

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

TAYLOR BUDOWICH, and

CONSERVATIVE STRATEGIES, INC.  
a California for profit corporation,

Plaintiffs,

v.

Case No.:

NANCY PELOSI, in her official capacity as Speaker  
Of the United States House of Representatives

BENNIE G. THOMPSON, in his official capacity  
as Chairman of the House Select Committee to  
Investigate the January 6 Attack on the United States  
Capitol; Rayburn House Office Building, 2466,  
Washington, DC 20515

ELIZABETH L. CHENEY, in her official capacity as  
a Member of the United States House of Representatives,  
Longworth House Office Building  
Washington, D.C. 20515

ADAM B. SCHIFF, in his official capacity as  
a Member of the United States House of Representatives,  
Longworth House Office Building  
Washington, D.C. 20515

JAMIE B. RASKIN, in his official capacity as  
a Member of the United States House of Representatives,  
Longworth House Office Building  
Washington, D.C. 20515

SUSAN E. LOFGREN, in her official capacity as  
a Member of the United States House of Representatives,  
Longworth House Office Building  
Washington, D.C. 20515

ELAINE G. LURIA, in her official capacity as  
a Member of the United States House of Representatives,  
Longworth House Office Building  
Washington, D.C. 20515

PETER R. AGUILAR, in his official capacity as  
a Member of the United States House of Representatives,  
Longworth House Office Building  
Washington, D.C. 20515

STEPHANIE MURPHY, in her official capacity as  
a Member of the United States House of Representatives,  
Longworth House Office Building  
Washington, D.C. 20515

ADAM D. KINZINGER, in his official capacity as  
a Member of the United States House of Representatives,  
Longworth House Office Building  
Washington, D.C. 20515

SELECT COMMITTEE TO INVESTIGATE THE  
JANUARY 6TH ATTACK ON THE UNITED STATES  
CAPITOL, Longworth House Office Building  
Washington, D.C. 20515

J.P. MORGAN CHASE BANK, N.A.,  
10 S. Dearborn Street  
Chicago, Illinois 60603,

Defendants.

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**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

*It is equally evident, that none of [our three branches of Government] ought to possess, directly or indirectly, an overruling influence over the others, in the administration of their respective powers. It will not be denied, that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.*

James Madison, The Federalist No. 48, p. 276  
(C. Rossiter ed. 1961).

**INTRODUCTION**

1. Plaintiffs, Taylor Budowich and Conservative Strategies, Inc., bring this Complaint for Declaratory and Injunctive relief to invalidate and prohibit the enforcement of a subpoena from a select committee of the U.S. House of Representatives (the “Select

Committee”) issued in whole or part—without any legal authority—in violation of the Constitution and laws of the United States.<sup>1</sup>

2. The Select Committee wrongly seeks to compel Mr. Budowich’s financial institution to provide private banking information to the Select Committee that it lacks the lawful authority to seek and to obtain. The Select Committee acts absent any valid legislative power and threatens to violate longstanding principles of separation of powers by performing a law enforcement function absent authority to do so. Without intervention by this Court, Mr. Budowich will suffer irreparable harm by having a third party involuntarily produce his private and personal financial information.

3. For months, Mr. Budowich has consistently cooperated with the Select Committee in good faith. This includes Mr. Budowich producing documents and appearing for his deposition over his objections to cooperate with the committee.

4. While Mr. Budowich was attending his deposition proceedings in Washington, D.C., his financial institution, Defendant JP Morgan Chase Bank, N.A. (“JPMorgan”), transmitted to Mr. Budowich a letter dated December 21, 2021, stating that JPMorgan will produce documents pursuant to a subpoena received from the Select Committee unless Mr. Budowich, by December 24, 2021, at 5:00 p.m. EST, provides JPMorgan with “documentation legally obligating it to stop taking such steps.” See Correspondence from JPMorgan (attached hereto as **Exhibit A**). Mr. Budowich received this letter at 7:00 p.m. EST on December 23, 2021.

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<sup>1</sup> Because the undersigned does not possess a full and complete copy of the Select Committee subpoena, Plaintiffs reserve the right to add any other companies associated with Taylor Budowich that have an account at JP Morgan Chase and which are subject to the Select Committee subpoena. Defendant JPMorgan has only provided Plaintiff with the cover page of the subpoena at issue, but not the schedule, definitions, specific request, scope, or items sought. See JPMorgan Subpoena (attached hereto as **Exhibit B**).

5. Despite Congress, this Court, and banking institutions across the nation being closed for the holiday weekend and the Select Committee's investigation into past events does not present any exigency or immediacy, the Select Committee has refused to extend the deadline for when JPMorgan could produce documents and Mr. Budowich could file this lawsuit to object.

6. Mr. Budowich has not been afforded the opportunity to review the subpoena at issue in order to ascertain the extent or scope of information and records requested; moreover, the Select Committee has dispensed with all procedural rules, failed to accord due process, and neglected to provide formal notice and a sufficient period of time to respond and/or object, as required by the Right to Financial Privacy Act ("RFPA"), 12 U.S.C. § 3405, and thereby attempted to railroad JPMorgan into unlawfully producing Mr. Budowich's private and personal financial records on Christmas Eve, without any opportunity to seek review and redress by the judiciary.

#### **PARTIES**

1. Plaintiff Taylor Budowich is a citizen of the state of California. Mr. Budowich is also the sole owner of Conservative Strategies, Inc.

2. Conservative Strategies, Inc. is a California for-profit company with its principal place of business in Sacramento, California.

3. Defendant Nancy Pelosi ("Speaker Pelosi") is a Democrat member of the U.S. House of Representatives and Speaker of the House.

4. Defendant Bennie G. Thompson ("Chairman Thompson") is a Democrat member of the U.S. House of Representatives and Chairman of the "Select Committee to Investigate the January 6th Attack on the United States Capitol" (the "Select Committee"). The subpoenas challenged herein were issued under his authority as Chair of the Select Committee.

5. Defendant Elizabeth L. Cheney is a Republican member of the U.S. House of Representatives and member of the Select Committee.

6. Defendant Adam B. Schiff is a Democrat member of the U.S. House of Representatives and members of the Select Committee.

7. Defendant Jamie B. Raskin is a Democrat member of the U.S. House of Representatives and members of the Select Committee.

