

Dream Center Education Holdings Investigation Communication Log

Chairman Scott raised concerns with the Department's handling of Dream Center Education Holdings (Dream Center) misrepresentations to students and collapse and opened an investigation by requesting documents and interviews to inform the Committee's understanding of events.

1. July 16, 2019 – Chairman Scott sent a letter to the U.S. Department of Education (Department) opening an investigation into the Department's handling of Dream Center misrepresentations to students and collapse. This letter contains various primary source exhibits that raise serious questions regarding the conduct of senior Department officials and the accuracy of their Congressional testimony regarding this conduct. This letter requests transcribed interviews with four named Department officials and the production of documents necessary to understand the Department's involvement.
2. July 16, 2019 at 9:35 A.M. – Department staff confirmed receipt of July 16, 2020 letter.
3. July 22, 2019 at 06:03 P.M. – Democrat Committee staff (Committee staff) received a notification that the U.S. House of Representatives (House) server blocked an email from the Department because it exceeded the maximum size threshold.
4. July 22, 2019 at 6:13 P.M. – Committee staff emailed Department staff, informing them that the U.S. House of Representatives server rejected a Department email.
5. July 22, 2019 at 6:41 P.M. – Department staff emailed Committee staff asking if the Department's letter was successfully transmitted.
6. July 22, 2019 at 6:42 P.M. – Committee staff emailed Department staff indicating that the letter did not transmit, only the rejection notification went through.
7. July 22, 2019 at 7:12 P.M. – Department staff emailed Committee staff confirming that the Department was attempting to retransmit the Department's letter.
8. July 22, 2019 at 7:27 P.M. – Department staff successfully transmitted the Department's response to the Chairman's July 16, 2019 letter and indicated that all referenced documents will be delivered to the Committee on July 23, 2020.

The Department agreed to respond to the Committee's request, but requested the Committee accommodate a "staged production" where the Department would produce responsive records, then participate in transcribed interviews, as necessary.

9. July 22, 2019 – Acting General Counsel Reed Rubinstein responded to Chairman Scott's July 16, 2019 letter indicating that the "Department... is committed to working cooperatively with Congress to accommodate [its] lawful oversight requests." Acting General Counsel Rubinstein wrote that "to protect the public fisc and facilitate the timely resolution of this matter, the Department suggests a staged response - first, production of the requested emails and text records, and then such transcribed interviews as may be necessary and appropriate." The letter then stated that "Department staff will reach

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out to [Committee] staff and begin discussions of a mutually acceptable accommodation process, including the timing of email and text record production."¹

10. July 23, 2019 at 2:29 P.M. – Department staff emailed Committee staff confirming delivery of a tranche of documents which did not respond to the Chairman’s document request. Instead, according to Acting General Counsel Rubinstein, the documents demonstrate that “the Department has engaged in policy deliberations about retroactive accreditation since at least 2008.”²
11. July 25, 2019 at 12:06 P.M. – Because Department staff did not "reach out to [Committee] staff and begin discussions of a mutually acceptable accommodation process," as indicated by Acting General Counsel Rubinstein, Committee staff emailed Department staff to accommodate the Department's offer of a staged production. Committee staff offered that the Department produce all requested email and text records within the two-week timeframe established in the letter, by July 30, 2019. In this email, Committee staff explicitly "preserve[d] its request for transcribed interviews with the relevant agency officials."
12. July 29, 2019 at 5:02 P.M. – Because Department staff did not respond to prior Committee staff outreach, Committee staff emailed Department staff, asking if the Department intended to provide responsive documents by the Committee's requested deadline of July 30, 2019.
13. July 29, 2019 – Committee staff and Department staff spoke by phone to discuss the Committee's request.
14. July 29, 2019 at 5:21 P.M. – Committee staff emailed Department staff confirming the contents of the earlier phone call. On this call, Department staff indicated that it would not produce responsive documents by the Committee's requested deadline of July 30, 2019. Committee staff reiterated that the Committee "will acquiesce to the Department's request to postpone transcribed interviews with Department officials, if and only if the Department is able to commit to a timely production of materials that is fully responsive to [the Chairman's] request." Committee staff requested the Department commit "to producing all materials responsive to the [Chairman's] request by August 9, [2019] or organize a meeting between Committee staff and Department staff by [August 2, 2019,] to discuss firm deadlines for a staged production of responsive materials.
15. July 31, 2019 at 9:38 A.M. – Because Department staff did not respond to prior Committee staff outreach, Committee staff emailed Department staff reiterating its request for a production deadline or a meeting with a representative from the Department's Office of General Counsel to further discuss production.
16. July 31, 2019 at 9:57 A.M. – Department staff emailed Committee staff indicating that Department staff "will get back to [Committee staff] shortly on the Aug. 9 target date."
17. August 2, 2019 at 3:33 P.M. – Because Department staff did not follow up with Committee staff, Committee staff emailed Department staff requesting an update on the Committee’s proposal.

