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**Congress of the United States**  
**House of Representatives**

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SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

PHONE (202) 225-4400

<https://coronavirus.house.gov>

July 29, 2020

The Honorable Michael R. Pence  
Vice President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dr. Deborah L. Birx  
U.S. Global AIDS Coordinator and U.S. Special Representative for Global Health Diplomacy  
Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Vice President Pence and Dr. Birx:

I am writing regarding a report prepared for the White House Coronavirus Task Force warning that the virus is still spreading widely in many states and making recommendations to improve states' responses to the pandemic. This unpublished report recommends far stronger public health measures than the Trump Administration has called for in public—including requiring face masks, closing bars, and strictly limiting gatherings. Yet many states do not appear to be following these unpublished recommendations and are instead pursuing policies more consistent with the Administration's contradictory public statements downplaying the seriousness of the threat. In light of the alarming surge of coronavirus cases and deaths across the country, I am troubled that the Administration would seek to keep public health recommendations secret rather than publicly communicating the importance of these measures to the American people and ensuring they are followed nationwide. I am writing to request information about the private guidance the Administration has provided to states. I urge you to show federal leadership to control this deadly pandemic and implement nationwide, science-based public health measures to prevent more unnecessary deaths.

A report disclosed yesterday by the New York Times indicates that the White House Task Force has privately called for states to take stronger steps to combat the pandemic, such as mandating face masks and social distancing.<sup>1</sup> At the same time, the Administration has made numerous public statements that contradict those recommendations and downplay the severity of the crisis.

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<sup>1</sup> *Read the Latest Federal Report on States' Response to the Virus*, New York Times (July 28, 2020) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)).

For example, on July 19, President Trump said that he would not consider instituting a national mask mandate, stating: “I want people to have a certain freedom” and “I don’t agree with the statement that if everybody wear[s] a mask, everything disappears.... and as you know, masks cause problems too.”<sup>2</sup> On July 21, President Trump asserted that “the virus will disappear” and said, “No governor needs anything right now” to address new outbreaks.<sup>3</sup> As cases continue to surge across the country, President Trump stated on July 27, “I really do believe that a lot of the governors should be opening up states that they’re not opening.”<sup>4</sup>

The report prepared for the Task Force, dated July 26, 2020, identifies 21 states in the “red zone” that are experiencing spikes in new cases or in test positivity. The report recommends these states impose stringent public health measures, such as face mask requirements, bar and gym closures, and mandated social distancing.<sup>5</sup>

Dr. Deborah Birx, the Administration’s Coronavirus Response Coordinator, echoed these recommendations during a private call with state and local officials on July 22—a recording of which was disclosed by the Center for Public Integrity. On the call, Dr. Birx noted that 11 major cities—including Cleveland, Indianapolis, Miami, Nashville, New Orleans, and St. Louis—are seeing increases in test positivity and that it is “critical” to be “aggressive about mitigation efforts.” Dr. Birx warned, “When you first see that increased test positivity, that is when to start the mitigation efforts. ... If you wait another three or four or even five days, you’ll start to see a dramatic increase in cases.”<sup>6</sup>

Although the Task Force has apparently provided private suggestions to state governments, many states have not implemented these recommendations—and instead appear to be following the contradictory public messaging coming from the Administration. The Select Subcommittee’s analysis shows that at least 17 of the 21 “red zone” states are not following at least one of the report’s recommendations—with states like Florida, Georgia, Oklahoma, and Tennessee each ignoring multiple recommendations.<sup>7</sup> On July 26, Tennessee Governor Bill Lee stated that he has no plans to institute a statewide mask mandate or to close bars and restaurants—even after meeting personally with Dr. Birx to discuss the Task Force’s

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<sup>2</sup> *Trump, Governors Diverge on Mask Mandates*, Politico (July 19, 2020) (online at [www.politico.com/news/2020/07/19/trump-governors-masks-371304](http://www.politico.com/news/2020/07/19/trump-governors-masks-371304)).

