stop releasing information, or you have spoken with *ProPublica* but have chosen not to disclose that to the Committee. Therefore, please clarify your response to this request no later than Wednesday, September 22, 2021.

Thank you for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive, slightly slanted style.

James Comer
Ranking Member

cc: The Honorable Carolyn Maloney, Chairwoman

Congress of the United States

Washington, DC 20515

September 21, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Ave., SW
Washington, D.C. 20201

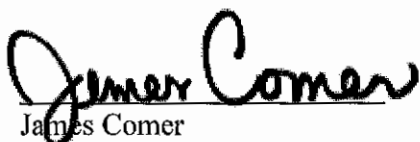
Dear Secretary Becerra:

At a July 29, 2021 briefing, Director of the National Institute of Allergy and Infectious Diseases and President Joseph Biden's Chief Medical Advisor, Dr. Anthony Fauci said he would share the names of those people that serve on the review committee overseeing the Potential Pandemic Pathogen Care and Oversight Framework; this has yet to occur.¹

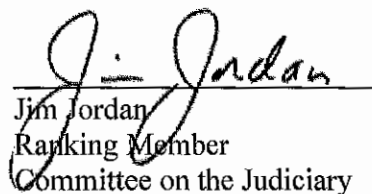
Similarly, according to recent reporting, Director of the National Institutes of Health Dr. Francis Collins said he is willing to disclose the names of the review committee because that is "the kind of transparency that the public expects."²

We—Republicans in Congress—also expect this level of transparency. Additionally, we expect government officials to keep their word. Please provide the names, titles, and agency affiliations of all those on the review committee no later than October 5, 2021.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jim Jordan
Ranking Member
Committee on the Judiciary

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Jerrold Nadler, Chairman
Committee on the Judiciary

¹ *Member Briefing with Cents. For Disease Control & Prevention Dir. Dr. Rochelle Walensky & Nat'l Inst. Of Allergy & Infectious Diseases Dir. Dr. Anthony Fauci Regarding the Spread of the Delta Variant: Briefing Before Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, 117th Cong. (July 29, 2021) (statement of Dr. Anthony Fauci).*

² David Willman & Madison Muller, *A Science in the Shadows*, WASH. POST (Aug. 26, 2021), <https://www.washingtonpost.com/nation/interactive/2021/a-science-in-the-shadows/>.

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MAJORITY (202) 225-5051
MINORITY (202) 226-5074
<https://oversight.house.gov>

September 21, 2021

The Honorable Steve Dickson
Administrator
Federal Aviation Administration
U.S. Department of Transportation
800 Independence Avenue, SW
Washington, DC 20591

Dear Administrator Dickson:

The Committee on Oversight and Reform Republicans write to request information from the Federal Aviation Administration (FAA) on recent actions taken to censor the ability of U.S. media outlets to accurately report on the crisis on the southern border. By preventing the use of unmanned drones to observe and report on rapidly deteriorating conditions in Del Rio, Texas, the Biden Administration is attempting to hide the conditions and consequences of the border crisis from the American people. We demand that the FAA reverse its decision and once again permit aerial media surveillance of the Biden Administration's actions on the southern border, as well as an accounting of the events and decisions leading up to the FAA's actions to – very literally – provide air cover for this Administration.

Over the last several days, media outlets have been reporting on more than 10,000 migrants who arrived and illegally crossed the border into Del Rio, Texas at one time, overwhelming U.S. personnel at the Department of Homeland Security (DHS) and creating a humanitarian crisis as thousands of migrants sleep outdoors under a bridge waiting to be processed.¹ At least one news outlet used an unmanned aircraft system, also known as a drone, to collect and publish footage revealing the actual scale of the crisis.² No doubt this footage was embarrassing to the Biden Administration. The images show the abrupt reversal of the Trump Administration's deterrent policies has led to a continued crisis with months of historically high illegal crossings – it is projected that nearly two million illegal aliens will cross the southern

¹ Hernandez, Arelis R. & Nick Miroff, *Thousands of Haitian migrants wait under bridge in South Texas after mass border crossing*, WASH. POST (Sept. 16, 2021), available at https://www.washingtonpost.com/national/haitian-migrants-mexico-texas-border/2021/09/16/4da1e366-16fe-11ec-ae9a-9c36751cf799_story.html.

² Melugin, Bill & Adam Shaw, *Drone footage shows thousands of migrants under bridge in Del Rio, Texas as local facilities overwhelmed*, FOX NEWS (Sept. 16, 2021), available at <https://www.foxnews.com/politics/drone-footage-thousands-migrants-bridge-del-rio>.

border this year.³ This will be a record high and represents an assault on the rule of law in the U.S.

On September 16, 2021, apparently in response to this reporting, the FAA issued temporary flight restrictions affecting an area on the border in Del Rio, Texas “for Special Security Reasons.”⁴ The restrictions are in effect immediately through September 30, 2021.⁵ The restrictions explicitly state “No UAS [unmanned aircraft systems] operations are authorized in the areas covered by this NOTAM [Notice to Airmen].”⁶ In contrast, manned aircraft are apparently authorized to operate in that airspace. The notice states that only unmanned aircraft acting in support of national defense, homeland security, or other law enforcement may operate in the area identified, and that any unmanned aircraft operators who do not comply with the restrictions are subject to “security action” by the U.S. Department of Defense, Department of Homeland Security, or the Department of Justice.⁷ The notice is totally devoid of any details justifying its classification as a “Security” type notice of flight restrictions.⁸ Only after significant media attention, at least one media outlet was able to obtain a clearance from the FAA to continue operating its drone within the area covered by the temporary flight restrictions.⁹

Considering the timing of the announcement, the specific geography targeted, the lack of justification given for the “Special Security Reasons,” and the specificity of the announcement targeting unmanned aircraft systems, we can only conclude that this action by the FAA was done to shield the Biden Administration from scrutiny over the consequences of its disastrous border policies and prevent the public from receiving more images of poor conditions on the border in Del Rio, Texas. Using government resources to conduct such blatant censorship is exactly the kind of abuse of power that must be rooted out of our government – to say nothing to the basic lack of transparency.

