

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<http://oversight.house.gov>

June 24, 2019

The Honorable Mick Mulvaney
Acting Chief of Staff
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Mulvaney:

I am writing to request an explanation for why the White House has failed to answer the questions raised in a letter I sent more than three months ago seeking information about troubling reports that President Donald Trump may have violated the Presidential Records Act by confiscating and destroying documents to keep secret the details of his meetings with Russian Federation President Vladimir Putin.

I sent this letter on February 21, 2019, with Rep. Eliot Engel, the Chairman of the Committee on Foreign Affairs, and Rep. Adam Schiff, the Chairman of the House Permanent Select Committee on Intelligence, and we requested answers to five specific questions by March 1, 2019. Our letter did not request copies of these documents, but instead sought information about their possession, custody, and control in compliance with federal law.¹

As we wrote in our letter, the Presidential Records Act makes clear that presidential records belong to the American people and that President Trump is required to preserve those records:

Through the implementation of records management controls and other necessary actions, the President shall take all such steps as may be necessary to assure that the activities, deliberations, decisions, and policies that reflect the performance of the President's constitutional, statutory, or other official or ceremonial duties are adequately documented **and that such records are preserved and maintained as Presidential records** pursuant to the requirements of this section and other provisions of law.²

¹ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, Chairman Adam B. Schiff, Permanent Select Committee on Intelligence, and Chairman Eliot Engel, Committee on Foreign Affairs, to Mick Mulvaney, Acting Chief of Staff, White House (Feb. 21, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-02-21.EEC%20Engel%20Schiff%20to%20Mulvaney-WH%20re%20PRA.pdf>).

² 44 U.S.C. § 2203(a) (emphasis added).

President Trump is prohibited from disposing of records unless they “no longer have administrative, historical, informational, or evidentiary value,” and he must first obtain the written views of the Archivist of the United States before disposing of these records.³

On March 21, 2019, White House Counsel Pat Cipollone sent a letter in response to our request, but it incorrectly asserted that all of our questions had been “fully” addressed in previous correspondence.⁴ In fact, the White House has not answered any of these questions. The three letters cited by the White House Counsel as examples of “prior responsive letters” were sent 20 months, 16 months, and 2 months before our February 21, 2019, request.

The Presidential Records Act is at the core of the Oversight Committee’s legislative and oversight jurisdiction, and I had hoped that the White House would cooperate voluntarily with this inquiry. Instead, the White House has disregarded these legitimate congressional inquiries and dissembled about basic facts. These actions do not serve the interests of the American people, and they obstruct and frustrate the Committee’s review.

For these reasons, the Committee reiterates its request that you provide by July 8, 2019, the information requested in our letter on February 21, 2019:

1. Did President Trump take possession of the interpreter’s notes from the Hamburg meeting with Vladimir Putin on July 7, 2017? If so:
 - a. Did President Trump destroy or alter the interpreter’s notes?
 - b. What steps did President Trump take to preserve the interpreter’s notes?
 - c. Who currently has possession, custody, or control of the interpreter’s notes?
 - d. Have the interpreter’s notes or a copy been provided to the State Department?
2. Does any official within the Trump Administration, including within the White House, have any record of any meeting or call between President Trump and President Putin? If so, provide the date of the meeting or call, the location of the meeting or call, the identity of all officials who have possession, custody, or control of the records, and an explanation of how the records have been, and are continuing to be, preserved.

³ 44 U.S.C. § 2203(c).

⁴ Letter from Pat Cipollone, Counsel to the President, White House, to Chairman Elijah E. Cummings, Committee on Oversight and Reform, Chairman Adam B. Schiff, Permanent Select Committee on Intelligence, and Chairman Eliot Engel, Committee on Foreign Affairs (Mar. 21, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/WH.032119.Response%20to%20EEC%20re%20PRA.pdf>).

3. Which officials within the Trump Administration, including within the White House, were provided summaries or readouts of President Trump's meetings or calls with Vladimir Putin, including the Hamburg and Helsinki meetings?
4. Did the United States Government pay the interpreters who staffed the meetings or calls between President Trump and Vladimir Putin, including the Hamburg and Helsinki meetings?
5. How has President Trump documented and preserved records relating to the "hundreds of calls and meetings" that Madeleine Westerhaut claimed do not appear on his schedule?⁵

In addition, the Committee now requests a transcribed interview by that same date with the Director of the White House Office of Records Management or another official competent to address these issues and other questions about the White House's compliance with the Presidential Records Act.

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 states that the Committee on Oversight and Reform has jurisdiction to "study on a continuing basis the operation of Government activities at all levels, including the Executive Office of the President."

An attachment to this letter provides additional instructions for responding to the Committee's request. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Elijah E. Cummings
Chairman

Enclosure

cc: The Honorable Jim Jordan, Ranking Member

⁵ @madwest45, Twitter (Feb. 3, 2019) (online at <https://twitter.com/madwest45/status/1092186986486657024>).

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.