<sup>3</sup> The White House, *Remarks by President Trump in Press Briefing* (July 21, 2020) (online at [www.whitehouse.gov/briefings-statements/remarks-president-trump-press-briefing-072120/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-press-briefing-072120/)).

<sup>4</sup> Josh Lederman (@JoshNBCNews), *Twitter* (July 27, 2020) (online at [twitter.com/JoshNBCNews/status/128783828042433313](https://twitter.com/JoshNBCNews/status/128783828042433313)).

<sup>5</sup> *Read the Latest Federal Report on States’ Response to the Virus*, New York Times (July 28, 2020) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)).

<sup>6</sup> Center for Public Integrity, *Listen to What the Trump Administration Is Telling Officials in Private Coronavirus Call* (July 23, 2020) (online at [publicintegrity.org/health/coronavirus-and-inequality/listen-to-the-trump-administration-is-telling-officials-in-private-coronavirus-call/](http://publicintegrity.org/health/coronavirus-and-inequality/listen-to-the-trump-administration-is-telling-officials-in-private-coronavirus-call/)).

<sup>7</sup> The “red zone” states that appear not to be following at least one of the Task Force report’s recommendations are: Alabama, Arizona, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Utah, and Virginia.

recommendations.<sup>8</sup>

The unpublished report recommends that all 21 “red zone” states impose mask requirements statewide or in hot spots.<sup>9</sup> However, 12 of these states have refused to impose statewide mask mandates—including states with severe case spikes like Arizona, Florida, Georgia, Oklahoma, South Carolina, and Tennessee.<sup>10</sup> Two “red zone” states—Georgia and Iowa—have banned local jurisdictions from imposing mask mandates.<sup>11</sup> Others have followed an ineffective patchwork approach, with mask requirements in certain local jurisdictions but not others.<sup>12</sup>

For example, the Task Force report provides a dire assessment of the situation in Georgia, stating:

Georgia is in the red zone for cases, indicating more than 100 new cases per 100,000 population last week, and the red zone for test positivity, indicating a rate above 10%. Georgia has seen an increase in new cases and an increase in testing positivity over the past week. ... **Georgia is experiencing widespread community spread without evidence of improvement. Improvement will require much more aggressive mitigation efforts to change the trajectory of the pandemic in Georgia.**<sup>13</sup>

Despite a similar private warning from the Task Force on July 14, President Trump publicly praised the state’s coronavirus response during a mask-less visit to Atlanta on July 15. He said Georgia has “done really well, really well with the virus” and that the reopening process has “been great because, you know, you’ve kept it down and you’ve reopened ... you’ve really kept the virus to a level down.”<sup>14</sup>

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<sup>8</sup> *White House Is Recommending Tennessee Close All Bars. Gov. Bill Lee Says No*, Nashville Tennessean (July 27, 2020) (online at [www.tennessean.com/story/news/local/coronavirus/2020/07/27/dr-deborah-birx-white-house-recommendation-tennessee-bars-restaurants/5515826002/](http://www.tennessean.com/story/news/local/coronavirus/2020/07/27/dr-deborah-birx-white-house-recommendation-tennessee-bars-restaurants/5515826002/)).

<sup>9</sup> *Read the Latest Federal Report on States’ Response to the Virus*, New York Times (July 28, 2020) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)).

<sup>10</sup> Kaiser Family Foundation, *State Data and Policy Actions to Address Coronavirus* (July 20, 2020) (online at [www.kff.org/health-costs/issue-brief/state-data-and-policy-actions-to-address-coronavirus/?utm\\_source=web&utm\\_medium=trending&utm\\_campaign=covid-19](http://www.kff.org/health-costs/issue-brief/state-data-and-policy-actions-to-address-coronavirus/?utm_source=web&utm_medium=trending&utm_campaign=covid-19)); *State-by-State Guide to Face Mask Requirements*, AARP (July 28, 2020) (online at [www.aarp.org/health/healthy-living/info-2020/states-mask-mandates-coronavirus.html](http://www.aarp.org/health/healthy-living/info-2020/states-mask-mandates-coronavirus.html)).