To assist the Republicans on the Oversight Committee in understanding the FAA’s decision to prevent media coverage of the Biden Border Crisis in Del Rio, Texas, please make arrangements to provide a briefing and deliver all documents and communications with any entity within or outside of your agency related to the issuance of NOTAM Number FDC 1/9857 no later than October 5, 2021.

³ See Southwest Land Border Encounters, U.S. Customs and Border Protection, *available at* <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last accessed Sept. 17, 2021); *see also* Priscilla Alvarez, *US on track to encounter record 2 million migrants on the southern border, government estimates show*, CNN NEWS (Mar. 31, 2021).

⁴ Federal Aviation Administration, NOTAM No. FDC 1/9857, *available at* https://tfr.faa.gov/save_pages/detail_1_9857.html.

⁵ *Id.*

⁶ *Id.*


⁷ *Id.*

⁸ *Id.*

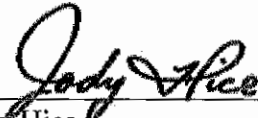
⁹ Miller, Andrew Mark & Bill Melugin, *Fox News cleared to fly after Biden FAA temporarily bans drones over bridge packed with illegal immigrants*, FOX NEWS (Sept. 17, 2021), *available at* <https://www.foxnews.com/politics/bidens-faa-places-temporary-ban-on-drones-flying-over-bridge-packed-with-illegal-immigrants>.

Thank you for your consideration of this important issue. To make arrangements to schedule a briefing, deliver documents, or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations



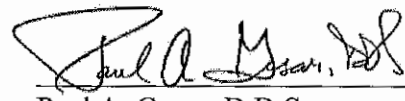
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



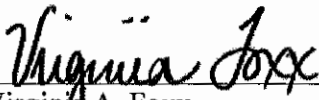
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



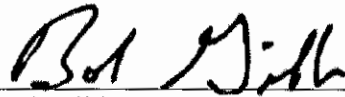
Ralph Norman
Ranking Member
Subcommittee on Environment



Paul A. Gosar, D.D.S.
Ranking Member



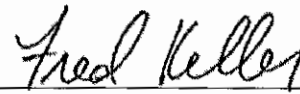
Virginia A. Foxx
Member of Congress



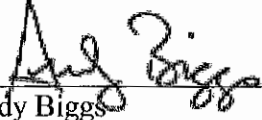
Bob Gibbs
Member of Congress

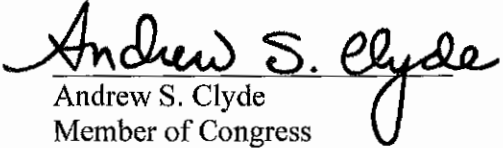


Clay Higgins
Member of Congress

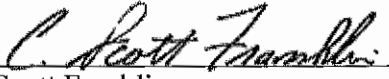



Fred Keller
Member of Congress


Andy Biggs
Member of Congress


Andrew S. Clyde
Member of Congress


Nancy Mace
Member of Congress


Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Yvette Herrell
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 226-6661
MINORITY (202) 225-5074
<https://oversight.house.gov>

September 22, 2021

Catherine M. Russell
Director
Office of Presidential Personnel
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Ms. Russell,

On September 8, 2021, you demanded the resignation of all eighteen President Trump-appointed advisory board members from our military service academies.¹ Board members refusing to resign were considered fired at 6:00 p.m. that same day. We are unaware of any such action taken by a prior President or Administration. Since these actions came in the wake of President Biden's bungled Afghanistan withdrawal that resulted in the deaths of thirteen U.S. service members, the media has largely ignored these personnel actions. In light of these unprecedented and possibly unlawful political firings, we request information to understand the process and legal basis behind these decisions.

Leadership, honor, integrity, courage, and commitment are the pillars of our military service academies—including the U.S. Air Force Academy, U.S. Naval Academy, and U.S. Military Academy. The men and women who lead our armed forces embody these pillars, making the United States military the greatest fighting force in history. By summarily firing the presidentially-appointed board members, President Biden is undermining these foundational pillars of our nation's armed forces.

¹ Felicia Sonmez, *18 Trump appointees have either resigned or been terminated from military service academy boards, White House official says*, WASH. POST (Sept. 10, 2021), available at https://www.washingtonpost.com/politics/trump-appointees-military-boards/2021/09/10/40d31b80-1232-11ec-bc8a-8d9a5b534194_story.html. The members include: (U.S. Military Academy): Douglas MacGregor, Guy C. Swann, III, David J. Urban, Meaghan C. Mobbs, John M. "Jack" Keane, and H.R. McMaster; (U.S. Naval Academy): Jonathan Hiler, Anthony Parker, Sean Spicer, Joseph A. Walsh, John Coale, and Russell Vought; (U.S. Air Force Academy): Kellyanne Conway, Heidi H. Stirrup, Wes Spurlock, Doug Lengenfelder, Michael Wynne, and Robert Gleason.

