



TRUMP ADMINISTRATION OVERSIGHT PRECEDENTS

Updated March 2024

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Executive Summary

President Donald Trump and his Administration refused to provide information sought by Congress in over 100 congressional investigations and inquiries. In doing so, they deployed dozens of approaches to impede congressional oversight, including:

- Refusing to comply with congressional requests for documents and witnesses;
- Refusing to comply with congressional subpoenas for documents and witnesses;
- Directing officials and private individuals not to provide information to Congress;
- Firing and demoting government officials who provided information to Congress;
- Producing irrelevant or redacted materials;
- Imposing unreasonable conditions on document reviews;
- Using nondisclosure agreements to block federal officials and private companies from providing information to Congress;
- Filing lawsuits to prevent third parties from complying with congressional subpoenas;
- Refusing to provide briefings for members and staff;
- Blocking access to federal facilities;
- Violating statutory obligations to disclose information to Congress; and
- Refusing to respond to requests from GAO.

These actions were often successful in frustrating congressional oversight. They also set new precedents that could be followed by subsequent presidential administrations. Among the Trump Administration's precedent-setting actions were (1) refusing to cooperate with an impeachment inquiry; (2) withholding documents based on protective claims of executive privilege; (3) directing officials not to participate in depositions unless House rules were amended to allow the presence of agency counsel; and (4) ignoring statutory obligations to provide information, such as tax returns, to Congress.

In the House's first impeachment inquiry, the Trump Administration refused to comply with any congressional requests and subpoenas for documentary and testimonial evidence. The White House, the Vice President, the Office of Management and Budget, the Department of State, the Department of Defense, and the Department of Energy failed to produce a single document in response to over 70 requests or demands for records from the House committees. Twelve top Administration officials refused to testify, including ten in defiance of subpoenas.

The Trump White House took a similar approach to at least 24 other congressional investigations, refusing to provide documents or witnesses in investigations into Russian interference in the 2016 presidential elections, President Trump's tax and financial records, allegations of improper security clearances provided to Trump family members, Hatch Act violations by senior White House officials, federal actions that benefited the Trump Organization, and other topics.

The refusal to provide information sought by Congress extended across the Trump Administration. At least 17 departments and agencies resisted congressional requests for information, including the Department of Justice, the Department of State, the Department of Treasury, the Department of Homeland Security, the Department of Education, the Department of Interior, the Environmental Protection Agency, and the General Services Administration. In total, at least 74 investigations and inquiries were obstructed by these agencies.

With a few notable exceptions, Republican members of Congress endorsed President Trump's noncompliance with congressional oversight, reversing positions they asserted when a Democrat was president. These contrasting positions are addressed in a [Co-Equal report](#)¹ on investigative rules and practices followed during recent administrations.

Part I of this document summarizes the history of accommodation between the executive and legislative branches. Part II analyzes the tactics and justifications used by the Trump Administration to depart from this tradition of accommodation. It identifies over two dozen different ways the Trump White House and federal agencies impeded congressional investigations. The examples cited in part II are drawn from parts III and IV, which describe 104 investigations in which the Trump White House or federal agencies withheld information from Congress. These final two parts are organized by entity, with part III describing actions taken by the Trump White House and part IV covering the departments and agencies. Where the public record did not indicate the outcome of an investigation, current and former committee staff were contacted to ensure the accuracy of the description.

I. The History of Presidential Cooperation with Congressional Oversight

Prior to the Trump Administration, Congress and the executive branch regularly reached accommodations over congressional demands for information. In an early 1794 investigation, Congress [requested and obtained](#)² documents from the executive branch regarding a disastrous military expedition led by General St. Clair. President George Washington explained that he was guided by the principle that the executive branch should “communicate such papers as the public good would permit.”

President Ronald Reagan's 1982 [instructions](#)³ to agencies summarized the approach administrations have traditionally adopted as follows:

The policy of this Administration is to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch. ... [T]his tradition of accommodation should continue as the primary means of resolving conflicts between the Branches.

In the Supreme Court's 2020 decision in [Trump v. Mazars](#),⁴ Chief Justice John Roberts wrote that prior to the Trump Administration, “congressional demands for the President's information have been resolved by the political branches without involving this Court,” explaining, “Historically, disputes over congressional demands for presidential documents have not ended up in court. Instead, they have been

¹ Co-Equal, *Investigative Rules and Practices Followed During the Clinton and Obama Administrations*. <https://web.archive.org/web/20220713041113/https://www.co-equal.org/guide-to-congressional-oversight/investigative-rules-and-practices-followed-during-the-clinton-and-obama-administrations>

² Congressional Research Service, *Congressional Oversight Manual*, page 2 (March 31, 2021). <https://web.archive.org/web/20220831233415/https://sgp.fas.org/crs/misc/RL30240.pdf>

³ The White House, *Procedures Governing Responses to Congressional Requests for Information* (November 4, 1982), <https://web.archive.org/web/20220828232822/https://www.justice.gov/ola/page/file/1090526/download>.