8. Defendant Susan E. Lofgren is a Democrat member of the U.S. House of Representatives and members of the Select Committee.

9. Defendant Elaine G. Luria is a Democrat member of the U.S. House of Representatives and members of the Select Committee.

10. Defendant Peter R. Aguilar is a Democrat member of the U.S. House of Representatives and members of the Select Committee.

11. Defendant Stephanie Murphy is a Democrat member of the U.S. House of Representatives and members of the Select Committee.

12. Defendant Adam D. Kinzinger is a Republican member of the U.S. House of Representatives and members of the Select Committee.

13. Defendant Select Committee is a select committee created by House Resolution 503 (“H. Res. 503”) passed by the U.S. House of Representatives on June 30, 2021.

14. JPMorgan is a financial banking institution and is the responding party to the Subpoena.

#### **JURISDICTION AND VENUE**

15. This Court has subject matter jurisdiction in accordance with 28 U.S.C. § 1331, as this action arises under the Constitution and laws of the United States, as well as 28 U.S.C. § 2201-02, which provides for declaratory relief.

16. This Court also has subject matter jurisdiction in accordance with the Right to Financial Privacy Act, to wit: 12 U.S.C. §§ 3416 and 3418, which provide for a private right of action and injunctive relief.

17. This Court has personal jurisdiction over Speaker Pelosi because she sponsored H.Res. 503 and oversaw its passage in the House.

18. This Court has personal jurisdiction over Chairman Thompson because he presides over the Select Committee and, on information and belief, issued the JPMorgan Subpoena from his office address in Washington, D.C.

19. This court has personal jurisdiction over Elizabeth L. Cheney, Adam B. Schiff, Jamie B. Raskin, Susan E. Lofgren, Elaine G. Luria, Peter R. Aguilar, Stephanie Murphy, Adam D. Kinzinger because they serve as members of the Select Committee that issued the subpoena at issue from Washington, D.C.

20. This Court has personal jurisdiction over the Select Committee because it is located and operates in Washington, D.C.

21. The Court has personal jurisdiction over JP Morgan because JP Morgan transacts business in the District; the claim arises from business transacted in the District; and JP Morgan has minimum contacts with the District such that the Court's exercise of personal jurisdiction would not offend traditional notions of fair play and substantial justice.

22. Venue is proper under 28 U.S.C. § 1391(b) as a substantial part of the events giving rise to the claim occurred in Washington, D.C.

## RELEVANT FACTS

23. In a well-known episode on January 6, 2021, a large group of protestors in Washington, D.C., entered the U.S. Capitol, breached security, and disrupted the counting of Electoral College votes until order was restored. The U.S. Department of Justice has arrested more than 500 individuals in connection with the activities on January 6th.

### A. Formation, Composition, and Authority of the Select Committee.

24. Earlier this year, Congress considered establishing a “National Commission to Investigate the January 6 Attack on the United States Capitol Complex.”

25. Chairman Thompson introduced H.R. 3233 on May 14, 2021. H.R. 3233 would have established the Commission for four “purposes”:

- a. “To investigate and report upon the facts and causes relating to the January 6, 2021, domestic terrorist attack upon the United States Capitol Complex (hereafter referred to as the “domestic terrorist attack on the Capitol”) and relating to the interference with the peaceful transfer of power, including facts and causes relating to the preparedness and response of the United States Capitol Police and other Federal, State, and local law enforcement in the National Capitol Region and other instrumentality of government, as well as the influencing factors that fomented such attack on American representative democracy while engaged in a constitutional process.”
- b. “To examine and evaluate evidence developed by relevant Federal, State, and local governmental agencies, in a manner that is respectful of ongoing law enforcement activities and investigations regarding the domestic terrorist attack upon the Capitol, regarding the facts and circumstances surrounding such terrorist attack and targeted violence and domestic terrorism relevant to such terrorist attack.”
- c. “To build upon the investigations of other entities and avoid unnecessary duplication by reviewing the findings, conclusions, and recommendations of other Executive Branch, congressional, or independent bipartisan or non-partisan commission investigations into the domestic terrorist attack on the Capitol and targeted violence and domestic terrorism relevant to such terrorist attack, including investigations into influencing factors related to such terrorist attack.”
- d. “To investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that may include changes in law, policy, procedures, rules, or regulations that could be taken to prevent future acts of targeted violence and domestic terrorism, including to

prevent domestic terrorist attacks against American democratic institutions, improve the security posture of the United States Capitol Complex while preserving accessibility of the Capitol Complex for all Americans, and strengthen the security and resilience of the Nation and American democratic institutions against domestic terrorism.”

26. The Commission would have included a bipartisan group of ten members: (1) a “Chairperson” “appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate”; (2) a “Vice Chairperson” “appointed jointly by the minority leader of the House of Representatives and the minority leader of the Senate”; (3) “two members . . . appointed by the Speaker of the House of Representatives”; (4) “two members . . . appointed by the minority leader of the House of Representatives”; (5) “two members . . . appointed by the majority leader of the Senate”; and (6) “two members . . . appointed by the minority leader of the Senate.” Because Democrats control both chambers in the current Congress, the Commission would have included five members appointed by Democrats and five members appointed by Republicans.

27. The House passed H.R. 3233 on May 19, 2021.

28. The Senate considered a cloture motion to proceed on H.R. 3233 on May 28, 2021. The motion failed by a vote of 54 yeas and 35 nays.

29. On June 28, 2021, Speaker Pelosi introduced H. Res. 503, “Establishing the Select Committee to Investigate the January 6th Attack on the United States Capitol.” Two days later, the House passed H. Res. 503 on a near party-line vote of 222 yeas and 190 nays.

30. Only two Republicans, Rep. Liz Cheney of Wyoming and Rep. Adam Kinzinger of Illinois, voted in favor of H. Res. 503.

31. In contrast to H.R. 3233, which contemplated an evenly balanced Commission, H. Res. 503 instructs the Speaker of the House to appoint thirteen members to the Select

Committee, only five of which “shall be appointed after consultation with the minority leader.”

32. Speaker Pelosi appointed Chairman Thompson, the original sponsor of H.R. 3233, to serve as Chair of the Select Committee and appointed six additional Democrat members: Rep. Zoe Lofgren of California, Rep. Adam Schiff of California, Rep. Pete Aguilar of California, Rep. Stephanie Murphy of Florida, Rep. Jamie Raskin of Maryland, and Rep. Elaine Luria of Virginia. She also appointed Republican Rep. Liz Cheney of Wyoming without any designation of position. 167 Cong. Rec. H3597 (2021).

