

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 29, 2020

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

Dear Administrator Murphy:

We write to express grave concern with a troubling new report that the Trump International Hotel in Washington, D.C., which is owned by President Trump, has asked for a reduction in lease payments from the General Services Administration (GSA), which is the landlord for the property.

According to this report, “Eric Trump, the president’s son, confirmed that the company had opened a conversation about possible changes to the terms of the lease, which could include adjustments to future monthly payments.” The President’s son sought to frame the Trump Organization’s request for financial relief as one from any other struggling American business and to “just treat us the same.”¹

This report highlights the disturbing conflicts of interest presented when President Trump maintains private ownership interests that place him on both sides of the federal government’s dealings. Our Committee and ethics experts across the political spectrum have long warned of these blatant conflicts of interest and potential for self-dealing.

Congress has declared in no uncertain terms that the President and his businesses must not receive any favors from the federal government. The CARES Act, which passed in Congress with overwhelming bipartisan support last month, excluded the President’s personal businesses from receiving certain federal financial assistance.

The President’s businesses are not the same as any other business—thanks to his decision to break with decades of precedent and maintain extensive private business interests while serving in the nation’s highest office. This President is no ordinary federal tenant: he oversees the agency responsible for managing the government’s properties, including the lease on the Trump Hotel.

¹ *Trump (The Company) Asks Trump (The Administration) for Hotel Relief*, New York Times (Apr. 21, 2020) (online at www.nytimes.com/2020/04/21/business/trump-hotel-coronavirus.html).

In addition, Eric Trump claimed in a previous interview that when the President's entourage stays at a Trump property, "they stay at our properties for free—meaning, like, cost for housekeeping ... it saves a fortune because if they were to go to a hotel across the street, they'd be charging them \$500 a night, whereas, you know we charge them, like \$50."² Other documents showed that the Trump Organization charged exorbitant amounts to the federal government on several occasions at rates as high as \$650 per night.³

GSA's Lack of Cooperation with Congress

To date, GSA has failed to comply with the Committee's longstanding investigation into the federal lease for the Trump Hotel in Washington, D.C.

From 2016 to 2018, more than a dozen Committee Members signed multiple request letters to GSA seeking documents relating to the Trump Hotel. Under the Obama Administration, GSA produced many of these documents, but GSA abruptly changed course after Donald Trump was elected President.⁴

On January 16, 2019, the GSA Office of the Inspector General issued a report finding that GSA attorneys "decided to ignore the emoluments issues" in their assessment of the lease. Flagging "serious shortcomings" in GSA's decision-making processes, the Inspector General "found that GSA's unwillingness to address the constitutional issues affected its analysis of Section 37.19 and the decision to grant Tenant an Estoppel Certificate."⁵

Following this alarming report, then-Chairman Elijah E. Cummings and Subcommittee Chairman Gerald E. Connolly sent you a letter on April 12, 2019, requesting 14 categories of documents relating to GSA's lease with the Trump Organization.⁶ Although GSA produced approximately 15,000 pages, the vast majority of those documents concern routine hotel

² *G-7 at Trump Golf Resort Saves the US Money: Eric Trump*, Yahoo Finance (Oct. 17, 2019) (online at <https://finance.yahoo.com/news/g-7-at-trump-golf-resort-saves-the-us-money-eric-trump-192655739.html>).

³ *Secret Service Has Paid Rates as High as \$650 a Night for Rooms at Trump's Properties*, Washington Post (Feb. 7, 2020) (online at www.washingtonpost.com/politics/secret-service-has-paid-rates-as-high-as-650-a-night-for-rooms-at-trumps-properties/2020/02/06/7f27a7c6-3ec5-11ea-8872-5df698785a4e_story.html).

⁴ Letter from Associate Administrator Lisa A. Austin, General Services Administration, to Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, Rep. Gerald E. Connolly, Member, et al. (Jan. 3, 2017).

⁵ General Services Administration, Office of 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/JEI9-002%20OIG%20EVALUATION%20REPORTGSA%27s%20Management%20%26%20Administration%20of%20OPO%20Building%20Lease_January%2016%202019_Redacted.pdf).

