

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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May 29, 2018

The Honorable Trey Gowdy  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

We are writing to request that you hold an immediate hearing on the dramatic decision by the White House to obstruct investigations by our independent investigators at the Government Accountability Office (GAO). We ask that the Committee obtain testimony from the White House Counsel and the General Counsel of GAO.

The Committee must act swiftly to determine who instructed White House staff to refuse to provide information to GAO, as well as to evaluate the justification for this decision and its potential to impair Congress from fulfilling its Constitutional oversight responsibilities.

As you know, Congress established GAO by statute as its nonpartisan investigative arm, and we on the Oversight Committee have direct jurisdiction over both GAO and the White House. On a bipartisan basis under both Republican and Democratic Chairmen, we have strongly supported GAO's right to access information from the Executive Branch in order to conduct audits and investigations that inform our work in Congress.

On May 9, 2018, GAO General Counsel Thomas Armstrong sent a letter to White House Counsel Donald McGahn to "express concern" with the White House's refusal to cooperate with requests from GAO for "critical information." Mr. Armstrong wrote:

I understand that attorneys from your office and the National Security Council (NSC) will not respond to inquiries or otherwise engage with GAO staff during the course of our reviews. This approach represents a clear departure from past practice.<sup>1</sup>

Mr. Armstrong continued:

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<sup>1</sup> Letter from Thomas H. Armstrong, General Counsel, Government Accountability Office, to Donald F. McGahn, II, Assistant to the President and White House Counsel (May 9, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/McGahn%20Letter.pdf>).

Over the past year, GAO has requested information and meetings when preparing reports on topics clearly involving White House interests and expertise. These reports concern such diverse topics as the role of the NSC in the coordination of conflict prevention, mitigation, and stabilization efforts abroad; Inspector General vacancies; and the cost of presidential travel and related security measures.<sup>2</sup>

Mr. Armstrong concluded:

I am concerned about the implications of this new policy regarding communication with GAO, particularly in our performance of a core function, namely, contributing to Congress's constitutional oversight.<sup>3</sup>

Mr. Armstrong asked the White House to "reconsider this approach to engaging with GAO." Although Mr. Armstrong requested a response by last Friday, the White House did not reply.

This is not the first time GAO has raised concerns with the Trump Administration's complete refusal to respond to requests for information. On September 7, 2017, GAO issued a report on the presidential transition process. In that report, GAO warned:

We contacted the Office of the Vice President because Vice President Pence also served as the Chairman of the Trump-Pence Transition Team. The Office of the Vice President did not respond to our request to discuss this work.<sup>4</sup>

GAO also reported that it "contacted the Executive Director and Chief Financial Officer of the Trump-Pence Transition Team," but they "declined our request for an interview."<sup>5</sup>

Our Committee recently enacted the GAO Access and Oversight Act of 2017 reaffirming GAO's authority to "obtain such agency records as the Comptroller General requires to discharge the duties of the Comptroller General (including audit, evaluation, and investigative duties)." The law also gave GAO explicit authority to bring civil actions against the Administration to enforce its authority. Both the House and Senate passed the bill without a single vote in opposition. This legislation was signed into law by President Trump on January 31, 2017.<sup>6</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Government Accountability Office, *Presidential Transition: Information on Ethics, Funding, and Agency Services* (GAO-17-615R) (Sept. 7, 2017) (online at <https://democrats-oversight.house.gov/news/press-releases/investigation-shows-trump-transition-ignored-ethics-officials-and-refused-to>).

<sup>5</sup> *Id.*

<sup>6</sup> Pub. L. No. 115-3 (2017).

In order to determine why the Trump Administration has so severely reversed course to deny GAO access to information it has obtained for years, we request that you invite Comptroller General Gene Dodaro, GAO General Counsel Thomas Armstrong, and White House Counsel Donald McGahn to testify before the Committee.

Thank you for your consideration of this request.

Sincerely,

Eligh E. Cummings

Ann R. Montgomery

Carolyn B. Maloney

Eleanor H. Montgomery

Thom

Jimmy Gomez

Raja Krishnamoorthi

Janie Raski

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