¹ See Acting General Counsel Reed D. Rubinstein, responding on behalf of Secretary Betsy DeVos, Letter to Chairman Robert C. "Bobby" Scott (July 22, 2019).

² *Id.*

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Department requested a second accommodation from the Committee: that the Committee divide its document request into smaller pieces which the Department would produce in sequence. The Committee accommodated the Department, but the Department did not produce responsive documents.

18. August 2, 2019 – Committee staff and Department staff spoke by phone to discuss the Committee's request.
19. August 2, 2019 at 4:58 P.M. – Committee staff emailed Department staff confirming the contents of the earlier phone call. Department staff requested Committee staff separate the Chairman's July 16, 2019 request for documents into discrete segments that the Department would produce at regular intervals. Committee staff accommodated the Department and confirmed that Committee staff would provide a staged production list shortly.
20. August 2, 2019 at 6:05 P.M. – Committee staff emailed Department staff providing a prioritized production order. Committee staff indicated that the Department should first prioritize transmitting all requested emails and text messages to and from Under Secretary Diane Auer Jones (Under Secretary Jones) and Office of Federal Student Aid, Chief Operating Officer Dr. A Wayne Johnson (COO Johnson). Committee staff requested the Department commit to providing the first production no later than August 9, 2019 and all subsequent productions weekly, with the final production occurring on September 13, 2019. Committee staff requested confirmation that these terms are acceptable to the Department by August 5, 2019.
21. August 5, 2019 at 4:53 P.M. – Because Department staff did not respond to prior Committee staff outreach, Committee staff emailed Department staff asking if the Department would agree to the Committee's proposed terms.

Department staff requested a third accommodation from the Committee: that the Committee narrow its divided request, which the Department would produce in sequence. The Committee accommodated the Department, but the Department did not produce responsive documents.

22. August 8, 2019 – Committee staff and Department staff spoke by phone to discuss the Committee's request.
23. August 8, 2019 at 3:08 P.M. – Committee staff emailed Department staff confirming the contents of the earlier phone call. On this call, the Department rejected the staged production schedule that Committee staff provided on August 2, 2019, pursuant to the Department's August 2, 2019 request. Instead, Department staff sought further accommodation from the Committee: that the Committee narrow its request. Committee staff agreed to again accommodate the Department and provided a series of narrowly tailored production requests. Committee staff requested the Department first produce all of Under Secretary Jones's emails containing the phrase "Dream Center Education Holdings" or "DCEH". Committee staff requested that the Department make its first production by August 16, 2019.
24. August 26, 2019 at 10:09 A.M. – Because Department staff did not respond to prior Committee staff outreach and had not produced responsive documents on the requested date, Committee staff emailed Department staff to request a status update on the Department's production. Committee staff noted that it agreed to postpone the requested transcribed interviews and accommodate the Department's request for a "staged response" of documents, then interviews under the assumption that the Department would begin producing responsive documents in early August 2019. Committee staff further noted that the

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Department had not produced any responsive documents in the six-weeks following the Chairman's July 16, 2019 request. Committee staff requested new production timeframes.