With these firings, President Biden continues a pattern of political gamesmanship to purge Trump appointees from the government.² In this case, the firings are not only unprecedented but potentially a violation of law. Each academy's Board of Advisors is authorized by federal law,³ and is subject to federal regulations.⁴ While the three major military service academies have different statutory sources regarding Presidential appointees,⁵ each statute contains the same language: "the persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed."⁶ The eighteen board members you discharged have had their positions terminated within their respective three-year terms; thus, the legal ground for the firings is both uncertain and untested.

The firings of academy board members are yet another example of the Biden Administration's mismanagement of and disregard for our armed forces. For example, former national security adviser H.R. McMaster received his termination letter days before being honored by West Point's Military Association of Graduates as a distinguished graduate of the military academy.⁷ The decision, combined with the other firings, shows disrespect to our service academy graduates. This illustrates the nonsense of the stated rationale for the dismissals. White House press secretary Jen Psaki said the prior administration's board members were dismissed "to ensure nominees and people serving on these boards who are qualified to serve on them and who are aligned with your values."⁸ Unfortunately, this statement does not align with the statutory language on board appointments.

To assist Committee Republicans in better understanding the Biden Administration's reasoning for firing members of the military service academy Board of Advisors, please provide the following documents and information as soon as possible but no later than September 29, 2021, for the time period covering January 20, 2021 to the present.

- (1) All documents and communications referring or relating to President Biden's decision to fire Trump-appointed board members on the Air Force Academy, Military Academy, and Naval Academy Board of Advisors.

² See letter from Ranking Member James Comer, Committee on Oversight and Reform, et al., to Michael S. Regan, Administrator, U.S. EPA, April 7, 2021, available at <https://republicans-oversight.house.gov/wp-content/uploads/2021/04/Letter-to-Michael-Regan-on-Science-Advisory-Boards.pdf>.

³ 5 U.S.C. app.

⁴ 41 C.F.R. § 102-3.50(a).

⁵ 10 U.S.C. § 9455; 10 U.S.C. § 7455; 10 U.S.C. § 8468.

⁶ 10 U.S.C. §§ 9455(b)(1); 10 U.S.C. § 7455(b); 10 U.S.C. § 8468(b).

⁷ Daniel Lipman, *Biden moves to boot Trump loyalists from advisory boards*, POLITICO (Sept. 8, 2021), available at <https://www.politico.com/news/2021/09/08/biden-trump-military-advisory-boards-510526>.


⁸ Felicia Sonmez, *18 Trump appointees have either resigned or been terminated from military service academy boards, White House official says*, WASH. POST (Sept. 10, 2021), available at https://www.washingtonpost.com/politics/trump-appointees-military-boards/2021/09/10/40d31b80-1232-11ec-bc8a-8d9a5b534194_story.html.

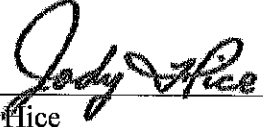
- (2) All documents and communications between the White House Office of Presidential Personnel and any outside persons or organizations referring or relating to President Biden's decision to fire Trump-appointed board members on the Air Force Academy, Military Academy, and Naval Academy Board of Advisors.
- (3) All documents and communications between the White House Office of Presidential Personnel and other White House administrative offices referring or relating to President Biden's decision to fire Trump-appointed board members on the Air Force Academy, Military Academy, and Naval Academy Board of Advisors.


The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

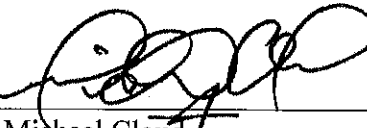
If you have any questions about this request, please contact Oversight Committee Staff at 202-225-5074. Thank you for your cooperation with this inquiry.

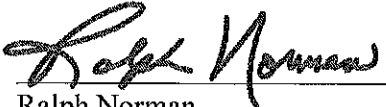
Sincerely,

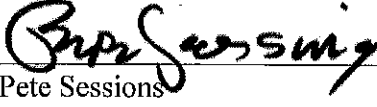

James Comer
Ranking Member
Committee on Oversight and Reform

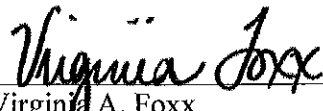

Jody Hice
Ranking Member
Subcommittee on Government
Operations



Glenn S. Grothman
Ranking Member
Subcommittee on National Security

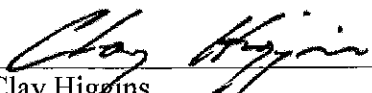

Michael Cloud
Ranking Member
Subcommittee on Economic
and Consumer Policy



Ralph Norman
Ranking Member
Subcommittee on Environment

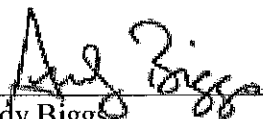

Pete Sessions
Ranking Member
Subcommittee on Civil Rights
and Civil Liberties

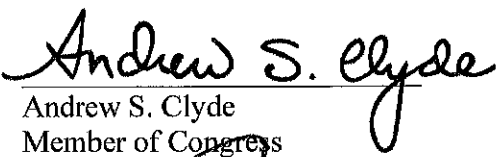

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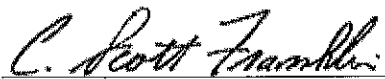

Bob Gibbs
Member of Congress

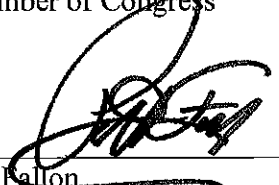

Clay Higgins
Member of Congress


Fred Keller
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Andy Biggs
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Andrew S. Clyde
Member of Congress


Scott Franklin
Member of Congress


Pat Fallon
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MINORITY (202) 225-6074

<https://oversight.house.gov>

September 23, 2021

The Honorable Gail S. Ennis
Inspector General
Social Security Administration
6401 Security Boulevard, Suite 300
Baltimore, MD 21235

Dear Inspector General Ennis:

I write today regarding your recent oversight of expanded telework capabilities within your office to determine whether that oversight could be extrapolated more broadly across the federal government enterprise, and to request a briefing on efforts you are taking to ensure that federal employees in your office and the Social Security Administration are providing effective efforts on behalf of the American people.