⁴ Supreme Court of the United States, *Trump et al v. Mazars USA, LLP, et al*, page 9, (July 9, 2020). https://web.archive.org/web/20220808005450/https://www.supremecourt.gov/opinions/19pdf/19-715_febh.pdf

hashed out in the ‘hurly-burly, the give-and-take of the political process between the legislative and the executive.’”

Co-Equal’s [guide to congressional oversight precedent](#)⁵ documents that this traditional accommodation process resulted in many senior White House officials testifying before Congress. Since the Nixon Administration, at least [10 White House Counsels](#),⁶ [seven National Security Advisors](#),⁷ [six White House Chiefs of Staff](#),⁸ and [78 other White House officials](#)⁹ have appeared before Congress.

Likewise, the accommodation process has resulted in production of a wide range of sensitive documents to Congress when Congress could demonstrate a sufficient need. As Co-Equal’s precedent reports document, the [materials the executive branch produced to Congress](#)¹⁰ have included internal communications involving the president, foreign dignitary communications with the president, internal communications involving top White House aides, communications between White House and cabinet officials, communications involving the Vice President’s Office, and communications involving the White House Counsel’s Office.

II. How the Trump Administration Responded to Congressional Oversight

During the four years of the Trump Administration, historical precedents were cast aside as President Trump and his top officials found novel ways to keep information from Congress. This part describes over two dozen different tactics and rationales used by the Trump Administration to withhold information from Congress, ranging from ignoring requests to defying subpoenas to filing lawsuits. Several of these actions set new precedents that future administrations may follow.

The examples used in this part to illustrate the actions of the Trump Administration are drawn from 104 separate congressional investigations that the Administration impeded during President Trump’s four years in office. These 104 investigations are described in greater detail in Parts III and IV.

⁵ Co-Equal, *Guide to Congressional Oversight Precedent*.

<https://web.archive.org/web/20221109182640/https://www.co-equal.org/guide-to-congressional-oversight>

⁶ Co-Equal, *White House Counsels*. <https://web.archive.org/web/20220123185630/https://www.co-equal.org/guide-to-congressional-oversight/white-house-counsels>

⁷ Co-Equal, *National Security Advisor Testimony*. <https://web.archive.org/web/20220123172956/https://www.co-equal.org/guide-to-congressional-oversight/national-security-advisor-testimony>

⁸ Co-Equal, *White House Aides*. <https://web.archive.org/web/20220919082200/https://www.co-equal.org/guide-to-congressional-oversight/white-house-aides>

⁹ Co-Equal, *White House Aides*. <https://web.archive.org/web/20220919082200/https://www.co-equal.org/guide-to-congressional-oversight/white-house-aides>

¹⁰ Co-Equal, *White House Documents and Communications*.

<https://web.archive.org/web/20220809081203/https://www.co-equal.org/guide-to-congressional-oversight/white-house-documents-and-communications>

Refusing to Comply with Congressional Requests for Documents and Witnesses

As the Supreme Court recognized in [*McGrain v. Daugherty*](#)¹¹ in 1927, “A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change.” One way Congress informs itself is by requesting relevant information from the executive branch. Under the Trump Administration, however, these requests for information, documents, and testimony were often resisted using an array of methods.

Ignoring Member Requests

In May 2017, less than four months after President Trump’s inauguration, the Office of Legal Counsel in the Trump Justice Department issued [an opinion](#)¹² that a request for information from an individual member of Congress, including a ranking member of a Committee, “is not properly considered an ‘oversight’ request” and “does not trigger any obligation to accommodate congressional needs.” The opinion concluded that executive branch responses to the requests of individual members are purely “discretionary” because individual members have no constitutional authority to conduct oversight in the absence of a specific delegation by a full House, committee, or subcommittee. Even Senator Charles Schumer, the Senate Minority Leader, had a request for information [rejected](#)¹³ under this opinion.

The Republican Chairman of the Senate Judiciary Committee, Senator Charles Grassley, [called](#)¹⁴ this policy “nonsense,” writing, “Every member of Congress is a Constitutional officer, duly elected to represent and cast votes in the interests of their constituents. ... Thus, all members need accurate information from the Executive Branch in order to carry out their Constitutional function to make informed decisions.”