25. August 27, 2019 at 5:25 P.M. – Because Department staff did not respond to prior Committee staff outreach, Committee staff emailed the Department to request an update on the Dream Center document request.
26. August 27, 2019 at 6:04 P.M. – Department staff emailed Committee staff indicating that the Department was working on production timelines and would provide them as soon as possible.
27. September 3, 2019 at 12:16 P.M. – Because Department staff did not follow up with Committee staff, Committee staff emailed Department staff to follow up on the promised Dream Center production timeline.
28. September 6, 2019 – Committee staff and Department staff spoke by phone to discuss the Committee's request.
29. September 6, 2019 at 5:54 P.M. – Committee staff emailed Department staff confirming the contents of the earlier phone call. On this call, Department staff indicated that they had reviewed a subset of responsive documents for production but could not produce them. Department staff could not clarify why it could not produce these documents, so Committee staff requested a time to meet with the reviewers to discuss the impediment. Department staff agreed to schedule this meeting. Committee staff requested this meeting take place within a week due to Department's delays.
30. September 9, 2019 at 02:36 P.M. – Department staff emailed Committee staff indicating that Department staff "meant to convey" that the Department had not *reviewed* the documents Committee staff prioritized, but instead had only *identified* what documents needed to be reviewed. Department staff further indicated that the Department would produce a subset of emails to and from COO Johnson that contained the term "Dream Center" or "DCEH".
31. September 9, 2019 at 6:57 P.M. – Committee Staff emailed Department staff to clarify its understanding of Department staff's recent email. Specifically, although the Department had committed to prioritizing review and production of Under Secretary Jones's emails containing the term "Dream Center" or "DCEH" the Department would not produce those documents. Further, though the Department had indicated that it had reviewed a substantial set of documents, this was not the case. Instead, the Department had not reviewed any documents responsive to the Chairman's July 16, 2019 request in the 8 weeks since he requested those documents.
32. September 11, 2019 – Committee staff and Department staff spoke by phone to discuss the Committee's request.
33. September 12, 2019 at 2:05 P.M. – Committee staff emailed Department staff confirming the contents of the earlier phone call. On this call, Department staff committed to producing all of Under Secretary Jones's text messages on September 20, 2019.
34. September 20, 2019 – Acting General Counsel, Rubinstein, transmitted the Department's first document production responsive to the Chairman's July 16, 2019 request. This production included 889 pages of

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documents. Though the Committee repeatedly and explicitly requested the Department first provide emails and text messages to and from Under Secretary Jones relating to Dream Center Education Holdings, the Department ignored the agreed upon prioritization schedule. Instead, the Department produced one of Under Secretary Jones's emails along with hundreds of pages of unrelated documents. Of the 889 pages the Department produced, 532 pages were news clippings circulated to hundreds of Department staff.³

The Department ignored prior commitments to the Committee and refused to respond to Committee requests for clarification.

35. September 23, 2019 at 1:17 P.M. – Department staff did not respond to prior Committee staff outreach on September 9, 2019, which had again confirmed the Committee's primary interest in Under Secretary Jones's emails. And Department staff did not produce Under Secretary Jones's text messages on September 20, 2019, as it had previously agreed to do on September 12, 2019. Therefore, Committee staff emailed Department staff requesting the Department clarify the contents of its September 20, 2019 production. Committee staff again requested Department staff prioritize transmitting "Under Secretary Jones's communications related to Dream Center for future productions." In an effort to standardize future Department productions and establish protocols for handling document disputes, Committee staff transmitted standard document production instructions to govern future productions. Department staff did not respond to the substance of any of Committee staff's requests.
36. September 30, 2019 at 12:04 P.M. – Because Department staff did not respond to Committee Staff's repeated requests for the Department to clarify what it had produced on September 20, 2020, Committee staff emailed Department staff again requesting they confirm the bounds of the Department's September 20, 2019 production and engage with the Committee on the issues of standardizing future productions.
37. October 18, 2019 at 1:22 P.M. – Committee staff emailed Department staff, indicating that because the Committee had many outstanding requests and the Department had not committed to providing responses, Committee staff would like to schedule briefings with Department officials to discuss the Department's plans for production on outstanding requests. Committee staff noted that the Committee had been requesting such briefings for months. As the Department had ignored Committee staff's requests for such briefings in the past, including in emails transmitted on July 29, 2019, July 31, 2019, and September 6, 2019, Committee staff offered to meet with the relevant officials at any time, stating that "[e]ven, if there is only one hour that your staff have free in the next week [Committee staff], will drop everything and be flexible to make that time work." Committee staff offered to meet at the Department for this briefing if it was more convenient and offered any accommodation necessary stating "Whatever makes this [briefing] happen sooner."

Chairman Scott sends a second letter to the Department detailing the Department's months of obstruction and raising more questions about the Department's conduct, and highlighting the Committee's pressing need for documents and transcribed interviews.

38. October 22, 2019 – Chairman Scott sent a letter to Secretary DeVos, raising additional questions regarding the Department's handling of the Dream Center collapse and detailing how the Department had failed to live up to its commitment to provide materials responsive to his July 16, 2019 request. The

³ See Acting General Counsel Reed D. Rubinstein, responding on behalf of Secretary Betsy DeVos, Letter to Chairman Robert C. "Bobby" Scott (Sept. 20, 2019).

