

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051

MINORITY (202) 225-5074

<http://oversight.house.gov>

April 12, 2019

The Honorable Emily Murphy
Administrator
General Services Administration
1800 F Street, N.W.
Washington, D.C. 20405

Dear Administrator Murphy:

The Committee is investigating the federal lease for the Old Post Office Building (OPO) in Washington, D.C. with the Trump Organization, which is managed by the General Services Administration (GSA).

Over the past two years, we have written to GSA with more than a dozen other Committee Members, requesting documents related to the lease and its management. Under the Obama Administration, GSA produced many of these documents, but GSA abruptly changed course after Donald Trump was elected President and the agency began withholding these documents from Congress.

Since that time, the Office of the Inspector General (OIG) at GSA has issued a report raising grave questions about the management of this lease. In the report, OIG concluded that GSA “recognized that the President’s business interest in the OPO lease raised issues under the Constitution’s Emoluments Clauses that might cause a breach of the lease” but GSA “attorneys decided to ignore the emoluments issues” in their assessment of the lease. According to OIG, “the decision to overlook the constitutional issues influenced GSA’s understanding of Section 37.19” of the lease, which expressly prohibits elected federal officials from obtaining “any benefit that may arise” from the lease. OIG ultimately found “serious shortcomings” in GSA’s decision-making processes relating to the possible breach of the lease and recognized that “the constitutional issues surrounding the President’s business interests in the lease remain unresolved.”¹

¹ General Services Administration, Office of the Inspector General, *Evaluation of GSA’s Management and Administration of the Old Post Office Building Lease* (Jan. 16, 2019) (online at www.gsaig.gov/sites/default/files/ipa-reports/IE19-002%20OIG%20EVALUATION%20REPORT-GSA%27s%20Management%20%26%20Administration%20of%20OPO%20Building%20Lease_January%2016%202019_Redacted.pdf).

Now that we are the Chairmen of the Committee on Oversight and Reform and the Subcommittee on Government Operations, we request that you produce the following documents by April 26, 2019:

1. All monthly reports submitted to GSA from November 2016 to the present by Trump Old Post Office LLC describing revenues and expenses;
2. All correspondence and documents from Trump Old Post Office LLC related to liens or any action to resolve liens;
3. All correspondence related to:
 - a. compliance with the lease before or after the presidential election;
 - b. Section 37.19 of the lease;
 - c. the monthly financial reports; and
 - d. the structure of the trust created to address Section 37.19 of the lease;
4. All correspondence and documents relating to funds received by the Trump Old Post Office LLC from any foreign country, foreign entity, or foreign source;
5. Correspondence from Adam L. Rosen on December 16, 2016, and December 29, 2016, to GSA, referenced in the attachment to GSA's February 6, 2017, letter to Members of this Committee;
6. All correspondence and documents related to representatives of the tenant in its interactions with GSA;
7. All documents containing legal interpretations of Section 37.19 of the lease created within GSA or received from the tenant;
8. Any legal opinion relied on by GSA in making a determination regarding the President's compliance with Section 37.19 or the Emoluments Clause of the Constitution;
9. All drafts and edits of Kevin Terry's letter on March 23, 2017, including who authored the drafts or edits;
10. All documents and communications related to Section 3.1 of the lease from June 1, 2015, to the present;
11. All documents and communications related to Article 5 of the lease from June 1, 2015, to the present;

12. All documents and communications related to Article 18 of the lease from June 1, 2015, to the present;
13. Without regard to time, all documents submitted under "Section 3: Developer's Financial Capacity and Capability" by Donald J. Trump or the Trump Organization, or any parent, subsidiary, affiliate, joint venture, predecessor, successor, or any of its representatives in response to the Request for Proposals for the Redevelopment of the Old Post Office, dated March 24, 2011; and
14. Without regard to time, all documents referring or relating to Mazars USA LLP or WeiserMazars LLP related to the Old Post Office lease.

Any request above for communications or correspondence includes all internal and external GSA communications, including between GSA and the White House, the Trump Organization, the Trump Old Post Office LLC, the Trump Transition Team, other federal agencies, or any other party.

Unless otherwise specified, the applicable time period covered by this request is from November 1, 2016, to the present. An attachment to this letter provides additional instructions for responding to the Committee's request.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. In addition, House Rule X, clause 3(i) specifically charges the Committee with conducting oversight of "the operation of Government activities at all levels, including the Executive Office of the President."

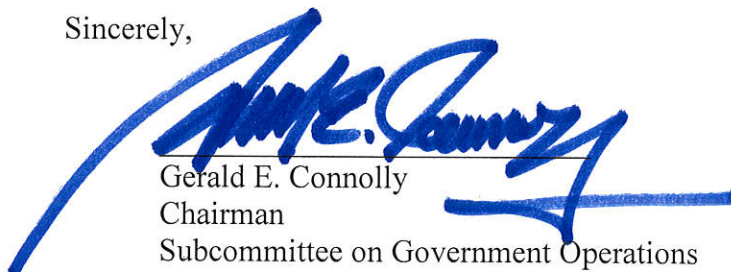
If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Thank you for your prompt attention to this request.

Sincerely,



Elijah E. Cummings
Chairman



Gerald E. Connolly
Chairman
Subcommittee on Government Operations

Enclosure

cc. The Honorable Jim Jordan, Ranking Member

The Honorable Mark Meadows, Ranking Member
Subcommittee on Government Operations

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents 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 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 electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. 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.

7. 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.
8. 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.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. 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.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. 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.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. 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.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every 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 privilege(s) asserted.
16. 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.
17. 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.

18. 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.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. 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 how recorded, 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, 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, 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, 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.