Your office recently collected data, including surveys of computer logs and telephone records of employees, to measure remote work productivity and “inform decision-making regarding post-reentry work arrangements.”¹ In collecting that evidence, you discovered that most employees at your agency met their obligations and honestly reported the hours they worked as public servants. However, a significant number of other employees are now potentially subject to discipline for failing to meet that baseline threshold.

As you may be aware, despite a wealth of anecdotes and opinions, there is actually very little empirical information on the impact of expanded telework on the federal workforce and its ability to deliver necessary services to the American people. I recently wrote various inspectors general with concerns about the unstudied impact of expanded telework policies on the effectiveness of the federal workforce.² Given the dearth of information on the subject, I requested that those inspectors general assess the impact of telework on their respective agencies’ missions, customer satisfaction, and employee performance over the course of the COVID-19 pandemic. I now write to you as well to determine whether the oversight you

¹ Katz, Eric, *Agency Threatens Discipline After Monitoring Employee Computer Logs and Alleging Telework Non-Productivity*, GOVERNMENT EXECUTIVE (Sept. 9, 2021), available at <https://www.govexec.com/workforce/2021/09/agency-threatens-discipline-after-monitoring-employee-computer-logs-and-alleging-telework-non-productivity/185236/>.

² Letters from Ranking Member Jody Hice, Committee on Oversight and Reform, Subcommittee on Government Operations to various Inspectors General (June 24, 2021), available at <https://republicans-oversight.house.gov/letter?f-post-month=06&f-post-year=2021>.


The Honorable Gail S. Ennis
September 23, 2021
Page 2 of 2

conducted within the Office of Inspector General could be extrapolated as a model to the Social Security Administration, other Offices of Inspectors General, and indeed across the federal government to provide a minimum standard of oversight of federal employees who telework.

To facilitate oversight over expanded telework across the federal government and to learn more about the efforts your office is taking to ensure adequate supervision of teleworking employees, I request a staff-level briefing no later than October 7, 2021 on the steps taken by your office with respect to supervising teleworking employees and how these actions could be translated into use by other agencies across the federal government enterprise.

To make arrangements for the briefing or to ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you for your cooperation with this inquiry.

Sincerely,



Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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

<https://oversight.house.gov>

September 28, 2021

Mr. Jake Sullivan
Assistant to the President for National Security Affairs
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. Sullivan:

On Sunday, August 29, 2021, United States Central Command (CENTCOM) deployed an AGM-114 Hellfire air-to-surface missile against Afghan citizen Zemari Ahmadi. The missile was fired from an MQ-9 Reaper unmanned aerial vehicle (UAV) that throughout the day had tracked and surveilled Ahmadi. In addition to Ahmadi, nine civilians, including seven children, were also killed in the attack. At the time of the strike, Ahmadi worked for Nutrition and Education International, a group working to eradicate malnutrition in Afghanistan, “especially among women and children.”¹ In announcing the attack, however, Gen. Mark A. Milley, Chairman of the Joint Chiefs of Staff, described the strike as “righteous” and the threat Ahmadi posed as “imminent.”

Separate reporting by the *Washington Post*² and the *New York Times*,³ however, found Ahmadi was not in fact a terrorist and was simply performing a daily routine—picking up coworkers and filling water containers for his family.⁴ A guard with Ahmadi confirmed to the *Times* the containers contained only water and not, as the military had suggested, explosives.⁵ While our U.S. military leaders spread a theory of a secondary explosion confirming the existence of explosives, the *Times* found no evidence of explosives on the scene, or even a secondary explosion at all.⁶

¹ *Our Mission and Vision*, Nutrition and Education International, available at <https://www.neifoundation.org/mission-vision>.

² Alex Horton, Sarah Cahlan, Dalton Bennett, Joyce Sohyun Lee, Meg Kelly and Elyse Samuels, *Examining a 'righteous' strike*, WASH. POST (Sept. 10, 2021), available at <https://www.washingtonpost.com/investigations/interactive/2021/kabul-drone-strike-questions/>.

³ Matthieu Aikins, Christoph Koettl, Evan Hill and Eric Schmitt, *Times Investigation: In U.S. Drone Strike, Evidence Suggests No ISIS Bomb*, N.Y. TIMES (Sept. 10, 2021, updated Sept. 15, 2021), available at <https://www.nytimes.com/2021/09/10/world/asia/us-air-strike-drone-kabul-afghanistan-isis.html>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

For weeks after Ahmadi's death, the Biden Administration accused him of acting on behalf of the Islamic State in furtherance of a terrorist plot. It was not until after two separate, independent investigations concluded otherwise that public pressure forced the Pentagon to finally come clean about what occurred. In a September 17, 2021 statement Defense Secretary Lloyd Austin acknowledged, "There was no connection between Mr. Ahmadi and ISIS-Khorasan [ISIS-K], that his activities on that day were completely harmless and not at all related to the imminent threat we believed we faced, and that Mr. Ahmadi was just as innocent a victim as were the others tragically killed."⁷