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letter reiterated the Chairman's existing requests for documents and transcribed interviews and requested additional documents. The letter enclosed a copy of the Committee's document production instructions, originally transmitted to the Department by email on September 23, 2019, but for which Department staff did not confirm receipt.⁴

39. October 23, 2019 – Acting General Counsel, Rubinstein, transmitted the Department's second document production to the Chairman's July 16, 2019 request. This production contained 553 pages of documents. Though the Committee had repeatedly requested the Department first provide emails and text messages to and from Under Secretary Jones relating to Dream Center Education Holdings, the Department again ignored this request. Instead, the Department produced documents seemingly unrelated to Dream Center. For example, almost half of the Department's October 23, 2019, production consisted of repeated copies of PowerPoint slides titled the 2017 and 2018 "FSA As-Is Report."⁵
40. October 28, 2019 at 6:24 P.M. – Committee staff emailed Department staff expressing concern that the Department's October 22, 2019 production did not prioritize Under Secretary Jones's relevant communications as repeatedly and explicitly requested by the Committee. Committee staff again requested the Department meet with Committee staff to discuss the Department's plans for production on outstanding requests.
41. November 5, 2019 at 9:58 A.M. – Because Department staff did not respond to Committee staff's October 28, 2019 email requesting the Department comply with the Committee's prioritization schedule, Committee staff emailed Department staff again requesting compliance with the Committee's prioritization schedule.
42. November 19, 2019 at 5:09 P.M. – Because Department staff again did not respond to prior Committee staff outreach, Committee staff emailed Department staff to request an update on the Department's planned response to the Committee's investigation.
43. November 19, 2019 at 5:12 P.M. – Department staff emailed Committee staff indicating that the Department would "circle back with [Committee staff] shortly" regarding the Dream Center production.
44. November 22, 2019 – Committee Staff met with Committee Minority staff (Minority staff) and Department staff about Dream Center document production.

The Department requested a fourth accommodation from the Committee: that the Committee again narrow its request. The Committee again accommodated the Department, but the Department improperly redacted virtually all substance from its production, eliminating all value.

45. November 22, 2019 5:36 P.M. – Committee staff emailed Department staff, copying Minority staff confirming the contents of the earlier meeting. Department staff requested the Committee accommodate an upper production limit of 1,000 pages of documents per month in response to the Committee's investigation. Department staff also requests that Committee again narrow the scope of its requests. Committee staff agrees to accommodate both Department requests.

⁴ See Chairman Robert C. "Bobby" Scott, Letter to Secretary Betsy DeVos (Oct. 22, 2019).

⁵ See Acting General Counsel Reed D. Rubinstein, responding on behalf of Secretary Betsy DeVos, Letter to Chairman Robert C. "Bobby" Scott (Oct. 23, 2019).

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46. November 22, 2020 at 5:40 P.M. – Department staff emailed Committee staff indicating that Department staff will confirm or correct the contents of the email on Monday, November 25, 2019.
47. November 25, 2019 at 6:10 P.M. – Department staff emailed Committee Majority staff, copying Minority staff, confirming that the Department would agree to produce up to 1,000 pages per month based on the Committee's narrowed search terms.
48. November 27, 2019 at 10:42 A.M. – Committee Staff emailed Department staff, copying Minority staff, to provide the first set of narrowed search terms. In accordance with the Committee's previous requests, the Committee prioritized Under Secretary Jones emails.
49. December 2, 2019 at 10:54 A.M. – Department staff emailed Committee staff, copying Minority staff, indicating that Department staff would call Committee staff to discuss its proposed search terms.
50. December 2, 2019 at 11:32 A.M. – Department staff emailed Committee staff to ask for Committee staff's phone number.
51. December 2, 2019 at 12:44 P.M. – Committee Staff emailed Department staff, providing Committee staff's phone number and requesting Department staff call at 3:00 P.M.
52. December 2, 2019 at 1:06 P.M. – Department staff emailed Committee staff confirming that Department staff will call at 3:00 P.M.
53. December 2, 2019 at 3:00 P.M. – Committee staff and Department staff spoke by phone to discuss the Committee's request.
54. December 2, 2019 at 4:44 P.M. – Department staff emailed Committee staff confirming that the Department would determine how many pages of documents were responsive to the Committee's narrowed search terms, which the Committee provided on November 27, 2019.
55. December 2, 2019 at 4:49 P.M. – Committee Staff emailed Department staff agreeing to the Department's proposal.
56. December 11, 2019 at 4:10 P.M. – Department staff emailed Committee staff, copying Minority staff, requesting to schedule a follow-up discussion on the Committee's ongoing requests for information.
57. December 16, 2019 at 1:11 P.M. – Committee Staff emailed Department staff, copying Minority staff, to indicate that Department had not informed Committee staff how many pages were responsive to its November 27, 2019 search terms.
58. December 16, 2019 at 6:25 P.M. – Department staff emailed Committee Majority staff, copying Minority staff, indicating that the search terms produced fewer than 1,000 pages and the Department was preparing the Committee's narrowed request.
59. December 16, 2019 at 12:22 P.M. – Department staff emailed Committee staff, copying Minority staff, describing the status of the Committee's ongoing requests for information. This email does not reference the Chairman's request for documents and information related to Dream Center Education Holdings.