Failing to Respond to Committee Requests

Committees often fared little better than individual members when requesting information from the Trump Administration. After President Trump displayed a weather map that was altered with a Sharpie marker to show the hurricane Dorian striking Alabama, the Commerce Department refused to provide documents in response to [repeated requests](#)¹⁵ from the House Science, Space, and Technology

¹¹ Supreme Court of the United States, *McGrain v. Daugherty* (January 17, 1927).

<https://web.archive.org/web/20220423221819/https://supreme.justia.com/cases/federal/us/273/135/>

¹² U.S. Department of Justice, *Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch* (May 1, 2017).

<https://web.archive.org/web/20201204140702/https://www.justice.gov/olc/file/966326/download>

¹³ Letter from Michael J. Elston to Senator Charles E. Schumer (July 2, 2020).

<https://web.archive.org/web/20221110195510/https://www.democrats.senate.gov/imo/media/doc/2020-07-02%20Sen%20Schumer%20re%20PMG%20Selection.pdf>

¹⁴ Letter from Chairman Charles E. Grassley to President Donald Trump (June 7, 2017).

[https://web.archive.org/web/20220719155313/https://www.judiciary.senate.gov/imo/media/doc/2017-06-07%20CEG%20to%20DJT%20\(oversight%20requests\).pdf](https://web.archive.org/web/20220719155313/https://www.judiciary.senate.gov/imo/media/doc/2017-06-07%20CEG%20to%20DJT%20(oversight%20requests).pdf)

¹⁵ Letter from Chairwoman Eddie Bernice Johnson to Commerce Secretary Wilbur Ross (December 10, 2019).

<https://web.archive.org/web/20210701222048/https://science.house.gov/imo/media/doc/12.10.19%20EBJ%20letter%20to%20Ross%20re%20Dorian%203rd%20transmittal.pdf>

Committee. The Education Department [refused](#)¹⁶ multiple requests by the House Oversight Committee for information and documents about the use of private email accounts by Secretary DeVos and other officials. The Department of Homeland Security [provided no documents](#)¹⁷ in response to repeated requests by the House Judiciary Committee for information about reports that President Trump offered to pardon officials carrying out his immigration policies.

Limiting Congressional Committees to Information Available to the Public

The Freedom of Information Act exempts “deliberative process” materials from disclosure to the public ([5 U.S.C. § 552\(b\)\(5\)](#)).¹⁸ It also contains other exemptions for information relating to national security, trade secrets, personal privacy, and law enforcement (5 U.S.C. § 552(b)(1), (4), (6), and (7)). These exemptions do not apply to Congress, however. FOIA provides explicitly that “[t]his section is not authority to withhold information from Congress” (5 U.S.C. § 552(d)).

Notwithstanding this provision, federal agencies during the Trump Administration withheld documents from congressional committees based on the deliberative process and other FOIA privileges. In 2019, for example, the House Energy and Commerce Committee, House Education and Labor Committee, and House Ways and Means Committee [investigated](#)¹⁹ the Trump Administration’s implementation of the Affordable Care Act. As part of this inquiry, the Committees [requested](#)²⁰ in June 2019 that the Department of Health and Human Services produce analyses of the Center for Medicare & Medicaid Services’ Office of the Actuary (OACT) that found that policies under consideration by the Administration would increase health care costs and reduce insurance coverage. Citing the “deliberative process privilege,” the Department [refused](#)²¹ to produce the OACT analysis. Similarly, the Department of Interior

¹⁶ House Committee on Oversight and Reform, *Committee Demands Documents Withheld by Secretary DeVos for More than Two Years in Bipartisan Personal Email Investigation* (July 15, 2019).

<https://web.archive.org/web/20220826074800/https://oversight.house.gov/news/press-releases/committee-demands-documents-withheld-by-secretary-devos-for-more-than-two-years>

¹⁷ House Committee on the Judiciary, *House Judiciary Committee Subpoenas Homeland Security Over Trump Pardons* (September 4, 2019).

<https://web.archive.org/web/20220826010403/https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=2099>

¹⁸ 5 U.S. Code § 552, *Public information; agency rules, opinions, orders, records, and proceedings*.

<https://web.archive.org/web/20220823221324/https://www.law.cornell.edu/uscode/text/5/552>

¹⁹ Letter from Chairs Frank Pallone, Jr., Richard E. Neal, and Robert C. “Bobby” Scott to Secretary of Health and Human Services Alex M. Azar II (June 13, 2019).

<https://web.archive.org/web/20220930141938/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/HHS.2019.6.13.%20Joint%20Letter%20to%20HHS.pdf>

²⁰ Letter from Chairs Frank Pallone, Jr., Richard E. Neal, and Robert C. “Bobby” Scott to Secretary of Health and Human Services Alex M. Azar II (June 13, 2019).

