

SCHEDULE

In accordance with the attached Schedule instructions and definitions, you, Alejandro Mayorkas, are required to produce all documents and communications described below in your possession, custody, or control, from January 20, 2021 to present, in complete and unredacted form:

1. A current copy of the alien file of any alien encountered by U.S. Border Patrol agents on the southwest border between ports of entry, with records within the Terrorist Screening Database (TSDB) or Terrorist Screening Dataset (TSDS) at the time of their encounter;
2. All I-213 Record of Deportable/Inadmissible Alien forms, pertaining to each alien encountered by U.S. Border Patrol (USBP) agents on the southwest border between ports of entry, with records within the TSDB or TSDS at the time of their encounter;
3. All documents and communications, including but not limited to, detention or custody status information contained within the Enforcement Integrated Database or ENFORCE Alien Removal Module, referring or relating to the detention history of each alien encountered by USBP agents on the southwest border between ports of entry, with records within the TSDB or TSDS at the time of their encounter;
4. All documents and communications referring or relating to the present custody status of each alien encountered by USBP agents on the southwest border between ports of entry, with records within the TSDB or TSDS at the time of their encounter, whose removal from the United States has not yet been effectuated; and
5. All documents and communications referring or relating to the disposition of removal proceedings initiated, including but not limited to, records indicating whether DHS effectuated any final orders of removal issues in those cases, regarding each alien encountered by USBP agents on the southwest border between ports of entry, with records within the TSDB or TSDS at the time of their encounter.

For the purposes of this Subpoena, please apply the instructions and definitions set forth below:

INSTRUCTIONS

1. In complying with this subpoena, you are required to produce all responsive documents, materials, or other items in unredacted form that are in your possession, custody, or control or otherwise available to you, regardless of whether the documents are possessed directly by you or your past or present agents, employers, employees, representatives, subsidiaries, affiliates, divisions, partnerships, and departments acting on your behalf. You are required to produce 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. No records, documents, data or information responsive to this subpoena shall be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
3. If any entity, organization, or individual denoted in this subpoena has been, or is currently, known by any other name than that herein denoted, this subpoena shall be read also to include such other names under that alternative identification.
4. Unless otherwise requested, each document shall be produced in a form that renders that document capable of being printed or copied.
5. Identify the paragraph(s) and/or clause(s) in the Committee's subpoena to which the document responds for all documents and information produced pursuant to this subpoena.
6. All documents produced pursuant to this subpoena shall be Bates-stamped sequentially and produced sequentially. In a cover letter to accompany your response, include a total page count for the entire production, including both hard copy and electronic documents.
7. Documents produced pursuant to this subpoena shall be produced in the order in which they appear in your files and shall not be rearranged. Any documents that are stapled, clipped, or otherwise fastened together shall not be separated. Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this subpoena was issued. Indicate the office or division and person from whose files each document was produced.
8. Documents produced pursuant to this subpoena shall identify to which paragraph from this subpoena such documents are responsive. The response shall also include an

index identifying each record and label. The Committee prefers, if possible, to receive all documents in electronic format.

9. It shall not be a basis for refusal to produce documents that any other person or entity possesses documents that are non-identical or identical copies of the same document.
10. If any of the subpoenaed information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, back up tape, or removable computer media, such as thumb drives, flash drives, memory cards, and external hard drives), consult with Committee staff immediately to determine the appropriate format in which to produce the information. Documents produced in electronic format should be organized, identified, and indexed electronically in a manner comparable to the organizational structure described in the abovementioned paragraphs 7 and 8.
11. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this subpoena, identify the document (stating its date, author, subject, and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party.
12. If any document responsive to this subpoena was, but no longer is, in your possession, custody or control, state: (a) how the document was disposed; (b) the date of disposition; (c) the name, current address, and telephone number of the person who currently has possession, custody or control over the document; and (d) the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.
13. If any document responsive to this subpoena cannot be located, describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction, or unavailability.
14. If compliance with this subpoena cannot be made in full, compliance shall be made to the extent possible and shall include a written explanation of why full compliance is not possible.
15. If a date or other descriptive detail set forth in this subpoena referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, produce all documents which would be responsive as if the date or other descriptive detail were correct.
16. This subpoena is continuing in nature and applies to any newly discovered information, regardless of the date of its creation. 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 location or discovery subsequent thereto.