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60. December 18, 2019 at 12:25 P.M. – Committee staff emailed Department staff, copying Minority staff, requesting a timeline for production of the Committee's November 27, 2019 request.
61. December 20, 2019 at 4:51 P.M. – Department staff emailed Committee staff, copying Minority staff, indicating that the Department would be providing documents responsive to the Committee's request, narrowed on November 27, 2019, by the end of the day.
62. December 20, 2019 – Acting General Counsel, Rubinstein, transmitted the Department's fourth document production. This production was 659 pages. While the Department claimed that these documents were responsive to the Committee's twice-narrowed search terms, the Committee had no way to confirm this as the Department redacted virtually all substance from these emails and failed to appropriately assert privileges for these redactions. Specifically, the Department either partially or completely redacted 634 of 659 pages and cited no privilege.
63. January 2, 2020 at 5:10 P.M. – Committee staff emailed Department staff, copying Minority staff, expressing concern that the production was almost entirely redacted, and it did not cite any basis for any redactions. Committee staff noted that due to the credible allegations of waste, fraud, and abuse presented alongside substantial evidence in the Chairman's July 16, 2019 and October 22, 2019 letters, deliberative process privilege would not apply to related documents.
64. January 6, 2019 at 6:53 P.M. – Department staff emailed Committee staff, copying Minority staff, asserting a number of spurious claims. First, Department staff claim that the Chairman's letters contained "false allegations addressed previously at another Congressional hearing," referring to a May 22, 2019 hearing with Under Secretary Jones.⁶ But Under Secretary Jones's inaccurate testimony at this hearing gave rise to some of the Chairman's questions contained in his July 16, 2019 letter. Further, a Committee report, released on July 28, 2020, demonstrated that Under Secretary Jones's made multiple false and misleading statements at this hearing. Second, Department staff claimed that the Department had "been diligently producing documents using [the Committee's specified search terms]." Though the Department December 20, 2019 production, which was improperly and thoroughly redacted, was the Department's first attempt at complying with the Committee's various proposals of search terms. Finally, Department staff requested that Committee staff indicate what documents had been over-redacted, though the Department had provided no information, such as a privilege log, by which the Committee could make such requests.
65. January 7, 2020 at 6:25 P.M. – Committee staff emailed Department staff, copying Minority staff, indicating that the Committee would not relitigate the substance of past letters, but that the Committee expected unredacted document productions. Committee staff further state that because the Department had not advanced any claims of privilege, all redactions were inappropriate.

The Department asked the Committee for a fifth accommodation: that the Committee abandon the production schedule and review all requested documents *in camera*. The Committee again accommodated the Department, but the Department delayed review and demanded untenable conditions.

66. January 10, 2020 – Acting General Counsel Rubinstein sent a letter to Chairman Scott, indicating that Committee staff's requests for unredacted documents were "erroneous" because "the Constitution

⁶ Examining For-Profit College Oversight and Student Debt: Hearing Before the Subcomm. on Economic and Consumer Policy of the H. Comm. On Oversight and Reform, 116th Cong. (2019) (questioning by Rep. Shalala of Undersec'y Jones) available at <https://oversight.house.gov/legislation/hearings/examining-for-profitcollegeoversight-and-student-debt>.

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requires the Committee to respond to the Department's claims of privilege by carefully and convincingly articulating its need for information by pointing to specific legislative decisions that cannot responsibly be made without access to information uniquely contained in requested records or responses." As of the date of that letter, the Department had not asserted a privilege to which the Committee could respond. The Acting General Counsel's letter continued by offering requesting the Committee again accommodate the Department by agreeing to only view documents *in camera*. The letter claimed that "[Department] staff will contact Committee staff to finalize the arrangements" but this contact never occurred.