33. House Minority Leader Kevin McCarthy recommended five Republican members to serve on the Select Committee, consistent with H. Res. 503: Rep. Jim Banks of Indiana, to serve as Ranking Member, and Rep. Rodney Davis of Illinois, Rep. Jim Jordan of Ohio, Rep. Kelly Armstrong of North Dakota, and Rep. Troy Nehls of Texas, to serve as additional minority members.

34. Speaker Pelosi did not appoint Rep. Banks to serve as Ranking Member, nor did she appoint any other of Minority Leader McCarthy’s recommended minority members. In a public statement, she acknowledged that her refusal to appoint the members recommended by the Minority Leader was an “unprecedented decision.” Nancy Pelosi, Speaker, U.S. House of Representatives, Pelosi Statement on Republican Recommendations to Serve on the Select Committee to Investigate the January 6th Attack on the U.S. Capitol (July 21, 2021), <https://www.speaker.gov/newsroom/72121-2> (last visited Dec. 24, 2021).

35. Instead, Speaker Pelosi appointed Rep. Adam Kinzinger and Rep. Liz Cheney—the only other Republicans who voted in favor of H. Res. 503—and left four vacancies. See 167 Cong. Rec. H3885 (2021).

36. Without reference to any authority, on September 2, 2021, Chairman Bennie Thompson announced in a press release that “he has named Representative Liz Cheney (R-

WY) to serve as the Vice Chair of the Select Committee.” See Press Release, Bennie Thompson, Chairman, Select Comm. to Investigate the Jan. 6th Attack on the U.S. Capitol, Chairman Thompson Announces Representative Cheney as Select Committee Vice Chair (Sept. 2, 2021), <https://january6th.house.gov/news/press-releases/chairman-thompson-announces-representative-cheney-select-committee-vice-chair>. H. Res. 503 does not mention a vice chair, much less authorize the chair to appoint a vice chair. See generally H. Res. 503, 117th Cong. (2021).

37. The official letterhead of the Select Committee indicates that Bennie Thompson is “Chairman” and lists the other members, including Cheney and Kinzinger, without designation. See Correspondence and Subpoena by Select Committee (attached hereto as **Exhibit C**). The Select Committee’s website provides a list of its members, including Thompson as Chairman, but no other members receive designation. See Membership, Select Comm. to Investigate the Jan. 6 Attack on the U.S. Capitol, <https://january6th.house.gov/about/membership> (last visited Dec. 24, 2021).

38. H. Res. 503 provides that “[t]he Select Committee may not hold a markup of legislation.”

39. H. Res. 503 sets forth the purposes of the Select Committee, which are substantially similar to those of the Commission contemplated by H.R. 3233, except that H. Res. 503 omits the fourth purpose: “[t]o investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that may include changes in law, policy, procedures, rules, or regulations.”

40. H. Res. 503 establishes three “functions” of the Select Committee: (1) to “investigate the facts, circumstances, and causes relating to the domestic terrorist attack on the Capitol”; (2) to “identify, review, and evaluate the causes of and the lessons learned from the

domestic terrorist attack on the Capitol”; and (3) to “issue a final report to the House containing such findings, conclusions, and recommendations for corrective measures described in subsection (c) as it may deem necessary.”

41. Subsection (c) of Section 4 describes three categories of “corrective measures”: “changes in law, policy, procedures, rules, or regulations that could be taken” (1) “to prevent future acts of violence, domestic terrorism, and domestic violent extremism, including acts targeted at American democratic institutions”; (2) “to improve the security posture of the United States Capitol Complex while preserving accessibility of the Capitol Complex for all Americans”; and (3) “to strengthen the security and resilience of the United States and American democratic institutions against violence, domestic terrorism, and domestic violent extremism.”

42. H. Res. 503 provides that “[t]he chair of the Select Committee, upon consultation with the ranking minority member, may order the taking of depositions, including pursuant to subpoena, by a Member or counsel of the Select Committee, in the same manner as a standing committee pursuant to section 3(b)(1) of House Resolution 8, One Hundred Seventeenth Congress.” Section 3(b)(1) of H. Res. 8 provides that, “[d]uring the One Hundred Seventeenth Congress, the chair of a standing committee. . . , upon consultation with the ranking minority member of such committee, may order the taking of depositions, including pursuant to subpoena, by a member or counsel of such committee.”

**B. Activities of the Select Committee.**

43. Since its inception in July 2021, the Select Committee has held only one public hearing. During that hearing, the Select Committee heard testimony from officers of the U.S. Capitol Police and D.C. Metropolitan Police Departments who were present at the Capitol on January 6, 2021.

44. The Select Committee has issued a wide range of subpoenas for documents and the testimony of witnesses.

45. In August, the Select Committee demanded records from fifteen different social media companies, including Facebook, Reddit, Twitter, and YouTube. See Press Release, Bennie G. Thompson, Chairman, Select Comm. to Investigate the Jan. 6th Attack on the U.S. Capitol, Select Committee Demands Records related to January 6th Attack from Social Media Companies (Aug. 27, 2021). The subpoenas directed these companies to produce all internal company policies and actions taken relating to “misinformation” about the 2020 election, efforts to interfere with the 2020 election or electoral results, violent domestic extremists, foreign interference with the 2020 election, and more.

46. The Select Committee has also issued numerous subpoenas seeking the production of documents and compelled testimony from individual witnesses, including more than a dozen former Trump Administration officials.

**C. Mr. Budowich’s Cooperation with the Select Committee.**

47. The Select Committee served Mr. Budowich with a subpoena requesting a wide range of documents and for Mr. Budowich’s deposition. See Exhibit C.

48. Mr. Budowich complied with the subpoena, producing more than 1,700 pages of documents and providing roughly four hours of sworn testimony.

49. Included in Mr. Budowich’s production were “documents sufficient to identify all account transactions for the time period December 19, 2020, to January 31, 2021, in connection with the Ellipse Rally.” Mr. Budowich provided such documents.

50. Additionally, Mr. Budowich, at his deposition, answered questions concerning payments made and received regarding his involvement in the planning of a peaceful, lawful rally to celebrate President Trump’s accomplishments.