17. If a responsive document is withheld, in whole or in part, based on a claim of privilege, provide a log containing the following information concerning every such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter of the document; (d) the date, author, addressee, and any recipients; (e) the relationship of the author and addressee and recipient to each other; and (f) any other description necessary to identify the document and to explain the basis for not producing the document. If a claimed privilege applies to only a portion of any document, that portion only should be withheld, and the remainder of the document shall be produced. As used herein, "claim of privilege" includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.
 - (i) Failure to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the subpoena compliance date will result in waiver of any objections or claims of privilege.
 - (ii) Notwithstanding a waiver of any objections or claims of privilege described in paragraph 17(i), purported claims of privilege and all common law privileges including, but not limited to, the deliberative-process privilege, the attorney-client privilege, attorney work product protections, protections from disclosure under the Freedom of Information Act, or contractual privileges, such as non-disclosure agreements, are recognized only at the discretion of the Chairman of the Committee.
 - (iii) Any assertion by a subpoena recipient of any such non-constitutional legal bases for withholding documents or other materials shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Chairman of the Committee has consented to recognize the assertion as valid.
18. Consult with Committee majority staff regarding the method of delivery prior to sending any materials. Pending consultation, deliver production materials to:

Committee on Homeland Security
U.S. House of Representatives
H2-176 For House Office Building
Washington, D.C. 20515
19. Upon completion of the document production, submit a written certification, signed by you or your counsel, stating that: (a) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; (a) documents responsive to this subpoena have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the

Committee since the date of receiving the Committee's subpoena or in anticipation of receiving the Committee's subpoena; and (c) all documents identified during the search that are responsive have been produced to the Committee, identified in a log provided to the Committee, as described in paragraph 17 or identified as provided in paragraphs 11, 12, 13, or 14 of these instructions.

DEFINITIONS

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (email), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone calls, voice mails, text messages, meeting or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, Power Point presentations, spreadsheets, work sheets, charts, graphs, microfiche, microfilm, videotapes, motion pictures, electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, back up tape, memory sticks, recordings, and removable computer media such as, thumb drives, flash drives, memory cards, and external hard drives). The term “document” includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto.
2. The term “documents in your possession, custody or control” means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.
3. 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 an in-person meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, personal delivery, or otherwise.
4. The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively as necessary to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes the plural, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, limited liability corporations and companies, limited liability partnerships, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, other legal, business or government entities, or any other organization or

group of persons, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

6. The terms “referring” or “relating” means and includes “constituting,” “pertaining,” “evidencing,” “reflecting,” “describing,” or “having anything to do with,” and in each instance, directly or indirectly. These terms mean, without limitation, any reference or relationship which either (a) provides information with respect to the subject of the inquiry, or (b) might lead to individuals who, or documents which, might possess or contain information with respect to the subject of the inquiry.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, de facto employee, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, contract employee, contractor, or any other type of service provider.
8. The term “Administration” means and refers to any department, agency, division, office, subdivision, entity, official, administrator, employee, attorney, agent, advisor, consultant, staff, or any other person acting on behalf or under the control or direction of the Executive Branch.
9. For *government recipients* of this subpoena: “You” or “your” means and refers to you as a natural person and the United States and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, contractors, or any other persons acting on your behalf or under your control or direction; and includes any other person(s) defined in the subpoena.
10. For *private, corporate, or non-profit organization recipients* of this subpoena: “You” or “your” means and refers to you as a natural person. Reference to a corporate or non-profit entity includes (a) its predecessors, successors, parents, wholly or partly owned direct or indirect subsidiaries, divisions, affiliates, and joint ventures and (b) any current, past, or future partners, officers, directors, employees, representatives, or agents of any such entities.