67. January 31, 2020 – Chairman Scott sent a letter to Secretary DeVos, agreeing to again accommodate the Department by only reviewing the documents *in camera*. This letter reserved the Committee's right to obtain copies of all previously requested documents and set forward expectations of reasonable cooperation from the Department. Due to the Department's delays in producing materials responsive to the Committee's requests, the Chairman also reiterated his request for transcribed interviews with key Department officials.⁷
68. January 31, 2020 at 4:45 P.M. – Committee Majority Staff emailed Department staff, copying Minority staff, asking Department staff to discuss particulars around the Committee's *in camera* review.
69. February 13, 2020 at 9:57 A.M. – Though more than a month had passed since Acting General Counsel Rubinstein had promised that Department staff would reach out to finalize terms of *in camera* review, and the Chairman had accepted the Department's offer and Committee staff had reached out to Department staff to discuss terms, Department staff had not engaged with Committee staff. Therefore, Committee staff emailed Department staff, copying Minority staff, asking for a call with Department staff to discuss the Committee's accommodation of the Department's request for *in camera* review.
70. February 14, 2020 at 1:25 P.M. – Department staff emailed Committee staff, copying Minority staff requesting that the Committee's requested call take place the afternoon of February 18, 2020.
71. February 14, 2020 at 2:22 P.M. – Department staff emailed Committee staff, copying Minority staff offering to meet at 5:15 P.M. on February 18, 2020.
72. February 14, 2020 at 2:22 P.M. – Committee staff emailed Department staff, copying Minority staff, agreeing to meet on February 18, 2020 in the afternoon and requests Department staff provide times that they are available.
73. February 18, 2020 at 1:07 P.M. – Committee staff emailed Department staff, copying Minority staff agreeing to meet at 5:15 on February 18, 2020. Committee Majority staff asks for Department staff's direct phone number.
74. February 18, 2020 at 2:10 P.M. – Department staff emailed Committee staff, copying Minority staff providing a phone number.
75. February 18, 2020 at 5:15 P.M. – Committee staff and Department staff spoke by phone to discuss the Committee's request.

⁷ See Chairman Robert C. "Bobby" Scott, Letter to Secretary Betsy DeVos (Jan. 31, 2020).

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76. February 18, 2020 at 5:21 P.M. – Committee staff emailed Department staff, copying Minority staff, requesting a date to schedule the Committee's first *in camera* review session.
77. February 26, 2020 at 5:17 P.M. – Department staff emailed Committee staff, copying Minority staff, detailing the Department's proposed terms to govern *in camera* review. The Department proposed nine terms, including those prohibiting Committee staff from taking verbatim notes and allowing the Department the ability to review and retain any notes taken by Committee staff at its sole discretion. Department staff indicated that it would take the Department one month to prepare the documents for *in camera* review.
78. March 2, 2020 at 4:03 P.M. – Committee staff emailed Department staff, copying Minority staff, indicating that the Committee could accept most of the Department's proposed conditions for *in camera* review. However, Committee staff asked for modifications to two limitations and rejected the Department's proposal that Department staff could review or retain Committee staff's notes at their sole discretion. Additionally, Committee staff requested the Department begin its one-month preparation while negotiations proceeded. **It should be noted that this was the first and only accommodation that the Department requested of the Committee that the Committee could not accept.**
79. March 6, 2020 at 3:52 P.M. – Department staff emailed Committee staff, copying Minority staff, insisting that Department staff be able to review or retain Committee staff's notes at the Department's sole discretion. Department staff indicated that they "hope... this requirement never needs to be enforced." Department staff did not indicate that it had begun its month-long preparation process.
80. March 10, 2020 at 4:57 P.M. – Committee staff emailed Department staff, copying Minority staff, reiterating the Committee's position that it could not agree to grant the Department advance review and retention rights to the Committee's work product. Committee staff noted that this was out of step with standard *in camera* review protocols, citing an *in camera* review conducted by the House Committee on Oversight and Reform (Oversight Committee) at the White House. At this review, the White House counsel's office permitted Oversight Committee staff to take extensive notes and the White House did not require any similar concessions from the Oversight Committee. Committee staff again requested Department staff confirm that the Department had begun its month-long review process.
81. March 13, 2020 at 4:17 P.M. – Department staff emailed Committee staff, copying Minority staff, indicating that Committee Majority and Minority staff should negotiate terms before Department staff would negotiate terms with Committee Majority staff. Department staff did not indicate that it had begun its month-long review process or otherwise engage with Committee Majority staff concerns.
82. March 17, 2020 at 6:49 P.M. – Committee staff emailed Department staff, copying Minority staff, indicating that Committee Majority staff would accommodate Minority staff to ensure fair and equal access, but would not negotiate first with Minority staff then with Department staff over the same issues. Committee staff again requested Department staff confirm it had begun its month-long review of documents. Committee Majority staff stated that if the Department refused to agree on reasonable terms the Committee would move forward with transcribed interviews or depositions.
83. March 20, 2020 at 5:59 P.M. – Department staff emailed Committee staff, copying Minority staff, asserting that Committee staff's requests to amend the Department's conditions were "moving the goalposts" and in fact the cause of delays. Department staff indicated that the Department's first priority

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at the moment was responding to the COVID-19 pandemic and could therefore not set a date for initial review.