51. Despite Mr. Budowich's continuing cooperation with the Select Committee, upon arriving home from his deposition before the Select Committee in Washington, D.C., Mr. Budowich had a notice from his bank that he had until 5:00 p.m. the next day, Christmas Eve, to respond.

52. The Select Committee's deceptive tactics to ambush Mr. Budowich and deprive him of a meaningful opportunity to object to the production of personal financial records demonstrates a lack of good faith by the Select Committee.

### **THE SUBPOENAS ARE INVALID**

#### **A. The subpoenas are not validly issued by a duly authorized committee.**

53. The composition of the House Select Committee to Investigate the January 6th Attack on the United States Capitol is governed by Section 2 of H. Res. 503. Section 2(a) states "Appointment Of Members.—The Speaker shall appoint 13 Members to the Select Committee, 5 of whom shall be appointed after consultation with the minority leader." H. Res. 503 117th Cong.(2021).

54. Speaker Pelosi has appointed only nine members to the Select Committee: seven Democrats and two Republicans. None of these members was appointed from the selection of five GOP congressman put forth by Minority Leader Kevin McCarthy.

55. Authorized congressional committees have subpoena authority implied by Article I of the Constitution. McGrain v. Daugherty, 273 U.S. 135, 174 (1927). The Select Committee, however, is not an authorized congressional committee because it fails to comport with its own authorizing resolution, House Resolution 503.

56. Congress' failure to act in accordance with its own rules is judicially cognizable. Yellin v. United States, 374 U.S. 109, 114 (1963). This is particularly significant where a person's fundamental rights are involved.

57. Speaker Pelosi failed to appoint members consistent with the authorizing resolution of the Select Committee. Pelosi has appointed only nine members of Congress to serve on the Select Committee; whereas the authorizing resolution instructs the Speaker “shall” appoint thirteen members. H. Res. 503 § 2(a), 117th Cong. (2021).

58. Further, of those nine members Speaker Pelosi has appointed, none of them was appointed after consultation with the minority member, as is required by the authorizing resolution. H. Res. 503 § 2(a), 117th Cong. (2021).

59. Thus, the Select Committee as it currently stands—and stood at the time it issued the subpoenas in question—has no authority to conduct business because it is not a duly constituted Select Committee. Chairman Thompson’s subpoenas are invalid and unenforceable.

60. Chairman Thompson derives the authority to issue subpoenas solely from § 5(c)(6) of the Select Committee’s authorizing statute, but this authority is qualified, not absolute. The Select Committee chairman may not order the taking of depositions without consultation with the ranking minority member of the Select Committee.

**B. The subpoenas are not issued to further a valid legislative purpose.**

61. The subpoena issued to JPMorgan was issued by the Select Committee as part of an unconstitutional attempt to usurp the Executive Branch’s authority to enforce the law and to expose what the Select Committee believes to be problematic actions by a political opponent. Congress has no authority to issue subpoenas for these purposes.

62. This is evidenced by numerous statements by members of the Select Committee. For example, Representative Luria recently told CNN about the Committee: “[T]hat’s exactly why we’re conducting this investigation to find out all the facts, . . . and . . . hold people accountable who are responsible.” See <https://www.cnn.com/2021/12/21/politics/january-6-committee-criminal-referrals/index.html> (last visited Dec. 24, 2021).

63. Congress has no freestanding power to issue subpoenas. Instead, its investigative powers are ancillary to its legislative authority. See Trump v. Mazars USA, LLP, 140 S. Ct. 2019, 2031(2020). Because of this tie between the investigative and legislative powers, Congress may only issue subpoenas that serve a valid legislative purpose.

64. Law enforcement and the punishment of perceived legal wrongs are not valid legislative purposes. To the extent Congress seeks to utilize subpoenas to investigate and punish perceived criminal wrongdoing, it unconstitutionally intrudes on the prerogatives of the Executive Branch.

65. Similarly, a desire to “expose for the sake of exposure” cannot sustain a congressional subpoena. See Watkins v. United States, 354 U.S. 178, 200 (1957). Bringing information to light for the sake of bringing it to light is not a valid legislative end.

66. Even if Congress uses a subpoena to seek information relevant to contemplated legislation, the subpoena may still be invalid if the contemplated legislation would be unconstitutional—such as an impermissible limit on the conduct or authority of the executive. See McGrain v. Daugherty, 273 U.S. 135, 171 (1927); Kilbourn v. Thompson, 103 U.S. 168, 195 (1880); Nixon v. Fitzgerald, 457 U.S. 731, 749 (1982).

67. The legislative purpose inquiry analyzes whether a particular subpoena serves a valid purpose, not whether an investigation as a whole serves a valid purpose. See Trump v. MazarsUSA, LLP, 140 S. Ct. 2019, 2031 (2020).

68. The Select Committee has failed to identify any legislative purpose served by its Subpoena. It has not considered any draft legislation, nor has it provided any explanation for why its request would further any valid legislative end.

69. Instead of identifying any valid end or proposed legislation, the Select Committee has issued public statements explicitly identifying law enforcement and the desire to expose for the sake of exposure as its motivations for subpoenaing targets of its investigation.

70. Chairman Thomas and Vice-Chair Cheney have reiterated in their public statements that the purpose of their investigation is to ensure “those responsible are held accountable,” to “tell[] the complete story of the unprecedented and extraordinary events of January 6th,” and to “get answers for the American people about what happened on January 6th.” See The Law Enforcement Experience on January 6th: Hearing Before the H. Select Committee to Investigate the January 6th Attack on the United States Capitol, 117th Cong. (2021) Statement of Elizabeth Cheney, Vice-Chair); Press Release, Thompson & Cheney Statement on Pentagon Officials’ Reported Actions After January 6th (Sept. 16, 2021); Press Release, Thompson Statement on Cooperation of Witnesses (Oct. 14, 2021).

71. The Select Committee’s authorizing resolution also fails to identify its legislative purpose. It is vague to the point of meaninglessness, authorizing the Select Committee to “investigate the facts, circumstances, and causes relating to the domestic terrorist attack on the Capitol, including facts and circumstances relating to . . . entities of the public and private sector as determined relevant by the Select Committee for such investigation.”

72. Nor is the nature of the information sought by the subpoena of a kind that would further a valid legislative purpose.