<https://web.archive.org/web/20220930141938/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/HHS.2019.6.13.%20Joint%20Letter%20to%20HHS.pdf>

²¹ Letter from Chairman Frank Pallone Jr. to Secretary of Health and Human Services Alex M. Azar and Center for Medicare and Medicaid Services Administrator Seema Verma (October 16, 2019).

<https://web.archive.org/web/20221108212849/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/CMS.2019.10.16.%20Letter%20re%20Document%20Requests.pdf>

[repeatedly redacted](#)²² documents provided to the House Natural Resources Committee based on FOIA exemptions.

In at least one instance, the State Department even refused to provide information to the House Foreign Affairs Committee that it [acknowledged](#)²³ it was required to provide to the public under the Freedom of Information Act (FOIA).

Producing Irrelevant or Redacted Materials

During the Trump Administration, some agencies produced large volumes of irrelevant or redacted documents in response to congressional requests. For example, the Department of Interior sent the House Oversight Committee and the House Natural Resources Committee a production of 12,575 pages in response to the Committees' investigation into the Department's compliance with the Freedom of Information Act (FOIA). An Oversight Committee [analysis](#)²⁴ showed that 12,320 of these pages were a spreadsheet of the Department's annual FOIA report, which was already available online, and the remaining documents were also already public information. In other investigations, the Interior Department [provided](#)²⁵ the House Natural Resources Committee with "thousands of pages of [wingdings](#)²⁶ and other unreadable text; whole reams of entirely blacked-out pages of data that they've 'redacted' without giving a reason (which they are required to do); printouts of unrelated emails and publicly available news articles; ... and sometimes just blank pages of nothing." A [hearing](#)²⁷ on the Interior Department's compliance with oversight requests revealed that one document production included a 934-page report from the House of Representatives and that in another case the Committee

²² House Natural Resources Committee, *Dirty Deals: Four Years of the Trump Administration Putting Polluter Profits Over People* (October 27, 2020), page 28.

<https://web.archive.org/web/20210318000113/https://naturalresources.house.gov/imo/media/doc/DirtyDeals.pdf>

²³ Letter from Chairman Eliot L. Engel and Ranking Member Robert Menendez to Secretary of State Michael Pompeo (March 14, 2019), page 4.

https://web.archive.org/web/20201210223150/https://foreignaffairs.house.gov/_cache/files/a/f/af101dbe-1a9f-48e1-b45b-529ad719f84b/CD2EF928DFD650998BD823812EE69808.03.15.19-hfac-sfrc-letter-to-pompeo---prohibited-personnel-practices---with-attachments.pdf

²⁴ Letter from Chairman Elijah E. Cummings to Interior Secretary David Bernhardt (May 31, 2019).

<https://web.archive.org/web/20201212054110/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-31.EEC%20to%20Bernhardt-DOI%20re%20Transcribed%20Interviews.pdf>

²⁵ House Natural Resources Committee, *Subpoena: Why the Natural Resources Committee is Voting on Subpoena Power* (February 5, 2020). <https://web.archive.org/web/20221108231006/https://hnrdeems.medium.com/sub-poe-na-2bbb96218167>

²⁶ House Natural Resources Committee, Tweet (May 15, 2019).

https://twitter.com/NRDems/status/1128669761561346048?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed&ef_url=https%3A%2F%2Fcdn.embedly.com%2Fwidgets%2Fmedia.html%3Ftype%3Dtext%252Fhtml%26key%3Da19fcc184b9711e1b4764040d3dc5c07%26schema%3Dtwitter%26url%3Dhttps%253A%2F%2Ftwitter.com%2Fnrdeems%2Fstatus%2F1128669761561346048%26image%3Dhttps%253A%2F%2Fi.embed.ly%2F1%2Fimage%253Furl%253Dhttps%25253A%25252F%25252Fpbs.twimg.com%25252Fmedia%25252FD6nXHb8WwAUPAGW.jpg%25253Alarge%2526key%253Da19fcc184b9711e1b4764040d3dc5c07

²⁷ House Natural Resources Committee, *The Department of the Interior's Failure to Cooperate with Congressional Oversight Requests* (September 26, 2019). <https://www.youtube.com/watch?v=SVANPZkSN64>

was given redacted documents while unredacted versions were released to the public under FOIA requests.

In other instances, the Department of Health and Human Services [produced](#)²⁸ entirely redacted and duplicative documents in response to the Select Subcommittee on the Coronavirus Crisis's investigation into allegations that political appointees attempted to stop the publication of scientific reports related to COVID-19. The Environmental Protection Agency responded to requests from the House Committee on Science, Space, and Technology for documents related to the dangers of formaldehyde by [producing](#)²⁹ materials that were either irrelevant, nonresponsive, or extensively redacted, including documents that were already public and scans of morning news clips from Politico.