84. March 23, 2020 at 4:31 P.M. – Committee staff emailed Department staff, copying Minority staff, agreeing that the Department's first priority should be responding to the crisis. Committee staff indicated that they would reopen this discussion when appropriate.
85. April 15, 2020 – Department staff provides first of eight weekly briefings to Majority and Minority staff from the U.S. House Committee on Education and Labor and the U.S. Senate Committee on Health, Education, Labor, and Pensions regarding the Department's implementation of the CARES Act.
86. June 5, 2020 at 4:56 P.M. – Department staff emailed Committee Majority and Minority staff, canceling Department-led briefings of the Committee on the Department's implementation of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The Department cited Committee staff's asserted, and honestly held belief, that the Department's promulgation of an interim final rule on Equitable Services was a violation of law (three federal courts later found that this interim final rule violated the law). Importantly, the Department indicated that it had "substantively implemented the provisions required of [the Department] in the CARES Act."

Committee Staff attempts to reopen negotiations with the Department. After months of ignoring Committee staff's outreach, Department staff propose the same conditions Committee staff rejected on March 2, 2020, without engaging with any of Committee's expressed concerns.

87. June 29, 2020 at 4:18 P.M. – Committee staff emailed Department staff, copying Minority staff, requesting to reopen negotiations surrounding *in camera* review of the Committee's Dream Center investigation, as well as other ongoing Committee investigations, given that the Department had asserted that it had substantively implemented the CARES Act.
88. July 2, 2020 at 2:22 P.M. – Because Department staff did not respond to prior Committee staff outreach, Committee staff again emailed Department staff, copying Minority staff, requesting a meeting to reopen negotiations into the Dream Center *in camera* review, as well as other ongoing investigations.
89. July 6, 2020 at 8:58 A.M. – Department staff emailed Committee staff proposing a staff-level update meeting on July 9.
90. July 6, 2020 at 9:18 A.M. – Committee staff emailed Department staff, agreeing to its proposed meeting time.
91. July 6, 2020 at 9:27 A.M. – Department staff emailed Committee Majority staff, copying Minority staff, providing a call-in number for the meeting.
92. July 9, 2020 at 3:00 P.M. – Committee staff and Department staff spoke by phone to discuss the Committee's request.
93. July 9, 2020 at 5:09 P.M. – Committee staff emailed Department staff, copying Minority staff, confirming the contents of the earlier phone call. On this call, Committee staff again requested the Department reopen negotiations. Committee staff proposed three options for Department staff to

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consider: 1) production to the Committee without substantial reductions, 2) *in camera* review or 3) transcribed interviews with knowledgeable personnel.

94. July 17, 2020 at 12:51 P.M. – Because Department staff did not respond to prior Committee staff outreach, Committee staff emailed Department staff, copying Minority staff, again requesting the Department open negotiations on the Dream Center investigation.
95. July 17, 2020 at 5:40 P.M. – Department staff emailed Committee staff, copying Minority staff, indicating that they did not have an update on the Committee's request to reopen negotiations regarding the Committee's Dream Center investigation.
96. July 17, 2020 at 6:03 P.M. – Committee staff emailed Department staff, copying Minority staff, requesting that Department staff inform Committee staff as soon as they have any additional information about Dream Center.
97. July 28, 2020 – The Committee released a report titled "Shattered Dreams: Examining the Education Department's Role in the Misconduct of Dream Center Education Holdings." The report detailed the Committee's findings to that date and noted that though the Committee had been requesting documents and transcribed interviews from the Department for over a year, the Department had not meaningfully participated in the investigation. The concluding sentence of this report states that: "The Committee will continue to seek answers to questions on which the Department to date has been unresponsive."⁸
98. August 24, 2020 at 10:45 A.M. – Because Department staff did not respond to prior Committee staff outreach, Committee staff again emailed Department staff, copying Minority staff, requesting the Department update the Committee with any information about its production of materials responsive to the Committee's Dream Center investigation.
99. August 31, 2020 at 10:45 A.M. – Because Department staff did not respond to prior Committee staff outreach, Committee staff emailed Department staff, copying Minority staff, requesting the Department provide information about the Dream Center investigation and other Committee investigations.
100. September 1, 2020 at 5:21 P.M. – Department staff emailed Committee staff, copying Minority staff, indicating that the Department was working to complete all outstanding Committee requests, but failing to engage with the Committee on its request to reopen negotiations regarding the Dream Center investigation.
101. September 4, 2020 at 4:38 P.M. – Committee staff emailed Department staff, copying Minority staff, noting that Committee staff had repeatedly and consistently asked the Department to at a minimum enter into negotiations regarding the Committee's Dream Center investigation. As this was Committee staff's tenth unanswered request for the Department to re-enter negotiations, Committee staff asked Department staff if their intention was to ignore this request.
102. September 11, 2020 at 9:08 A.M. – Because Department staff did not respond to prior Committee staff outreach, Committee staff emailed Department staff, copying Minority staff, asking the Department if it intended to engage with the Committee on the Dream Center investigation.