The death of Zemari Ahmadi represents the confusion and tragedy which have defined this Administration's Afghanistan withdrawal. Unfortunately, the drone strike and loss of civilian life appear indicative of the President's strategy moving forward in Afghanistan. Since the beginning of his retreat from Afghanistan, the President has touted the efficacy and ability of "over-the-horizon" capabilities "that will allow us to keep our eyes firmly fixed on any direct threats to the United States[.]"⁸ This phrase—fancy rhetoric masquerading as a strategy—is "going to be extremely difficult to do," according to CENTCOM Commander Gen. Kenneth F. McKenzie, Jr.⁹

The difficult nature of the "over-the-horizon" rhetoric espoused by President Biden has already been on full display, resulting in the unnecessary assassination of ten innocent civilians. Perhaps the errant drone strike will cause the Administration to realize its "over-the-horizon" capabilities are really an "over the rainbow" idea in need of serious recalibration.

Further, the unstated—yet evident—rationale for the drone strike is disturbing. Occurring in the wake of a suicide bomber killing thirteen U.S. servicemembers at Hamid Karzai International Airport (HKIA), the drone strike served to limit the political fallout from the suicide bombing by changing the narrative from an Administration on the defensive regarding its Afghanistan withdrawal to one on offense.

Your role as Assistant to the President for National Security Affairs (National Security Advisor) puts you in a unique position to have visibility into all aspects of decision-making regarding national security. Your job as National Security Advisor is the only job in the White House—perhaps the only job in government—other than the President where policy, intelligence,

⁷ Statement by Secretary of Defense Lloyd J. Austin III on the Results of Central Command Investigation Into the August 29 Airstrike (Sept. 17, 2021), *available at* <https://www.defense.gov/Newsroom/Releases/Release/Article/2780404/statement-by-secretary-of-defense-lloyd-j-austin-iii-on-the-results-of-central/>.

⁸ Remarks by President Biden on the Drawdown of U.S. Forces in Afghanistan, East Room (Jul. 8, 2021), *available at* <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/07/08/remarks-by-president-biden-on-the-drawdown-of-u-s-forces-in-afghanistan/>.

⁹ Missy Ryan and Karoun Demirjian, '*Extremely difficult, but not impossible*': General provides assessment of Afghan counterterrorism effort after U.S. troops depart, WASH. POST (Apr. 20, 2021), *available at* https://www.washingtonpost.com/national-security/afghan-war-us-withdrawal/2021/04/20/d9b05468-a201-11eb-8a6d-flb55f463112_story.html.

and operations all intersect to create a unique blend of decision-making and oversight authority of the intelligence and national security communities. You serve both on the National Security Council and as a cross-cutting conduit between the President and his top national security officials. Given your role, please answer the following questions:

- Did President Biden personally authorize the drone strike that killed Zemari Ahmadi? If not, who is the highest-ranking government official who authorized the strike?
- Were you contemporaneously aware of the UAV surveillance of Ahmadi on August 29 and the possibility of a drone strike that day?
- When was President Biden informed the drone strike killed children? When was President Biden informed the drone strike killed only innocent civilians and no ISIS-K assets?
- Who made the decision for the Department of Defense to acknowledge fault in the August 29 drone strike, and on what date was that decision made?

The August 26 Suicide Bombing

On August 22, the President provided a public update on the retreat from Afghanistan, which he first announced in April. The President revealed his administration was working with the Taliban, stating, “We’ve discussed a lot with the Taliban. They’ve been cooperative in extending some of the perimeter [around Hamid Karzai International Airport].”¹⁰ The President further said, “We’re executing a plan to move groups of these Americans [located throughout Kabul] to safety and to safely and effectively move them to the airport compound.”

In the meantime, a NATO country diplomat in Kabul acknowledged that “Taliban cadres [] promised to provide security outside Kabul airport, but intelligence reports of an imminent threat from Islamic State militants [could not] be ignored.”¹¹

By August 22, the threat of a terrorist attack at the airport was a growing concern around the world. You said on CNN, “The threat is real, it is acute, it is persistent, and it is something that we are focused on with every tool in our arsenal . . . We are working hard with our intelligence community to try to isolate and determine where an attack might come from.”¹²

¹⁰ Remarks by President Biden on Tropical Storm Henri and the Evacuation Operation in Afghanistan, Roosevelt Room (Aug. 22, 2021), available at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/22/remarks-by-president-biden-on-tropical-storm-henri-and-the-evacuation-operation-in-afghanistan/>.

¹¹ *Taliban promises security at Kabul airport but IS threats can't be ignored -Western diplomat*, REUTERS (Aug. 26, 2021), available at <https://www.reuters.com/world/asia-pacific/taliban-promises-security-kabul-airport-is-threats-cant-be-ignored-western-2021-08-26/>.

¹² Tony Czuczka, *Biden Adviser Sees 'Acute' ISIS Terror Risk at Kabul Airport*, BLOOMBERG (Aug. 22, 2021), available at <https://www.bloomberg.com/news/articles/2021-08-22/pentagon-drafts-u-s-airlines-to-help-with-afghanistan-evacuees>.

The situation at HKIA continued to worsen, and American dependence on the Taliban continued. On August 23, you stated:

[W]e are engaging with the Taliban, consulting with the Taliban on every aspect of what's happening in Kabul right now — on what's happening at the airport; on how we need to ensure that there is facilitated passage to the airport for American citizens, SIVs, third-country nationals, and so forth. We'll continue those conversations with them.