Imposing Onerous Conditions on Document Reviews

In several instances, the Trump Administration imposed onerous conditions on the review of documents requested by congressional investigators. In a House Education and Labor Committee investigation into a failed for-profit college, for example, the Department of Education [offered](#)³⁰ Committee staff an opportunity to review documents on the conditions that the review occur *in camera* on department premises and that agency officials could review and retain the Committee staff's notes on the documents, which the Committee rejected as "patently unreasonable." Ultimately, the Committee had to [subpoena](#)³¹ career staff in an attempt to obtain information being withheld by the Department.

Refusal to Testify at Virtual Hearings

In May 2020, the House passed [H. Res. 965](#),³² which authorized committees to "conduct proceedings remotely" during the "public health emergency due to a novel coronavirus." In response, the Trump White House adopted a policy that it would not send witnesses to testify unless both the committee chair and the witnesses were in person. According to one [news report](#),³³ the policy stated, "By

²⁸ Letter from Chairman James E. Clyburn to Secretary of Health and Human Services Alex M. Azar II and Centers for Disease Control and Prevention Director Dr. Robert R. Redfield (December 21, 2020). https://web.archive.org/web/20201222000121/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-21.Clyburn%20to%20Redfield%20and%20Azar%20re%20Subpoena%20FINAL%20_0.pdf

²⁹ Letter from Chairwoman Eddie Bernice Johnston to Environmental Protection Agency Administrator Andrew Wheeler (October 29, 2019). <https://web.archive.org/web/20201210180238/https://science.house.gov/imo/media/doc/10.29.19%20Wheeler%20final%20IRIS%20letter%20.pdf>

³⁰ Letter from Chairman Robert C. "Bobby" Scott to Education Secretary Betsy DeVos (October 22, 2020). <https://web.archive.org/web/20220826084939/https://edlabor.house.gov/imo/media/doc/2020.10.22%20RCS%20ltr%20to%20ED%20Re%20obstruction%20on%20DCEH.pdf>

³¹ Washington Post, *House committee subpoenas Education Dept. staff over handling of failing for-profit colleges* (October 22, 2020). <https://web.archive.org/web/20201129114612/https://www.washingtonpost.com/education/2020/10/22/house-dream-center-art-institutes-education-department/>

³² U.S. House of Representatives, *H. Res. 965* (May 15, 2020). <https://web.archive.org/web/20200815032252/https://www.congress.gov/116/bills/hres965/BILLS-116hres965eh.pdf>

³³ ABC News, *White House says officials will only testify before Congress in person* (May 30, 2020). <https://web.archive.org/web/20200711233650/https://abcnews.go.com/Politics/administration-officials-testify-congress-remote-hearings-white-house/story?id=70971411>

permitting proxy voting, remote hearings, and virtual depositions, the Speaker and the House majority demonstrated they are not serious about doing the job that the American people sent them to Washington to do. ... [F]ederal officials will appear in person before a committee and we ask that each Chairman do the same.”

For example, the State Department, the U.S. Agency for International Development, and the Departments of Defense and Homeland Security refused to appear at a House Oversight Committee hearing on the [U.S. Strategy on Women, Peace, and Security](#),³⁴ a joint initiative which the four agencies had announced in June 2020. The agencies [cited](#)³⁵ White House guidance providing that agency officials will not testify unless the committee chairman and witnesses appear in person. Just a few weeks earlier, senior officials from each of these agencies had participated in an [online webinar forum](#)³⁶ on the same topic hosted by the American Enterprise Institute. Similarly, the Department of Interior [refused to participate](#)³⁷ in online hearings held by the House Natural Resources Committee.

Refusal of Cabinet Secretaries to Testify

While cabinet secretaries and agency heads have busy schedules and cannot accept every congressional invitation to testify, there are certain hearings where they are expected to testify. During the Trump Administration, however, cabinet secretaries broke from precedent and refused to appear for these customary hearings.

One example is the annual budget hearings held by the House and Senate Appropriations Committees. According to the [Congressional Research Service](#),³⁸ “As part of the annual appropriations process, agency leaders are expected to appear before appropriations subcommittees to justify their agencies’ budget requests. This means that the heads of Cabinet departments and other agencies are likely to testify before Congress at least once per year.” After appearing in 2019 for this purpose, Secretary of

³⁴ U.S. Department of Homeland Security, *DHS Moves to Promote Global Peace, Stability, and Security by Enhancing Women’s Leadership Around the World Through Whole-of-Government Strategy* (June 11, 2020). <https://web.archive.org/web/20200814141335/https://www.dhs.gov/news/2020/06/11/dhs-moves-promote-global-peace-stability-and-security-enhancing-women-s-leadership>