⁸ CITE report

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103. September 14, 2020 at 7:54 P.M. – Department staff emailed Committee staff, copying Minority staff, stating that Department staff was "really confused regarding the continued request on Dream Center" noting that the Department believed the July 28, 2020 report signified that the Committee had closed its investigation.
104. September 16, 2020 at 1:07 P.M. – Committee staff emailed Department staff, copying Minority staff, clarifying that the Committee had "never indicated that it was uninterested in pursuing [the requested] documents and interviews" noting that the referenced report explicitly states the Committee's intention to "continue to seek answers" from the Department. Committee staff requested to schedule the transcribed interviews it originally requested on July 16, 2019, and October 22, 2019 due to the Department's unwillingness to engage on the issue of document productions.
105. September 24, 2020 at 5:17 P.M. – Department staff emailed Committee staff, copying Minority staff, indicating that the Department had not denied the Committee's request for an *in camera* review and had in fact "worked to identify an agreeable arrangement that keeps all parties safe." Department staff enumerated the same conditions it proposed on February 26, 2020, including the condition that Department staff could review or retain Committee staff's notes at the Department's sole discretion, which Committee staff objected to on March 2, 2020 and repeatedly thereafter. Department staff proposes these conditions for *in camera* review to begin on October 6, 7, and 8.
106. September 25, 2020 at 3:41 P.M. – Committee staff emailed Department staff, copying Minority staff, clarifying that while Department staff had not explicitly denied Committee staff's repeated requests for *in camera* review, Department staff had refused to respond eleven Committee staff requests to reopen negotiations over two-and-a-half months. Committee staff noted that the Department had not ever meaningfully engaged with Committee staff's concerns regarding the Department's proposal that it would have sole discretion to review or retain any Committee staff notes. Committee staff rejects Department staff's suggestion to commence *in camera* review with Department's stated conditions. Given the negotiations impasse, caused by Department staff to repeatedly ignore Committee staff's request to modify the note-taking condition, Committee staff requested the Department agree to transcribed interviews with knowledgeable Department staff.
107. October 5, 2020 at 5:26 P.M. – Though Committee staff responded to Department staff's September 24 email in less than 24 hours and Department staff responded nearly two weeks later, Department staff indicated that because Committee staff did not accept Department staff's unchanged conditions the *in camera* review dates would have to begin on October 21. While Department staff indicated that the note-taking condition was still outstanding, Department staff again did not engage with Committee staff's request for modification. Department staff indicated Committee staff has been negotiating in bad faith and refused to agree to transcribed interviews.
108. October 21, 2020 – Department staff sent a letter to Committee staff mischaracterizing Committee staff's July 9, 2020 offer, claiming that "Committee staff asked for documents to be produced at a location outside of the Department... [and that] Committee staff also suggested transcribed interviews of certain Department employees *in lieu of a document production.*" In reality, Committee staff's July 9, 2020 email "propose[d] a few alternatives" to what Committee staff and Department staff had discussed in February 2020, given that it was unclear when the Department would physically reopen. That email explicitly stated that "that these [were] ideas to move the ball forward on the investigation, but [were] not meant to foreclose the possibility of the Chairman's prior requests for production and transcribed interviews." Department staff's letter continues asserting that transcribed

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interviews normally follow document production and review and alleging that Committee staff's request demonstrates bad faith. While the Committee agrees that transcribed interviews normally follow document production and review, the Department has had every opportunity to produce fully responsive documents across a fifteen-month period and has refused to do so. The Department cannot delay document production fifteen-months and credibly claim that its delay necessitates additional delays of transcribed interviews.

109. October 22, 2020 – Chairman Scott wrote a letter to Secretary DeVos describing the Department's campaign of obstruction and delays. As the Department had delayed production, produced meaningless troves of documents, ignored the Committee's attempts to reengage in negotiations for months, and now repeatedly refuses to substantively engage with the Committee regarding its concerns with the Department's note-taking condition, this letter informs the Department that the Chairman has issued subpoenas for depositions of certain career staff at the Department.