Ultimately, it will be the President's decision how this proceeds, no one else's.¹³

You also stated the U.S. military had been confined to the airport, and the Taliban now served as gatekeepers to it for the rest of Afghanistan:

American troops are not operating outside the perimeter of the airport. What has happened is, through these military channels of communication with the Taliban, they have extended the perimeter from the point of view of their checkpoints to allow Americans through[.]¹⁴

By August 25, the risk of an imminent terrorist attack continued to grow. Recognizing this imminent threat, other governments began evacuating or urging their citizens to leave the airport to prevent loss of life.¹⁵ Australian Minister of Foreign Affairs Marise Payne said, "there is an ongoing and very high threat of a terrorist attack."¹⁶ In an alert, Great Britain's Foreign, Commonwealth & Development Office pleaded, "There is an ongoing and high threat of terrorist attack . . . Do not travel to Kabul Hamid Karzai International Airport,"¹⁷ British soldiers "reinforced barriers around their handling centre for evacuees at Kabul airport as a bulwark against the terror threat."¹⁸

¹³ Press Briefing by Press Secretary Jen Psaki and National Security Advisor Jake Sullivan, Briefing Room (Aug. 23, 2021), available at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/08/23/press-briefing-by-press-secretary-jen-psaki-and-national-security-advisor-jake-sullivan-august-23-2021/> (remarks delivered from the James S. Brady Press Briefing Room).

¹⁴ *Id.*

¹⁵ Colin Packham, *Australia urges people to leave Kabul airport area on terrorism threat*, REUTERS (Aug. 25, 2021), available at <https://www.reuters.com/world/australia-urges-people-leave-kabul-airport-area-terrorism-threat-2021-08-26/>.

¹⁶ *Id.*

¹⁷ Celine Castronuovo, *Britain tells citizens to avoid Kabul airport, citing 'high threat' of terrorist attack*, THE HILL (Aug. 25, 2021), available at <https://thehill.com/policy/national-security/569475-britain-tells-citizens-to-avoid-kabul-airport-citing-high-threat-of>.

¹⁸ Sam Fleming, Helen Warrell and James Politi, *Nato chief warns 'real danger' of terror attack at Kabul airport*, FIN. TIMES (Aug. 25, 2021), available at <https://www.ft.com/content/e73b4355-3868-44ca-9922-0bf013fd478e>.

Even NATO Secretary General Jens Stoltenberg warned of “a real danger” of a terrorist threat at the airport.¹⁹ And James Heappey, a British Minister of Armed Forces, told BBC radio:

There is now very, very credible reporting of an imminent attack, and hence why the Foreign Office advice was changed last night, that people should not come to Kabul Airport, they should move to a safe place and await further instructions. I can't stress the desperation of the situation enough. The threat is credible, it is imminent, it is lethal. We wouldn't be saying this if we weren't genuinely concerned about offering Islamic State a target that is just unimaginable.²⁰

A rare security alert from the U.S. Embassy in Kabul noted that “U.S. citizens who are at the Abbey Gate, East Gate, or North Gate now should leave immediately.”²¹

Unfortunately, not all U.S. citizens were able to leave the gates immediately. At 17:50 local time on August 26, 2021, two ISIS-K terrorists detonated a bomb at the HKIA’s Abbey Gate, killing over 180 people, including thirteen U.S. military servicemembers.²² As a result, August 26, 2021, became the deadliest day for the United States in Afghanistan in over a decade.

Though intelligence collection is an imperfect art, it can provide insight into events being planned in the future. In this case, statements from multiple governments, including our own, indicated an attack was imminent. Those statements proved prescient. The lives of thirteen U.S. citizens could have been saved—in fact, should have been saved—had national security officials been more prudent in ensuring the safety of our servicepersons deployed at HKIA. Therefore, please produce to the Committee:

- All raw intelligence reports indicating, referring, or relating to the possibility of an attack at HKIA.
- All documents and communications regarding: a) any official or unofficial notice of an imminent attack; and b) any orders to evacuate the airport or close any of the airport gates.

¹⁹ *Id.*

²⁰ Sophie Reardon and Tucker Reals, *U.S. and Britain warn people to avoid Kabul airport over “imminent attack” threat*, CBS NEWS (Aug. 26, 2021), available at <https://www.cbsnews.com/news/afghanistan-kabul-airport-security-threats/>.

²¹ Security Alert – Embassy Kabul, Afghanistan (Aug. 25, 2021), available at <https://af.usembassy.gov/security-alert-embassy-kabul-afghanistan-august-25-2021/>.

²² Joe Hernandez, *What We Know About ISIS-K, The Group Behind The Kabul Attack*, NPR (Aug. 28, 2021), available at <https://www.npr.org/2021/08/26/1031349674/isis-k-taliban-who-what-you-need-to-know>.