³⁵ Letter from Chairwoman Carolyn B. Maloney and Chairman Stephen F. Lynch to Secretary of State Michael R. Pompeo, Secretary of Defense Mark T. Esper, Acting Administrator of U.S. AID John Barsa, and Acting Secretary of Homeland Security Chad F. Wolf (June 30, 2020). <https://web.archive.org/web/20201211135840/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-06-30.CBM%20SFL%20to%20State%20USAID%20DOD%20DHS%20re%20Hearings.pdf>

³⁶ American Enterprise Institute, *Advancing the Women, Peace, and Security Strategy in 2020* (June 11, 2020). <https://web.archive.org/web/20200728091728/https://www.aei.org/events/webinar-advancing-the-women-peace-and-security-strategy-in-2020/>

³⁷ House Natural Resources Committee, *Dirty Deals: Four Years of the Trump Administration Putting Polluter Profits Over People* (October 27, 2020), page 29. <https://web.archive.org/web/20210318000113/https://naturalresources.house.gov/imo/media/doc/DirtyDeals.pdf>

³⁸ Congressional Research Service, *Voluntary Testimony by Executive Branch Officials: An Introduction* (November 27, 2019), page 9. <https://web.archive.org/web/20201218012832/https://crsreports.congress.gov/product/pdf/R/R46061>

State Mike Pompeo repeatedly [refused](#)³⁹ to comply with requests in 2020 that he testify before the House Appropriations Committee’s Subcommittee on State, Foreign Operations, and Related Programs to justify the agency’s budget request. Similarly, Commerce Secretary Wilbur Ross [refused](#)⁴⁰ to testify before the Appropriations Subcommittee on Commerce, Justice, and Science to justify his department’s budget request in 2019.

Another example involves the annual hearing held by the House Committee on Homeland Security on threats facing the nation to inform Congress and the public on the current state of national security. Prior to the Trump Administration, both Republican and Democratic administrations [had cooperated](#)⁴¹ by sending the heads of the Department of Homeland Security, the FBI, and the National Counterterrorism Center to testify. In September 2020, however, Acting DHS Secretary Chad Wolf reneged on his agreement to appear at this hearing on the grounds that the President had recently nominated him to be Secretary. In this case, the Chairman of the Committee then [issued a subpoena](#)⁴² for his testimony, pointing out that Mr. Wolf had served as Acting Secretary for the prior ten months and was in no way prevented from appearing before the committee by his nomination, yet Mr. Wolf still [refused to appear](#).⁴³

Blocking Communications with Federal Officials

Executive branch officials are an essential source of information for Congress. As a Co-Equal report [documents](#),⁴⁴ multiple laws protect the right of Congress to receive information from government officials, including the Whistleblower Protection Act ([5 U.S.C. § 2302\(b\)\(8\)](#)),⁴⁵ the Lloyd LaFollette Act ([5](#)

³⁹ Letter from Chairwoman Nita M. Lowey to Secretary of State Michael R. Pompeo (March 9, 2020). <https://web.archive.org/web/20200808130829/https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/Pompeo%20Letter%20signed.pdf>

⁴⁰ Politico, *Wilbur Ross rejects second invite to testify before Congress* (April 3, 2019). <https://web.archive.org/web/20210408222221/https://www.politico.com/story/2019/04/03/wilbur-ross-testify-congress-1315312>

⁴¹ House Committee on Homeland Security, *Hearing Statement of Chairman Bennie G. Thompson (D-MS)* (September 17, 2020). <https://web.archive.org/web/20220716130902/https://homeland.house.gov/imo/media/doc/BGT%20Statement%20Full%209.17.pdf>

⁴² House Committee on Homeland Security, *Chairman Thompson Subpoenas Chad Wolf After Refusal to Testify* (September 11, 2020). <https://web.archive.org/web/20220823105547/https://homeland.house.gov/news/press-releases/chairman-thompson-subpoenas-chad-wolf-after-refusal-to-testify>

⁴³ Letter from Chairman Bennie G. Thompson to Chairman Ron Johnson and Ranking Member Gary C. Peters (September 22, 2020), page 5. <https://web.archive.org/web/20220826034829/https://homeland.house.gov/imo/media/doc/HSGAC%20Letter%20Doc.pdf>

⁴⁴ Co-Equal, *Career Official Testimony Precedent*. <https://web.archive.org/web/20200222010639/https://www.co-equal.org/guide-to-congressional-oversight/career-official-testimony-precedent>

⁴⁵ 5 U.S.C. § 2302, *Prohibited personnel practices*. <https://web.archive.org/web/20200304231424/https://www.law.cornell.edu/uscode/text/5/2302>

[U.S.C. § 7211](#)),⁴⁶ and annual appropriations riders (e.g., [section 713](#)⁴⁷ of the Consolidated Appropriations Act of 2022).