73. The subpoena seeks personal financial material that is irrelevant to any conceivable legislation and not pertinent to any purported purpose of the Select Committee.

74. This information has no bearing on any contemplated constitutional legislation. It is relevant only to serve the Select Committee’s stated purpose of engaging in ad-hoc law enforcement and its unstated purpose of antagonizing its political adversaries.

**C. The JPMorgan Subpoena Violates the Right to Financial Privacy Act.**

75. The JPMorgan Subpoena requires JPMorgan to produce Mr. Budowich's financial records without a Certificate of Compliance, as required by 12 U.S.C. § 3403(b).

76. The Select Committee did not provide Mr. Budowich notice formal notice and a sufficient period of time to object and/or respond, as required by the 12 U.S.C. § 3405.

77. On December 23, 2021, Mr. Budowich received a letter dated December 21, 2021, from JPMorgan notifying him of its duty to comply with the subpoena. The letter provided that JPMorgan would comply with the subpoena unless Mr. Budowich provides a legal document obligating it not to comply by 5:00 p.m. EST on December 24, 2021. Of course, this provided Mr. Budowich with no opportunity to obtain relief. This Court had officially closed for the holiday weekend by the time Mr. Budowich received "notice" of the subpoena from JPMorgan.

78. Whatever financial information that could possibly be relevant to the Select Committee's investigation was produced by Mr. Budowich. Any requests in the JPMorgan Subpoena that exceed the scope of the subpoena served personally on Mr. Budowich would lack pertinency and violate the Constitution.

79. Mr. Budowich has a reasonable expectation of privacy in his personal financial records.

80. The Fourth Amendment enumerates the right of private individuals to be free from unreasonable search and seizure by the government into their persons, houses, papers, and effects. It also protects a person's reasonable privacy expectations. See Katz v. United States, 389 U.S. 347, 351 (1967).

81. The Fourth Amendment restricts the ability of the Select Committee to issue sweeping subpoenas untethered from any valid legislative purpose. See Oklahoma Press Pub. Co.v. Walling, 327 U.S. 186, 196 (1946).

82. A Congressional subpoena must be reasonable. An all-encompassing subpoena for personal, nonofficial documents falls outside the scope of Congress' legitimate legislative power. See Trump v. Mazars USA, LLP, 140 S. Ct. 2019, 2040 (2020).

83. The Select Committee's subpoena to JPMorgan is duplicative of records already received by the Select Committee or exceeds the scope of the Select Committee's the lawfully authorized purpose of the Select Committee. See McPhaul v. United States, 364 U.S. 372, 381 (1960).

**D. Compelled production of financial records under the JPMorgan Subpoena would violate the First Amendment.**

84. The subpoena of Mr. Budowich's private financial records violates his right to free association and chills the exercise of his and others free speech rights in a political context.

85. The Committee's subpoena of Mr. Budowich's private financial records requests data which Mr. Budowich has already provided the Select Committee.

86. Additionally, Mr. Budowich used his financial accounts to engage in protected advocacy and other speech, as well as private, personal and lawful activities.

87. All of these associational and expressive activities are protected by the First Amendment. See Buckley v. Valeo, 424 U.S. 1, 64 (1976); Black Panther Party v. Smith, 661 F.2d 1243, 1267 (D.C. Cir. 1981); Am. Fed'n of Lab. & Cong. of Indus. Organizations v. Fed. Election Comm'n, 333 F.3d 168, 179 (D.C. Cir. 2003).

88. The Committee has no legitimate purpose for seeking the protected information demanded by the subpoena. Mr. Budowich has already provided the Select Committee with responsive financial documents. Additional information will not meaningfully aid the Select Committee in any valid pursuit.

89. Even if it had a valid reason to seek protected information, the Select Committee has put in place no safeguards to protect Mr. Budowich's rights. It provided Mr. Budowich with no notice of the subpoena and has provided him with no opportunity to assert objections or other legal protections over the demanded information. The entirety of the demanded information, including that which is constitutionally or otherwise protected, will be turned over to the Select Committee to do with as it pleases.

90. The JPMorgan Subpoena is also a clear effort to chill the speech of the Select Committee Member's political adversaries.

91. The body that issued this subpoena is composed of 9 members, 7 of whom belong to the political party that opposed the President who Mr. Budowich now serves in a professional capacity.

92. As noted above, the subpoena served no substantive purpose in the Select Committee's investigation—it will not turn up any new relevant information.

93. Allowing an entirely partisan select committee of Congress to subpoena the personal and private financial records of individuals would work a massive chilling of current and future, political, and associational and free speech rights.

94. The Select Committee's asserted interest is insufficient and its alternative means of obtaining this information are too obvious to justify such a drastic chilling of speech.

### **PRAYER FOR RELIEF**

Wherefore, Plaintiff asks the Court to enter judgment in his favor and against Defendants and to order the following relief:

- a. A declaratory judgment that the JPMorgan Subpoena is ultra vires, unlawful, and unenforceable;
- b. A declaratory judgment that the JPMorgan Subpoena serves no valid legislative purpose and exceed the Select Committee's Constitutional authority;
- c. A declaratory judgment that compliance with the JPMorgan Subpoena would violate the Right to Financial Privacy Act, 12 U.S.C. §§ 3401-22;
- d. A declaratory judgment that the JPMorgan Subpoena violates Mr. Budowich's First Amendment rights;
- e. A declaratory judgment that the JPMorgan Subpoena violates Mr. Budowich's Fourth Amendment rights;
- f. In the alternative, an order modifying the JPMorgan Subpoena to seek only unprivileged information that does not infringe on Mr. Budowich's constitutional rights;
- g. An injunction quashing the JPMorgan Subpoena and prohibiting its enforcement by Defendants;
- h. An injunction prohibiting Defendants from imposing sanctions for noncompliance with the JPMorgan Subpoena;
- i. An injunction prohibiting Defendants from inspecting, using, maintaining, or disclosing any information obtained as a result of the JPMorgan Subpoena;
- j. An award in favor of Plaintiff of his actual damages, pursuant to 12 U.S. Code § 3417(a)(2);

- k. An award in favor of Plaintiff of punitive damages, pursuant to 12 U.S. Code § 3417(a)(3), as Defendants' violation is willful or intentional;
- l. An award in favor of Plaintiff for his reasonable expenses, including attorneys' fees and costs, incurred as a result of the JPMorgan Subpoena, pursuant to 12 U.S. Code § 3417(a)(4); and
- m. Any and all other relief that the Court deems just and proper.