The Retaliatory Drone Strikes

That evening, after the attacks, the President read to the nation from prepared remarks and promised retaliation against ISIS-K. The President committed to striking “ISIS-K assets, leadership and facilities.” He said, “We will respond with force and precision at our time, at the place we choose, and the moment of our choosing.”²³ The President said, “We have over-the-horizon capability to keep them from going after us.”²⁴

On August 27, CENTCOM carried out a UAV attack against three ISIS-K terrorists in Nangarhar Province, killing two and injuring one.²⁵ Responding to the events, President Biden said, tellingly, “This strike was not the last.”²⁶

Following up on the President’s promise from two days earlier, on August 29, CENTCOM deployed the Hellfire missile that killed 43-year-old Zemari Ahmadi and nine of his family members: three of his children, his cousin, three of his brother’s children, and two additional children. At the time of the attack, Ahmadi was applying for a U.S. visa to allow his family to leave Taliban-controlled Afghanistan.²⁷

After the strike, Gen. Mark Milley, Chairman of the Joint Chiefs of Staff, described the strike as “righteous” and the threat Ahmadi posed as “imminent.” Two days later, when reports of civilian casualties emerged, Gen. Milley remained defiant and said, “At the time – and I think this is still valid – we had very good intelligence[.]”²⁸

By September 10, both the *Washington Post*²⁹ and the *New York Times*,³⁰ had uncovered and published the truth. Ahmadi was not a terrorist and, instead of loading explosives, he was performing a daily routine picking up coworkers and filling water containers for his family.³¹ Yet

²³ Remarks by President Biden on the Terror Attack at Hamid Karzai International Airport, East Room (Aug. 26, 2021), available at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/26/remarks-by-president-biden-on-the-terror-attack-at-hamid-karzai-international-airport/>.

²⁴ *Id.*

²⁵ Courtney Kube, Dartunorro Clark and Chantal Da Silva, *2 high profile ISIS targets killed in U.S. drone strike in Afghanistan, Pentagon says*, NBCNEWS.COM (Aug. 27, 2021), available at <https://www.nbcnews.com/news/world/u-s-retaliates-against-isis-drone-strike-afghanistan-n1277844>.

²⁶ Statement by President Joe Biden on the Evacuation Mission in Kabul, Briefing Room (Aug. 28, 2021) available at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/28/statement-by-president-joe-biden-on-the-evacuation-mission-in-kabul/>.

²⁷ Sandi Sidhu, Julia Hollingsworth, Anna Coren, Abdul Basir Bina and Ahmet Mengli, *They wanted a new life in America. Instead they were killed by the US military*, CNN.COM (Sept. 14, 2021), available at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/22/remarks-by-president-biden-on-tropical-storm-henri-and-the-evacuation-operation-in-afghanistan/>.

²⁸ Rachel Pannett, Ellen Francis, Haq Nawaz Khan, Miriam Berger and Sammy Westfall, *Top general defends Kabul drone strike, despite reported civilian casualties*, WASH. POST (Sept. 1, 2021), available at <https://www.washingtonpost.com/world/2021/09/01/afghanistan-kabul-taliban-live-updates/>.

²⁹ *Supra* n. 2.

³⁰ *Supra* n. 3.

³¹ *Id.*

three days later, on September 13, the Pentagon still asserted the strike against Ahmadi was warranted.³² On September 14, amid mounting evidence and public pressure, Secretary of State Anthony Blinken said “I don’t know,” in response to a question at a Senate hearing whether Zemari Ahmadi was a terrorist or an aid worker.³³ It was not until September 17, 2021—three weeks after the attack Gen. Milley called “righteous” and one week after two separate major newspapers presented incontrovertible evidence to the contrary—that the Administration finally acknowledged the August 29 drone strike killed only innocent civilians.

Even while acknowledging the failure of the strike Administration officials refused to acknowledge the failure of their strategy. CENTCOM Commander Gen. Kenneth F. McKenzie, Jr. stated the UAV strike against Ahmadi was not, in fact, an over-the-horizon strike³⁴—even though the official CENTCOM statement released the day of the Ahmadi’s strike described the strike as “a self-defense unmanned over-the-horizon airstrike.”³⁵ Due to the conflicting statements and delays, please provide to the Committee:

- All raw intelligence reports and analytic products indicating Zemari Ahmadi was a member of ISIS-K.
- Complete video surveillance of Zemari Ahmadi on August 29, 2021, and a video of the Hellfire missile attack on Ahmadi.

In addition, please answer the following questions:

- Did CENTCOM learn children would be killed in the strike before the missile’s detonation? If so, how many seconds before detonation?
- Were there any discussions about aborting the strike if CENTCOM believed children may be collateral damage? If so, who participated in these discussions?
- Was the pre-strike targeting process conducted fully in accordance with Department of Defense policies and procedures?

³² Helene Cooper and Eric Schmitt, *Pentagon Defends Deadly Drone Strike in Kabul*, N.Y. TIMES (Sept. 13, 2021), available at <https://www.nytimes.com/2021/09/13/us/politics/pentagon-drone-strike-kabul.html>.

³³ John Haltiwanger, *Rand Paul grills Blinken on whether drone strike hit aid worker or ISIS-K: ‘You’d think you’d kind of know before you off someone,’* BUSINESS INSIDER (Sept. 14, 2021), available at <https://www.businessinsider.com/rand-paul-grills-blinken-on-whether-drone-strike-hit-aid-worker-isis-k-2021-9>.

³⁴ Anna Coren, Julia Hollingsworth, Sandi Sidhu and Zachary Cohen, *US military admits it killed 10 civilians and targeted wrong vehicle in Kabul airstrike*, CNN.COM (Sept. 17, 2021), available at <https://www.cnn.com/2021/09/17/politics/kabul-drone-strike-us-military-intl-hnk/index.html>.

³⁵ Statement, *U.S. Central Command statement on defensive strike in Kabul*, U.S. Central Command Public Affairs (Aug. 29, 2021), available at <https://www.centcom.mil/MEDIA/STATEMENTS/Statements-View/Article/2756293/update-us-central-command-statement-on-defensive-strike-in-kabul/>.

The Path Forward

The President's reckless strategy in America's withdrawal from Afghanistan culminated with the deaths of thirteen U.S. servicemembers from a terrorist attack at HKIA and was underscored by the deaths of ten innocent Afghans in an attempt for the President to save political face.