Notwithstanding the laws protecting Congress' right to receive information from federal officials, the Trump Administration resisted allowing these officials to provide information to congressional committees. For example, from April to October 2019, the House Committee on Science, Space, and Technology sent three written requests for a briefing from officials regarding the suppression of a report on the dangers of formaldehyde ([April 3, 2019, letter](#);⁴⁸ [July 18, 2019, letter](#);⁴⁹ [October 29, 2019, letter](#)⁵⁰). The Environmental Protection Agency did not allow the officials to speak with the Committee, forcing the Committee [to issue](#)⁵¹ a subpoena. The House Oversight Committee and the House Natural Resources Committee requested interviews with career staff as part of their investigation into whether the Interior Secretary was failing to preserve accurate records of his meetings with industry groups. The Department resisted making the officials available and did not relent until the Oversight Committee [advised](#)⁵² the agency that the individuals responsible for blocking the interviews could have their salaries withheld pursuant to the annual appropriations rider.

Refusing to Comply with Committee Subpoenas for Documents and Witnesses

When a person or entity refuses to provide the information requested by a congressional committee, the committee can issue a subpoena to compel the production of documents or the testimony of a witness at a hearing or deposition. Congressional subpoenas are compulsory, but their [enforcement](#)⁵³ typically depends on action by one of the other branches of government, either the executive branch

⁴⁶ 5 U.S.C. § 7211, *Employees' right to petition Congress*.

<https://web.archive.org/web/20200826004131/https://www.law.cornell.edu/uscode/text/5/7211>

⁴⁷ *Consolidated Appropriations Act, 2022* (March 15, 2022), page 246.

<https://web.archive.org/web/20220830172533/https://www.congress.gov/117/plaws/publ103/PLAW-117publ103.pdf>

⁴⁸ Letter from Chairwomen Eddie Bernice Johnson and Mikie Sherrill to Environmental Protection Agency Administrator Andrew Wheeler (April 3, 2019).

<https://web.archive.org/web/20201210180051/https://science.house.gov/imo/media/doc/4.3.19%20Wheeler%20letter%20EPA%20IRIS.pdf>

⁴⁹ Letter from Chairwoman Eddie Bernice Johnston to Environmental Protection Agency Administrator Andrew Wheeler (July 18, 2019).

<https://web.archive.org/web/20201210180230/https://science.house.gov/imo/media/doc/7.18.19%20Letter%20to%20Wheeler%20regarding%20IRIS.pdf>

⁵⁰ Letter from Chairwoman Eddie Bernice Johnston to Environmental Protection Agency Administrator Andrew Wheeler (October 29, 2019).

<https://web.archive.org/web/20201210180238/https://science.house.gov/imo/media/doc/10.29.19%20Wheeler%20final%20IRIS%20letter%20.pdf>

⁵¹ House Committee on Science, Space, and Technology, *Science Committee Chairwoman Issues Subpoenas to EPA* (November 15, 2019). <https://web.archive.org/web/20201124191455/https://science.house.gov/news/press-releases/science-committee-chairwoman-issues-subpoenas-to-epa>

⁵² Letter from Chairman Elijah E. Cummings to Interior Secretary David Bernhardt (May 31, 2019).

<https://web.archive.org/web/20201212054110/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-31.EEC%20to%20Bernhardt-DOI%20re%20Transcribed%20Interviews.pdf>

⁵³ Congressional Research Service, *Congressional Subpoenas: Enforcing Executive Branch Compliance* (March 27, 2019). <https://web.archive.org/web/20220416042732/https://crsreports.congress.gov/product/pdf/R/R45653>

through a prosecution for contempt of Congress or the judicial branch through an order compelling compliance. The Trump Administration often defied congressional subpoenas. In fact, President Trump [declared](#)⁵⁴ in April 2019 that “[w]e’re fighting all subpoenas” because “[t]hese aren’t, like, impartial people. The Democrats are trying to win 2020.”

Claiming Absolute Immunity for Advisors to the President

The Office of Legal Counsel at the Department of Justice has [asserted](#)⁵⁵ since the 1940s that the president can claim absolute immunity for senior advisors, but the courts that have considered the issue have disagreed. In 2008, the federal district court in D.C. [ruled](#)⁵⁶ that the former White House Counsel to President George W. Bush, Harriet Miers, lacked absolute immunity and had to appear before Congress and claim executive privilege on a question-by-question basis. In 2019, then-federal district court judge Ketanji Brown Jackson [reached the same conclusion](#)⁵⁷ in a case involving President Trump’s former White House Counsel, Donald McGahn. After a panel of the D.C. Circuit ruled that the court lacked authority to decide the McGahn case and the full D.C. Circuit agreed to a rehearing en banc, this case was [settled](#)⁵⁸ by the Biden Administration in 2021 before the D.C. Circuit could reach the merits of the case.