<sup>11</sup> State of Georgia, *Executive Order* (July 15, 2020) (online at [gov.georgia.gov/document/2020-executive-order/07152001/download](http://gov.georgia.gov/document/2020-executive-order/07152001/download)); *IC Mayor to Issue Proclamation Requiring Masks Beginning Tuesday*, Daily Iowan (July 20, 2020) (online at [dailyiowan.com/2020/07/20/iowa-city-mayor-to-issue-proclamation-requiring-masks-beginning-tuesday/](http://dailyiowan.com/2020/07/20/iowa-city-mayor-to-issue-proclamation-requiring-masks-beginning-tuesday/)).

<sup>12</sup> *Polk County Commissioners Encourage Following CDC Guidelines*, WFLA (July 7, 2020) (online at [www.wfla.com/news/polk-county/live-now-polk-commissioners-consider-mask-order/](http://www.wfla.com/news/polk-county/live-now-polk-commissioners-consider-mask-order/)).

<sup>13</sup> *Georgia State Report* (July 26, 2020) (emphasis added) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)).

<sup>14</sup> *President Trump Talks 1-on-1 with Channel 2 About Reopening Plan, Georgia Schools*, WSB-TV (July 16, 2020) (online at [www.wsbtv.com/news/local/atlanta/president-trump-talks-1-on-1-with-channel-2-about-](http://www.wsbtv.com/news/local/atlanta/president-trump-talks-1-on-1-with-channel-2-about-)

The report makes policy recommendations to stop the spread of the virus in Georgia, but the state is not following at least six different recommendations. For example:

- The report recommends: “**Mandate use of masks in all current and evolving hot spots – optimally a statewide mandate.**”<sup>15</sup> Governor Kemp has refused to issue a mask mandate and issued an executive order on July 15 banning local jurisdictions from requiring masks to be worn in public. The following day, he filed a lawsuit against Atlanta government officials, including Mayor Keisha Lance Bottoms, to block the city from implementing a mask requirement. On July 21, Governor Kemp issued a statement “asking” people to wear face coverings “when out in public or when you cannot keep distance inside.”<sup>16</sup>
- The report recommends: For counties in the “red zone,” “**close bars and gyms**” and “**limit social gatherings to 10 people or fewer.**”<sup>17</sup> Despite this recommendation, Georgia is still permitting bars and gyms to operate with certain restrictions. Social gatherings of up to 50 people are permitted in Georgia without any social distancing, while gatherings of more than 50 people are permitted “if their grouping is transitory or incidental” or if the people are socially distanced.<sup>18</sup>

The Task Force report similarly found that Florida is in the “red zone” for cases and for test positivity—with the highest number of new cases, the highest rate per capita, and the sixth-highest test positivity rate in the country. Dr. Birx highlighted the need for “aggressive” action in light of increasing test positivity in Miami.<sup>19</sup> Despite similar findings in the Task Force’s July 14 report, Governor Ron DeSantis downplayed these alarming findings on July 17. Echoing statements from President Trump, he said, “I think the fact that we’re testing so much has led to

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reopening-plan-georgia-schools/GDISEYWTD5CY7JXLCOVWHC4YWQ/).

<sup>15</sup> *Georgia State Report* (July 26, 2020) (emphasis added) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)).