Date: December 24, 2021

Respectfully submitted,

**s/ Christopher W. Dempsey**

CHRISTOPHER W. DEMPSEY

D.D.C. Bar ID: AR0006

Daniel K. Bean (*Pro hac vice* forthcoming)

Jared J. Burns (*Pro hac vice* forthcoming)

ABEL BEAN LAW, P.A.

100 N Laura Street, Suite 501

Jacksonville, Florida 32202

Telephone: (904) 944-4100

Fax: (904) 944.4122

Email: [cdempsey@abelbeanlaw.com](mailto:cdempsey@abelbeanlaw.com)

# EXHIBIT A

**Doressia L. Hutton**  
Vice President  
Assistant General Counsel  
Litigation Department

December 21, 2021

**Via Overnight Delivery**

Taylor A. Budowich  
1924 Manchester Road  
Sacramento, CA 95815

**Re: Subpoena House Select Committee to Investigate the January 6<sup>th</sup> Attack on the United States Capitol**

Dear Mr. Budowich:

J.P. Morgan Chase Bank, N.A. received a subpoena regarding the matter cited above concerning a request for information involving you and/or your accounts. This is merely a notification.

As required, J.P. Morgan Chase Bank, N.A. will comply with this subpoena in a timely manner unless it receives documentation legally obligating it to stop taking such steps. Should you wish to send this documentation for our review, please email it to us at [Doressia.Hutton@jpmchase.com](mailto:Doressia.Hutton@jpmchase.com) no later than December 24, 2021 at 5:00 p.m. EST.

If you have legal representation, please provide them with a copy of this letter. Please note that we cannot provide you with legal counsel.

Should you have any questions or would like us to send you a copy of the subpoena, please contact the House Select Committee to Investigate the January 6<sup>th</sup> Attack on the United States Capitol.

Very truly yours,

/s/ Doressia L. Hutton

# EXHIBIT B

### SUBPOENA

#### BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To JPMorgan Chase Bank, N.A.

You are hereby commanded to be and appear before the  
Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 1540A Longworth House Office Building, Washington, D.C. 20515

Date: December 7, 2021

Time: 10:00 a.m.

- to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

- to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

To any authorized staff member or the U.S. Marshals Service

\_\_\_\_\_ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 23rd day of November, 2021.

Attest:

*Kern McCabe*

Clerk

*Bennie Thompson*

Chairman or Authorized Member

**PROOF OF SERVICE**

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Subpoena for  
    JPMorgan Chase Bank, N.A.  
Address 383 Madison Avenue, New York, NY 10017  
  
before the Select Committee to Investigate the January 6th Attack on the United States Capitol  
  
*U.S. House of Representatives*  
*117th Congress*

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Served by (print name) \_\_\_\_\_  
Title \_\_\_\_\_  
Manner of service \_\_\_\_\_  
  
Date \_\_\_\_\_  
Signature of Server \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

# EXHIBIT C

### SUBPOENA

#### BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Taylor Budowich

You are hereby commanded to be and appear before the  
Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 1540A Longworth House Office Building, Washington, DC 20515

Date: December 6, 2021

Time: 10:00 a.m.

- to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: United States Capitol Building, Washington, DC 20515

Date: December 16, 2021

Time: 10:00 a.m.

- to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

To any authorized staff member or the United States Marshals Service

\_\_\_\_\_ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 22nd day of November, 2021.

Attest:



Clerk



Chairman or Authorized Member

**PROOF OF SERVICE**

---

Subpoena for

Taylor Budowich

Address 1100 South Ocean Boulevard

Palm Beach, Florida 33480

before the Select Committee to Investigate the January 6th Attack on the United States Capitol

*U.S. House of Representatives  
117th Congress*

---

Served by (print name) \_\_\_\_\_

Title \_\_\_\_\_

Manner of service \_\_\_\_\_

Date \_\_\_\_\_

Signature of Server \_\_\_\_\_

Address \_\_\_\_\_

BENNIE G. THOMPSON, MISSISSIPPI  
CHAIRMAN

ZOE LOFGREN, CALIFORNIA  
ADAM B. SCHIFF, CALIFORNIA  
PETE AGUILAR, CALIFORNIA  
STEPHANIE N. MURPHY, FLORIDA  
JAMIE RASKIN, MARYLAND  
ELAINE G. LURIA, VIRGINIA  
LIZ CHENEY, WYOMING  
ADAM KINZINGER, ILLINOIS



U.S. House of Representatives  
Washington, DC 20515

january6th.house.gov  
(202) 225-7800

**One Hundred Seventeenth Congress**  
**Select Committee to Investigate the January 6th Attack on the United States Capitol**

November 22, 2021

VIA US and ELECTRONIC MAIL

Taylor Budowich  
Office of Donald J. Trump  
The Mar-a-Lago Club  
1100 South Ocean Boulevard  
Palm Beach, Florida 33480  
[tbudowich@gmail.com](mailto:tbudowich@gmail.com)

Dear Mr. Budowich:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee") hereby transmits a subpoena that compels you to produce the documents set forth in the accompanying schedule by December 6, 2021, and to appear for a deposition on December 16, 2021.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021.

The Select Committee's investigation and public reports have revealed credible evidence of your involvement in and knowledge of the events within the scope of the Select Committee's inquiry. According to information provided to the Select Committee and press reports, you solicited a 501(c)(4) organization to conduct a social media and radio advertising campaign to encourage people to attend the rally held on the Ellipse in Washington, D.C. on January 6, 2021, in support of then-President Trump and his allegations of election fraud.<sup>1</sup> The Select Committee has reason to believe your efforts included directing to the 501(c)(4) organization approximately \$200,000 from a source or sources that was not disclosed to the organization to pay for the advertising campaign.<sup>2</sup> Press reports indicate that Caroline Wren may have been involved in

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<sup>1</sup> Information on file with the Select Committee; Joaquin Sapien and Joshua Kaplan, *Top Trump Fundraiser Boasted of Raising \$3 Million to Support Jan. 6 "Save America" Rally*, ProPublica (Oct. 18, 2021), <https://www.propublica.org/article/top-trump-fundraiser-boasted-of-raising-3-million-to-support-jan-6-save-america-rally>.

<sup>2</sup> Information on file with the Select Committee.

Mr. Taylor Budowich  
Page 2

facilitating the transfer of some or all of those funds to the 501(c)(4) organization.<sup>3</sup> President Trump spoke at the January 6th rally shortly before the attack on the Capitol, urging the crowd to “fight much harder” and to “stop the steal.” A Stop the Steal website promoting the rally mirrored this messaging, and directed attendees to march to the Capitol:

Fight to #StopTheSteal, with President Trump

On January 6, 2021, millions of Americans will descend upon Washington DC to let the establishment know we will fight back against this fraudulent election.

Take a stand with President Trump and the #StopTheSteal coalition and be at The Ellipse (President’s Park) at 7am. The fate of our nation depends on it.

**At 1:00 PM, we will march to the US Capitol building to protest the certification of the Electoral College.**<sup>4</sup>

Accordingly, the Select Committee seeks documents and a deposition regarding these and other matters that are within the scope of the Select Committee’s inquiry. A copy of the rules governing Select Committee depositions, and document production definitions and instructions are attached. Please contact staff for the Select Committee at 202-225-7800 to arrange for the production of documents.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson". The signature is written in a cursive, flowing style.

Bennie G. Thompson  
Chairman

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<sup>3</sup> Joaquin Sapien and Joshua Kaplan, *Top Trump Fundraiser Boasted of Raising \$3 Million to Support Jan. 6 “Save America” Rally*, ProPublica (Oct. 18, 2021), <https://www.propublica.org/article/top-trump-fundraiser-boasted-of-raising-3-million-to-support-jan-6-save-america-rally>.

<sup>4</sup> <https://web.archive.org/web/20210106065452/https://marchtosaveamerica.com/> (emphasis added).

Mr. Taylor Budowich

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### SCHEDULE

In accordance with the attached definitions and instructions, you, Mr. Taylor Budowich, are hereby required to produce, all documents and communications in your possession, custody, or control—including any such documents or communications stored or located on personal devices (e.g., personal computers, cellular phones, tablets, etc.), in personal accounts, and/or on personal applications (e.g., email accounts, contact lists, calendar entries, etc.)—referring or relating to the following items.

1. For the time period December 19, 2020, to January 31, 2021, all documents and communications concerning the rally Women for America First held on the Ellipse in Washington, D.C. on January 6, 2021, at which President Donald Trump and others spoke (the “Ellipse Rally”), to include but not limited to any documents and communications concerning advertising, fundraising, and the transfer or expenditure of funds in support of the Ellipse Rally.
2. For the time period December 19, 2020, to January 31, 2021, documents sufficient to identify all financial accounts (“Financial Accounts”) for which you were the direct or indirect beneficial owner, or over which you exercised control, and:
  - a. Into which funds were transferred or deposited to compensate or reimburse you for your work in connection with the Ellipse Rally;
  - b. From which funds were transferred or withdrawn for any purpose in connection with the Ellipse Rally; or
  - c. Into which funds were transferred or deposited as a donation or otherwise to support the Ellipse Rally.
3. For each Financial Account identified in response to Request 3 above, documents sufficient to identify all account transactions for the time period December 19, 2020, to January 31, 2021, in connection with the Ellipse Rally.
4. For the time period January 6 to 31, 2021, all documents and communications related to the January 6, 2021, attack on the U.S. Capitol (“Capitol Attack”).
5. For the time period December 19, 2020, to January 6, 2021, all communications with President Trump, his family members, advisors, White House staff, or staff with Donald J. Trump for President, Inc., concerning allegations of fraud in the 2020 Presidential election, efforts to challenge or overturn the results of the 2020 election, or any of the facts and circumstances of the topics that are the subject of any of the above requests.
6. For the time period December 19, 2020, to January 6, 2021, all communications with Members or Members-elect of Congress, their advisors, campaign staffs, or congressional staffs concerning allegations of fraud in the 2020 Presidential election, efforts to challenge or overturn the results of the 2020 election, or any of the facts and circumstances of the topics that are the subject of any of the above requests.

Mr. Taylor Budowich

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7. To the extent not covered by the above requests, for the time period January 6, 2021, to present, all documents and communications whenever dated provided to any law enforcement agency, including but not limited to the U.S. Department of Justice and the Federal Bureau of Investigation, concerning the facts and circumstances of the topics that are the subject of any of the above requests.
8. For the time period January 6, 2021, to present, all correspondence or communications whenever dated from or to any law enforcement agency, including but not limited to the U.S. Department of Justice and the Federal Bureau of Investigation, concerning the facts and circumstances of the topics that are the subject of any of the above requests.

**DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS**

1. In complying with this request, produce all responsive documents, regardless of classification level, 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 Select Committee to Investigate the January 6th Attack on the United States Capitol ("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 a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. With specific reference to classified material, you will coordinate with the Committee's Security Officer to arrange for the appropriate transfer of such information to the Committee. This includes, but is not necessarily limited to: a) identifying the classification level of the responsive document(s); and b) coordinating for the appropriate transfer of any classified responsive document(s).
5. Electronic document productions should be prepared according to the following standards:
  - a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - b. 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.

6. 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.
7. 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.
8. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
9. 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.
10. The pendency of or potential for litigation shall not be a basis to withhold any information.
11. 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.
12. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
13. 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, as well as a date certain as to when full production will be satisfied.
14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the 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 withholding.
15. 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. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).
16. 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.

17. 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.
18. All documents shall be Bates-stamped sequentially and produced sequentially.
19. 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 classification level, how recorded, or how stored/displayed (e.g. on a social media platform) 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, computer or mobile device screenshots/screen captures, 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, through a social media or online platform, 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, assignee, 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.