⁶ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Gerald E. Connolly, Subcommittee on Government Operations, to Administrator Emily Murphy, General Services Administration (Apr. 12, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-04-12.EEC%20and%20GEC%20to%20GSA%20re%20Trump%20Hotel.pdf>).

administration activities such as fire alarm testing, contractor repair work, and art installations. Several documents appear to be less-redacted duplicates of documents that GSA produced during the 115th Congress.

On June 27, 2019, the Subcommittee on Government Operations held a hearing to obtain testimony directly from agency personnel and encourage compliance with the Committee's requests. GSA's Chief of Staff testified that "there are no documents that we're not willing to talk about producing to the Committee working through the accommodation process."⁷

However, in the ten months since that hearing, GSA has not produced a single document relating to the Committee's investigation. Instead, GSA has refused to produce key categories of documents. The majority of these document requests date back to June 5, 2017—nearly three years ago.⁸

GSA's blanket refusal to provide the requested material disregards past agency practice and hampers the Committee's ability to conduct legitimate oversight of matters well within its jurisdiction, including determining whether GSA has granted preferential treatment to a specific tenant, determining whether the tenant used inaccurate financial disclosures to qualify for or otherwise obtain the lease, ensuring that the federal government receives revenues to which it is entitled, ensuring that GSA followed the appropriate protocols regarding the enforcement of federal leases, and investigating potential violations of the Domestic and Foreign Emoluments Clauses.

Committee Request

For these reasons, we request that you produce the following documents by May 13, 2020:

1. All outstanding documents responsive to the Committee's April 12, 2019, request;
2. All documents and communications between GSA and any employee or representative of the Trump Organization or the Trump Old Post Office LLP referring or relating to any effort to amend or renegotiate the terms of the OPO federal lease due to the coronavirus pandemic; and
3. A timeline of any in-person, telephonic, or virtual discussions between GSA and any employee or representative of the Trump Organization or the Trump Old

⁷ Testimony of Robert Borden, Chief of Staff, General Services Administration, Committee on Oversight and Reform, *Document Production Status Update: OPM, FBI, and GSA* (June 27, 2019).

⁸ See Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, Rep. Gerald E. Connolly, Member, et al., to Acting Administrator Timothy Horne, General Services Administration (June 5, 2017) (containing, *inter alia*, Request Nos. 1, 3, 7, 8, and 9, all of which GSA has refused to produce to the Committee).

Post Office LLP referring or relating to any effort to amend or renegotiate the terms of the OPO federal lease due to the coronavirus pandemic.

In addition, please provide written responses to the following questions:

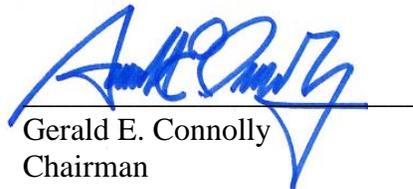
1. What is the status of the negotiations between GSA and the Trump Organization regarding possible relief under the federal lease? Has a decision been made?
2. Which GSA official is responsible for granting or denying the Trump Organization's requests to renegotiate or amend the federal lease? What criteria will that official use to approve or deny those requests?

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

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Gerald E. Connolly
Chairman
Subcommittee on Government
Operations

Enclosure

cc: The Honorable Jim Jordan, Ranking Member
Committee on Oversight and Reform

The Honorable Jody B. Hice, Ranking Member
Subcommittee on Government Operations

Responding to 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 Committees.
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 Committees' 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 Committees 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 Committees 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 Committees' 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 on Oversight and Reform, 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. When documents are produced to the Committee on Financial Services, production sets shall be delivered to the Majority Staff in Room 2129 of the Rayburn House Office Building and the Minority Staff in Room 4340 of the O'Neill House Office Building. When documents are produced to the Permanent Select Committee on Intelligence, production sets shall be delivered to Majority and Minority Staff in Room HVC-304 of the Capital Visitor Center.
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.