<sup>16</sup> State of Georgia, *Executive Order* (July 15, 2020) (online at [gov.georgia.gov/document/2020-executive-order/07152001/download](http://gov.georgia.gov/document/2020-executive-order/07152001/download)); *Georgia Gov. Brian Kemp Sues Atlanta over Mask Requirement as Coronavirus Surges in the State*, Washington Post (July 16, 2020) (online at [www.washingtonpost.com/nation/2020/07/16/kemp-georgia-mask-mandates/](http://www.washingtonpost.com/nation/2020/07/16/kemp-georgia-mask-mandates/)); Office of the Governor of the State of Georgia, *Press Release: Governor Kemp Calls on Georgians to Do “Four Things for Four Weeks” to Stop COVID-19* (July 21, 2020) (online at [gov.georgia.gov/press-releases/2020-07-21/governor-kemp-calls-georgians-do-four-things-four-weeks-stop-covid-19](http://gov.georgia.gov/press-releases/2020-07-21/governor-kemp-calls-georgians-do-four-things-four-weeks-stop-covid-19)).

<sup>17</sup> *Georgia State Report* (July 26, 2020) (emphasis added) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)).

<sup>18</sup> State of Georgia, *Executive Order* (July 15, 2020) (online at [gov.georgia.gov/document/2020-executive-order/07152001/download](http://gov.georgia.gov/document/2020-executive-order/07152001/download)).

<sup>19</sup> *Florida State Report* (July 26, 2020) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)); Center for Public Integrity, *Listen to What the Trump Administration Is Telling Officials in Private Coronavirus Call* (July 23, 2020) (online at [publicintegrity.org/health/coronavirus-and-inequality/listen-to-the-trump-administration-is-telling-officials-in-private-coronavirus-call/](http://publicintegrity.org/health/coronavirus-and-inequality/listen-to-the-trump-administration-is-telling-officials-in-private-coronavirus-call/)).

case numbers that have been put out there I think unfairly.”<sup>20</sup> The Select Subcommittee’s review shows that Florida is not following at least three recommendations in the report and only partially complying with three others, including the following:

- The report recommends: “**Mandate masks in all counties with rising test percent positivity**”—including at least 49 of the state’s 67 counties.<sup>21</sup> However, on July 17, Governor DeSantis indicated that he has no plans to impose a statewide mask requirement. Face coverings are not currently required in all counties with rising test positivity, such as Polk County.<sup>22</sup>
- The report recommends, “**limit indoor dining to 25% of normal capacity**.”<sup>23</sup> Florida currently permits restaurants in most counties to operate at 50% indoor seating capacity with “appropriate social distancing,” and has left it to local jurisdictions to determine whether to restrict indoor dining.<sup>24</sup>

The White House Task Force’s unpublished report also warns about growing outbreaks in Oklahoma, noting “Oklahoma continues to have high number of cases diagnosed and high test positivity” and that “More counties and CBSAs [core-based statistical areas] are in the red zone this week.”<sup>25</sup> Yet Oklahoma Governor Kevin Stitt made clear that he has no plans to roll back the state’s reopening or impose a statewide mask requirement.<sup>26</sup> The state is not following at least five recommendations from the Task Force report while partially complying with another, including the following:

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<sup>20</sup> *Gov. DeSantis Pushes Back Against Leaked White House Report Suggesting Florida Should Roll Back Reopening*, ABC Action News (July 18, 2020) (online at [www.abcactionnews.com/news/local-news/i-team-investigates/gov-desantis-pushes-back-against-leaked-white-house-report-suggesting-florida-should-roll-back-reopening](http://www.abcactionnews.com/news/local-news/i-team-investigates/gov-desantis-pushes-back-against-leaked-white-house-report-suggesting-florida-should-roll-back-reopening)).

<sup>21</sup> *Florida State Report* (July 26, 2020) (emphasis added) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)).

<sup>22</sup> *Fla. Governor Won’t Close Gyms, Restaurants Despite White House Advice*, WFLX (July 17, 2020) (online at [www.wflx.com/2020/07/18/fla-governor-wont-close-gyms-restaurants-despite-white-house-advice/](http://www.wflx.com/2020/07/18/fla-governor-wont-close-gyms-restaurants-despite-white-house-advice/)); *Polk County Commissioners Encourage Following CDC Guidelines*, WFLA (July 7, 2020) (online at [www.wfla.com/news/polk-county/live-now-polk-commissioners-consider-mask-order/](http://www.wfla.com/news/polk-county/live-now-polk-commissioners-consider-mask-order/)); *Florida Coronavirus Map and Case Count*, New York Times (July 21, 2020) (online at [www.nytimes.com/interactive/2020/us/florida-coronavirus-cases.html#county](http://www.nytimes.com/interactive/2020/us/florida-coronavirus-cases.html#county)).

<sup>23</sup> *Florida State Report* (July 26, 2020) (emphasis added) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)).

<sup>24</sup> *Outdoor Dining Is Allowed at Miami-Dade County Restaurants After Mayor Reverses Previous Order*, Eater (July 8, 2020) (online at <https://miami.eater.com/2020/7/6/21314709/miami-dade-county-restaurants-closing-in-room-dining-july>).

<sup>25</sup> *Oklahoma State Report* (July 26, 2020) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)).

<sup>26</sup> *Oklahoma Governor Tests Positive for Coronavirus*, New York Times (July 15, 2020) (online at [www.nytimes.com/2020/07/15/us/oklahoma-governor-coronavirus-stitt.html](http://www.nytimes.com/2020/07/15/us/oklahoma-governor-coronavirus-stitt.html)).

- The report recommends: **“Closing bars and reducing indoor dining at restaurants to 25% capacity is critical to disrupt transmission.”**<sup>27</sup> However, the state currently permits bars and restaurants to operate with no restrictions—including in hot-spot counties—leaving it to local jurisdictions to decide whether to impose social distancing requirements. Oklahoma’s state guidance for bars says, “It is at the discretion of business owners or local officials to determine when and if social distancing measures should be applied” and encourages owners to “use their best judgement.” The guidance for restaurants similarly states that owners should “encourage proper social distancing” and “[p]rioritize outdoor seating when available as much as possible.”<sup>28</sup>
- The report recommends: For counties in the “red zone,” **“[c]lose ... gyms”** and **“[l]imit social gatherings to 10 people or fewer.”**<sup>29</sup> The state currently permits gyms to operate with no restrictions. Oklahoma permits large group gatherings provided that people “consider social distancing.”<sup>30</sup>

The White House’s refusal to publicly call for strong public health measures and to ensure nationwide compliance has led to an uneven patchwork of restrictions across states, counties, and cities. This approach is allowing the virus to spread, prolonging and exacerbating the public health crisis facing this country.

For all these reasons, I request that you produce the following documents and information to the Select Subcommittee by August 12, 2020. These requests are consistent with House Resolution 935, which established the Select Subcommittee on the Coronavirus Crisis “to conduct a full and complete investigation” of “issues related to the coronavirus crisis,” including the “preparedness for and response to the coronavirus crisis” and “executive branch policies,

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<sup>27</sup> *Oklahoma State Report* (July 26, 2020) (emphasis added) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)).

<sup>28</sup> *OKC’s New COVID-19 Restrictions on Bars, Restaurants Go into Effect Friday*, KOCO (July 3, 2020) (online at [www.koco.com/article/summer-vacation-plans-stay-the-course-in-spite-of-covid-19-spikes/33377938](http://www.koco.com/article/summer-vacation-plans-stay-the-course-in-spite-of-covid-19-spikes/33377938)); Code of the City of Norman, Oklahoma, Ch. 10, Sec. 11-1104(b) (online at [www.normanok.gov/sites/default/files/documents/2020-07/Signed%20O-2021-3\\_0.pdf](http://www.normanok.gov/sites/default/files/documents/2020-07/Signed%20O-2021-3_0.pdf)); City of Norman, Oklahoma, *Third Amended Healthier at Home Initiative to Re-Boot Norman* (effective June 12, 2020) (online at [static1.squarespace.com/static/5e73c3526ab9182890fd4c29/t/5ee3b3b851f58b39ff597674/1591980987809/3rd+Amended+Healthier+At+Home+6-9-20.pdf](http://static1.squarespace.com/static/5e73c3526ab9182890fd4c29/t/5ee3b3b851f58b39ff597674/1591980987809/3rd+Amended+Healthier+At+Home+6-9-20.pdf)); Oklahoma Department of Commerce, *Guidance for Oklahoma’s Open Up and Recover Safely Plan: Bars* (online at [www.okcommerce.gov/wp-content/uploads/Bar-Guidance.pdf](http://www.okcommerce.gov/wp-content/uploads/Bar-Guidance.pdf)); Oklahoma Department of Commerce, *Employer Guidance for Oklahoma’s Open Up and Recover Safely Plan: Full Service and Quick Service Restaurants Offering In-Restaurant Dining* (online at [www.okcommerce.gov/wp-content/uploads/Full-Service-and-Quick-Service-Restaurant-Guidance.pdf](http://www.okcommerce.gov/wp-content/uploads/Full-Service-and-Quick-Service-Restaurant-Guidance.pdf)).

<sup>29</sup> *Oklahoma State Report* (July 26, 2020) (emphasis added) (online at [www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html](http://www.nytimes.com/interactive/2020/07/28/us/states-report-virus-response-july-26.html)).

<sup>30</sup> Code of the City of Norman, Oklahoma, Ch. 10, Sec. 11-1104(b) (online at [www.normanok.gov/sites/default/files/documents/2020-07/Signed%20O-2021-3\\_0.pdf](http://www.normanok.gov/sites/default/files/documents/2020-07/Signed%20O-2021-3_0.pdf)); City of Norman, Oklahoma, *Third Amended Healthier at Home Initiative to Re-Boot Norman* (effective June 12, 2020) (online at [static1.squarespace.com/static/5e73c3526ab9182890fd4c29/t/5ee3b3b851f58b39ff597674/1591980987809/3rd+Amended+Healthier+At+Home+6-9-20.pdf](http://static1.squarespace.com/static/5e73c3526ab9182890fd4c29/t/5ee3b3b851f58b39ff597674/1591980987809/3rd+Amended+Healthier+At+Home+6-9-20.pdf)); *See How All 50 States Are Reopening (and Closing Again)*, New York Times (July 20, 2020) (online at [www.nytimes.com/interactive/2020/us/states-reopen-map-coronavirus.html](http://www.nytimes.com/interactive/2020/us/states-reopen-map-coronavirus.html)).



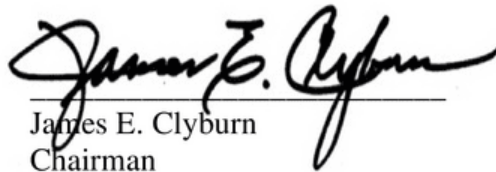
The Honorable Michael R. Pence  
Dr. Deborah L. Birx  
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deliberations, decisions, activities, and internal and external communications related to the coronavirus crisis.”

1. All formal or informal guidance provided to states regarding public health recommendations to stop the spread of the coronavirus. Please include a brief description of the individuals who prepared each document, the recipients thereof, and the issuance date;
2. A detailed description of whether states are fully complying with the recommendations set forth in the report presented to the White House Task Force dated July 26, 2020, including a list of the recommendations with which each state has failed to comply; and
3. A detailed description of the steps the Administration is taking or plans to take to ensure the recommendations in the July 26 report are implemented nationwide.

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

Sincerely,



James E. Clyburn  
Chairman

Enclosure

cc: The Honorable Steve Scalise, Ranking Member

### **Responding to Oversight Committee Document Requests**

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and TIF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:  
  
BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,



INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.