January 4, 2021

CONGRESSIONAL RECORD—HOUSE

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health, safety, and well-being of others present in the Chamber and surrounding areas. Members and staff will not be permitted to enter the Hall of the House without wearing a mask. Masks will be available at the entry points for any Member who forgets to bring one. The Chair views the failure to wear a mask as a serious breach of decorum. The Sergeant-at-Arms is directed to enforce this policy. Based upon the health and safety guidance from the attending physician and the Sergeant-at-Arms, the Chair would further advise that all Members should leave the Chamber promptly after casting their votes. Furthermore, Members should avoid congregating in the rooms leading to the Chamber, including the Speaker's lobby. The Chair will continue the practice of providing small groups of Members with a minimum of 5 minutes within which to cast their votes. Members are encouraged to vote with their previously assigned group. After voting, Members must clear the Chamber to allow the next group a safe and sufficient opportunity to vote. It is essential for the health and safety of Members, staff, and the U.S. Capitol Police to consistently practice social distancing and to ensure that a safe capacity be maintained in the Chamber at all times. To that end, the Chair appreciates the cooperation of Members and staff in preserving order and decorum in the Chamber and in displaying respect and safety for one another by wearing a mask and practicing social distancing. All announced policies, including those addressing decorum in debate and the conduct of votes by electronic device, shall be carried out in harmony with this policy during the pendency of a covered period.

#### 117TH CONGRESS REGULATIONS FOR USE OF DEPOSITION AUTHORITY

COMMITTEE ON RULES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 4, 2021.

HON. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(b) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding the conduct of depositions by committee and select committee counsel for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,  
Chairman, Committee on Rules.

#### REGULATIONS FOR THE USE OF DEPOSITION AUTHORITY

1. Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Depositions may continue from day to day.

2. Consultation with the ranking minority member shall include three days' notice before any deposition is taken. All members of the committee shall also receive three days written notice that a deposition will be taken, except in exigent circumstances. For purposes of these procedures, a day shall not include Saturdays, Sundays, or legal holidays except when the House is in session on such a day.

3. Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.

4. The chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees, and in that case, provide notice to the members of the committees. If such a designation is made, the chair and ranking minority member of the additional committee(s) may designate committee staff to attend pursuant to regulation 3. Members and designated staff of the committees may attend and ask questions as set forth below.

5. A deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition. When depositions are conducted by committee counsel, there shall be no more than two committee counsel permitted to question a witness per round. One of the committee counsel shall be designated by the chair and the other by the ranking minority member per round.

6. Deposition questions shall be propounded in rounds. The length of each round shall not exceed 60 minutes per side, and shall provide equal time to the majority and the minority. In each round, the member(s) or committee counsel designated by the chair shall ask questions first, and the member(s) or committee counsel designated by the ranking minority member shall ask questions second.

7. Objections must be stated concisely and in a non-argumentative and non-suggestive manner. A witness's counsel may not instruct a witness to refuse to answer a question, except to preserve a privilege. In the event of professional, ethical, or other misconduct by the witness's counsel during the deposition, the Committee may take any appropriate disciplinary action. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair overrules any such objection and thereby orders a witness to answer any question to which an objection was lodged, the witness shall be ordered to answer. If a member of the committee chooses to appeal the ruling of the chair, such appeal must be made within three days, in writing, and shall be preserved for committee consideration. The Committee's ruling on appeal shall be filed with the clerk of the Committee and shall be provided to the members and witness no less than three days before the reconvened deposition. A deponent who refuses to answer a question after being directed to answer by the chair may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed by the committee on appeal.

8. The Committee chair shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

9. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the committee for the committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

10. The chair and ranking minority member shall consult regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript, or recording, or a portion thereof, the matter shall be promptly referred to the committee for resolution.

11. A witness shall not be required to testify unless the witness has been provided with a copy of section 3(b) of H. Res. 8, 117th Congress, and these regulations.

#### REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

COMMITTEE ON RULES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 4, 2021.

HON. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(s) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding remote committee proceedings for printing in the CONGRESSIONAL RECORD.

Sincerely,

JAMES P. MCGOVERN,  
Chairman,  
Committee on Rules.

#### REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8

##### A. PRESENCE AND VOTING

1. Members participating remotely in a committee proceeding must be visible on the software platform's video function to be considered in attendance and to participate unless connectivity issues or other technical problems render the member unable to fully participate on camera (except as provided in regulations A.2 and A.3).

2. The exception in regulation A.1 for connectivity issues or other technical problems does not apply if a point of order has been made that a quorum is not present. Members participating remotely must be visible on the software platform's video function in order to be counted for the purpose of establishing a quorum.

3. The exception in regulation A.1 for connectivity issues or other technical problems does not apply during a vote. Members participating remotely must be visible on the software platform's video function in order to vote.

4. Members participating remotely off-camera due to connectivity issues or other technical problems pursuant to regulation A.1 must inform committee majority and minority staff either directly or through staff.

5. The chair shall make a good faith effort to provide every member experiencing connectivity issues an opportunity to participate fully in the proceedings, subject to regulations A.2 and A.3.

## H. Res. 8

### *In the House of Representatives, U. S.,*

*January 4, 2021.*

*Resolved,*

#### **SECTION 1. ADOPTION OF THE RULES OF THE ONE HUNDRED SIXTEENTH CONGRESS.**

The Rules of the House of Representatives of the One Hundred Sixteenth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Sixteenth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Seventeenth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in this resolution.

#### **SEC. 2. CHANGES TO THE STANDING RULES.**

- (a) CONFORMING CHANGE.—In clause 2(i) of rule II—
- (1) strike the designation of subparagraph (1); and
  - (2) strike subparagraph (2).

(b) OFFICE OF DIVERSITY AND INCLUSION AND OFFICE OF THE WHISTLEBLOWER OMBUDS.—

**SEC. 3. SEPARATE ORDERS.**

(a) **MEMBER DAY HEARING REQUIREMENT.**—During the first session of the One Hundred Seventeenth Congress, each standing committee (other than the Committee on Ethics) or each subcommittee thereof (other than a subcommittee on oversight) shall hold a hearing at which it receives testimony from Members, Delegates, and the Resident Commissioner on proposed legislation within its jurisdiction, except that the Committee on Rules may hold such hearing during the second session of the One Hundred Seventeenth Congress.

(b) **DEPOSITION AUTHORITY.**—

(1) During the One Hundred Seventeenth Congress, the chair of a standing committee (other than the Committee on Rules), and the chair of the Permanent Select Committee on Intelligence, upon consultation with the ranking minority member of such committee, may order the taking of depositions, including pursuant to subpoena, by a member or counsel of such committee.

(2) Depositions taken under the authority prescribed in this subsection shall be subject to regulations issued by the chair of the Committee on Rules and printed in the Congressional Record.

(c) **WAR POWERS RESOLUTION.**—During the One Hundred Seventeenth Congress, a motion to discharge a measure introduced pursuant to section 6 or section 7 of the War