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September 30, 2016

The Honorable Robert A. McDonald  
 Secretary  
 U.S. Department of Veterans Affairs  
 810 Vermont Avenue, NW  
 Washington, DC 20420

Dear Secretary McDonald,

I write to inform you that, on behalf of the Department of Veterans Affairs ("VA"), you have failed to comply fully with the Committee subpoena issued on September 7, 2016. The subpoena sought (i) all documents from fiscal year 2010 to present indicating the amount VA has spent and is in the process of spending on artwork and ornamental furnishings and, (ii) the entire investigative file, all interview transcripts, attachments, exhibits, and other related documentation pertaining to the Administrative Investigation Board ("AIB") report on the Aurora, Colorado Replacement Medical Center construction project. Although I appreciate the difficulty that producing some of the subpoenaed information may have on VA operations, to unilaterally state information and documents will be presented to the Committee on an open-ended, "rolling basis" is unacceptable.

VA's failure to comply with the Committee's subpoena is clearly reflected in the following table.

Subpoena Requirement	VA's Noncompliance
<p><b>Deadline:</b>                      Full compliance was required by 9:00AM on September 28, 2016.</p>	<p>VA provided only a partial response at 5:30PM on September 28, 2016, and unilaterally opted to provide a rolling production with no designated end date.</p>
<p><b>Redactions:</b>                      "[Y]ou, Robert A. McDonald, are required to produce all records <i>in unredacted form...</i>"</p>	<p>VA produced 18 interview transcripts, 7 of which included significant redactions of information relevant to the Committee's inquiry.</p>

First, full compliance was required by September 28, 2016 at 9:00AM. Your staff did contact mine on Monday, September 26, 2016 to convey that the production of documents would not be complete, but the emphasis from your staff centered on the difficulty obtaining all requested artwork and ornamental furnishings. Again, although trouble identifying complete

documentation of VA's art expenditures is understandable, there was no mention made regarding the incomplete submission of the Denver AIB evidentiary files, and no mention made that the Department was contemplating a rolling production of documents by no particular date certain. The Committee has made no such agreement regarding this subpoena and, accordingly, refuses to accept VA's unilateral decision to produce on a rolling basis in violation of the requirements of the subpoena.

*Second*, in almost half the interview transcripts provided, VA has selectively redacted identifiable information regarding interview subjects. Notwithstanding VA's justification for redacting such information, the subpoena schedule was unambiguous in stating that all documents must be provided in un-redacted form. As an aside, there was no mention made by your staff to mine during the September 26, 2016 call that VA was contemplating submitting redacted information in violation of the subpoena.

As such, considering that VA failed to meet its binding legal obligation to fully comply with the subpoena, I ask that you do so immediately. Please follow the schedule attached to the subpoena without deviation in both reissuing the noncompliant documents you have already provided and providing all responsive documents that have yet to be issued.

If you have any questions, do not hesitate to have your staff contact Mr. Jon Towers, Majority Staff Director, at (202) 225-3527.

Sincerely,



**JEFF MILLER**  
Chairman

JM/jh