There is overwhelming evidence the Biden Administration knew a terrorist attack would occur at HKIA. Yet, instead of preventing the attack and subsequent needless death, the Administration scrambled to rescue its sinking poll numbers by projecting a veneer of strength through ill-defined and opaque "over-the-horizon" capabilities the President had touted for months. The President seems less concerned with the targets of the over-the-horizon capabilities than his ability to use them to bolster his image.

As the chief architect of the Administration's failings in Afghanistan, you played a major role in every decision over the past nine months that led to the removal of an American presence in Afghanistan and the delivery of the country to the Taliban—an authoritative and brutal regime.³⁶ A review of these failings will be comprehensive. The facts surrounding the assassination of Zemari Ahmadi and his family serve as a fitting start for that oversight.

The Hellfire missile drone strike against the Ahmadi family indicates failings of both an intelligence and operational nature. Though the justification for the drone strike was to prevent a future ISIS-K attack, no further terrorist attack has occurred against American interests. The drone strike against the Ahmadi family appears to have been conducted for political advantage rather than to prevent any threat to American lives. The same can be said for much of what has occurred in Afghanistan since April.

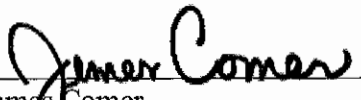
With no intelligence network in Afghanistan, no local partners on the ground, and currently no nearby airbase available for American use, the President's "over-the-horizon" approach appears to be nothing more than an over the rainbow fantasy. To assist us in fulfilling our constitutional oversight role, please arrange to provide two separate Member-level briefings to the Committee no later than October 5, 2021. The first should cover the Administration's "over-the-horizon" strategy, and the second regarding the drone strike that killed Zemari Ahmadi. In addition, thank you in advance for producing all requested documents and answers to all questions no later than October 12, 2021.

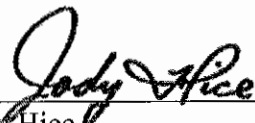
³⁶ This is not dissimilar to your role in the Benghazi tragedy—the worst foreign policy failing of the Obama Administration, which resulted in the deaths of four Americans—when you served as the Director of Policy Planning and deputy chief of staff to the Secretary of State. In that role, you pushed for American intervention in Libya and a lasting American presence in Benghazi—all without ensuring our diplomats were properly protected. Libya has since been involved in a decade-long civil war. *See generally Final Report of the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi*, 114th Cong., H. Rep. 114-848 (2016), available at <https://www.congress.gov/congressional-report/114th-congress/house-report/848/1>.


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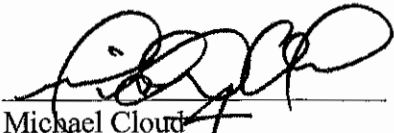
The Committee on Oversight and Reform is the principal oversight Committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions about this request, please contact Committee staff at (202) 225-5074.

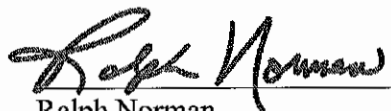
Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform

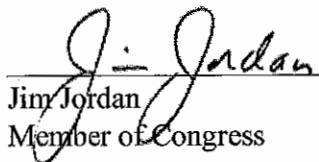

Jody Hice
Ranking Member
Subcommittee on Government
Operations



Glenn S. Grothman
Ranking Member
Subcommittee on National Security

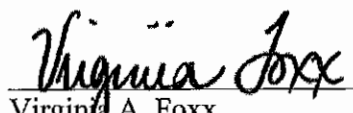

Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy

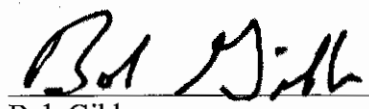

Ralph Norman
Ranking Member
Subcommittee on Environment


Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties

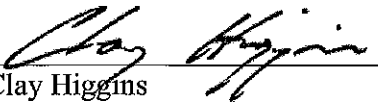

Jim Jordan
Member of Congress


Paul A. Gosar, D.D.S.
Member of Congress



Virginia A. Foxx
Member of Congress

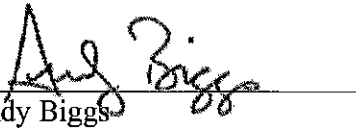

Bob Gibbs
Member of Congress

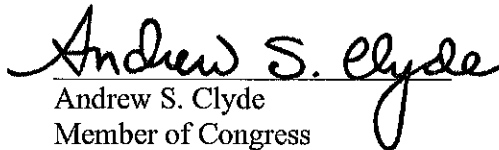
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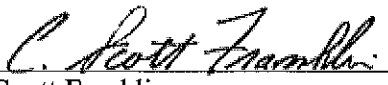

Clay Higgins
Member of Congress

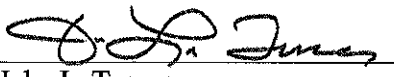

Pete Sessions
Member of Congress

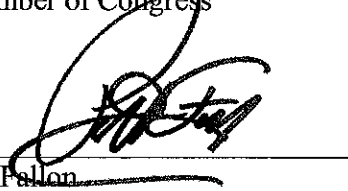

Fred Keller
Member of Congress



Andy Biggs
Member of Congress

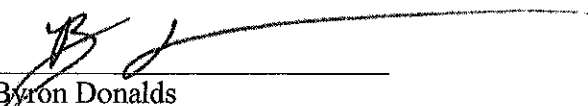

Andrew S. Clyde
Member of Congress


Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Pat Fallon
Member of Congress


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

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The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties