

control, or was placed in the possession, custody, or control of a third party.

11. If any document responsive to this request was, but no longer is, in your possession, custody or control, state:

- a. how the document was disposed of;
- b. the name, current address, and telephone number of the person who currently has possession, custody or control over the document;
- c. the date of disposition;
- d. the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.

12. If any document responsive to this request cannot be located, describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction or unavailability.

13. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

14. The request is continuing in nature and applies to any newly discovered document, regardless of the date of its creation. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

15. All documents should be Bates-stamped sequentially and produced sequentially. In a cover letter to accompany your response, you should include a total page count for the entire production, including both hard copy and electronic documents.

16. Four sets of documents should be delivered, one set to the majority staff and one set to the minority staff. The Committee on the Budget majority set should be delivered to the majority staff in * * *, and the Committee on the Budget minority set should be delivered to the minority staff in * * *. The Appropriations Committee majority set should be delivered to the majority staff in * * *, and the Appropriations Committee minority set should be delivered to the minority staff in * * *. You should consult with Committee staff regarding the method of delivery prior to sending any materials.

17. In the event that a responsive document is withheld on any basis, including a claim of privilege, you should provide a log containing the following information concerning every such document: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; (e) the relationship of the author and addressee to each other; and (f) any other description necessary to identify the document and to explain the basis for not producing the document. If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced. As used herein, "claim of privilege" includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.

(a) Any objections or claims of privilege are waived if you fail to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the request compliance date.

(b) In complying with the request, be apprised that (unless otherwise determined by the Committees) the Committees do not recognize: any purported non-disclosure privileges associated with the common law in-

cluding, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.

(c) Any assertion by a request recipient of any such non-constitutional legal bases for withholding documents or other materials, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committees (or the chairs of the Committees, if authorized) has consented to recognize the assertion as valid.

18. If the request cannot be complied with in full, it should be complied with to the extent possible, which should include an explanation of why full compliance is not possible.

19. Upon completion of the document production, you should 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 which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committees or identified in a privilege log provided to the Committees.

DEFINITIONS

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail ("e-mail"), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, 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, power point presentations, spreadsheets, and work sheets. The term "document" includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto.

2. The terms "and" and "or" should be construed broadly and either conjunctively or disjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

3. The terms "referring" or "relating," with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

4. The term "border wall" means a contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier along the contiguous land border between the United States and Mexico, including all points of entry, including the wall described in Executive Order 13767 (Jan. 25, 2017) and the Administration Fact Sheet entitled "President Donald J. Trump's Border Security Victory."

5. The term "President's executive action plan" means and refers to the plan to build

a border wall announced by the Administration involving up to approximately \$6.725 billion that would be used sequentially as follows: \$601 million from the Treasury Forfeiture Fund, up to \$2.5 billion under the Department of Defense funds transferred for Support for Counterdrug Activities (10 U.S.C. §284), and up to \$3.6 billion reallocated from Department of Defense military construction projects under the President's declaration of a national emergency (10 U.S.C. §2808).

6. The term "Administration" means and refers to any department, agency, division, office, subdivision, entity, official, administrator, employee, attorney, agent, advisor, consultant, staff, or any other person acting on behalf or under the control or direction of the Executive Branch.

7. "You" or "your" means and refers to you as a natural person and the United States and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, contractors, or any other persons acting on your behalf or under your control or direction; and includes any other person(s) defined in the document request letter.

PERSONAL EXPLANATION

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Mr. SENSENBRENNER. Madam Speaker, due to a previously scheduled engagement, I was physically absent from the House of Representatives on January 27, 2020. On that day, I missed 2 recorded votes. Had I been present, I would have voted as follows: on Roll Call No. 23 on the Passage of H.R. 943, I would have voted Yea, and on Roll Call No. 24 on the Passage of H.R. 4704, I would have voted Yea.

HONORING THE SERVICE OF CHIEF WARRANT OFFICER DOUGLAS ENGLÉN

HON. MARK E. GREEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Mr. GREEN of Tennessee. Madam Speaker, I rise today to recognize Chief Warrant Officer Douglas Englen for his distinguished career in service to this nation.

Over the course of more than three decades in the United States Army, Chief Douglas Englen has demonstrated exceptional skill, unwavering bravery, and valor in defense of freedom. As a helicopter pilot with the 160th Special Operations Aviation Regiment, the elite unit tasked with helicopter support of special operations forces, Chief Englen has flown over 2,500 combat missions in every major U.S. conflict since Operation Desert Storm.

Chief Englen's intrepid leadership played a crucial role in many key engagements and operations, most notably Operation Neptune Spear. Englen served first as one of four key planners for this daring nighttime raid to take out Osama bin Laden, America's most wanted terrorist. During the mission, he served as the flight lead for the strike force, for which he