In practice, prior presidents have resisted testing the extent of their authority and have claimed absolute immunity only in rare cases. As Co-Equal has [documented](#),⁵⁹ a wide range of senior officials – including Chiefs of Staff, White House Counsels, and National Security Advisors – have testified before Congress as part of the traditional accommodation process.

President Trump took a different approach. He readily claimed absolute immunity and did not seek to accommodate congressional interests. He [asserted](#)⁶⁰ absolute immunity for Mr. McGahn when the House Judiciary Committee subpoenaed him to testify about former FBI Director Robert Mueller’s

⁵⁴ New York Times, *Trump Vows Stonewall of ‘All’ House Subpoenas, Setting Up Fight Over Powers* (April 24, 2019). <https://web.archive.org/web/20220404222947/https://www.nytimes.com/2019/04/24/us/politics/donald-trump-subpoenas.html?module=inline>

⁵⁵ U.S. Department of Justice Office of Legal Counsel, *Immunity of the Former Counsel to the President From Compelled Congressional Testimony* (July 10, 2007). <https://web.archive.org/web/20220417114901/https://www.justice.gov/file/451566/download>

⁵⁶ United States District Court, District of Columbia, *Committee on Judiciary v. Miers* (August 26, 2008). <https://web.archive.org/web/20220714132802/https://casetext.com/case/committee-on-judiciary-v-miers-2>

⁵⁷ United States District Court, District of Columbia, *Committee on Judiciary v. McGahn* (November 15, 2019). <https://web.archive.org/web/20220408100927/https://s3.documentcloud.org/documents/6560643/Don-McGahn-ruling.pdf>

⁵⁸ CBS News, *Ex-White House Counsel Don McGahn to testify before House Judiciary Committee on June 4* (May 27, 2021). <https://web.archive.org/web/20220330025737/https://www.cbsnews.com/news/don-mcghahn-house-judiciary-committee-testimony/>

⁵⁹ Co-Equal, *White House Aides*. <https://web.archive.org/web/20220123180549/https://www.co-equal.org/guide-to-congressional-oversight/white-house-aides>

⁶⁰ NBC News, *Trump directs former White House Counsel McGahn to defy subpoena, not appear before Congress* (May 20, 2019). <https://web.archive.org/web/20241124062533/https://www.nbcnews.com/politics/justice-department/congress-can-t-compel-don-mcghahn-testify-about-mueller-report-n1007851>

findings in the investigation into Russian interference in the 2016 election. He [asserted](#)⁶¹ absolute immunity to prevent White House advisor Kellyanne Conway from testifying about violating ethics laws prohibiting federal officials from engaging in political activity. He likewise [asserted](#)⁶² absolute immunity for acting White House Chief of Staff Mick Mulvaney in the Ukraine impeachment.

Even after his term of office expired, former President Trump attempted to assert absolute immunity for his advisors. In September 2021, the House Select Committee to Investigate the January 6th Attack on the United States Capitol [subpoenaed](#)⁶³ Mr. Trump's former chief of staff, Mark Meadows, seeking documents and a deposition. Mr. Trump, through a representative, claimed that "Mr. Meadows is immune from compelled testimony on matters related to his official responsibilities" and [instructed](#)⁶⁴ Mr. Meadows to refrain from providing documents or testifying relating to official matters. President Biden took a different position and [declined](#)⁶⁵ to assert a claim of executive privilege or immunity over Mr. Meadows' document production or testimony. In October 2021, after initially agreeing to cooperate with the Committee, Mr. Meadows [filed](#)⁶⁶ a lawsuit in the District Court for the District of Columbia seeking to block the subpoenas. In July 2022, in response to an invitation from the presiding judge in that case, the Justice Department [filed](#)⁶⁷ a statement of interest describing its view that while advisors to sitting presidents are entitled to absolute immunity, advisors to former presidents have only a form of qualified immunity. According to this view, an advisor to a former president must testify about their official duties only if Congress' "subpoena seeks evidence in service of a valid and sufficiently important legislative interest[, the] evidence is sufficiently relevant to that interest, and [Congress] has shown that [the evidence] could not reasonably be obtained elsewhere." The Justice Department argued that in the

⁶¹ New York Times, *White House Directs Kellyanne Conway to Defy House Subpoena* (July 15, 2019).

<https://web.archive.org/web/20221116180811/https://www.nytimes.com/2019/07/15/us/politics/kellyanne-conway-hatch-act.html>

⁶² The Hill, *Mulvaney defies House subpoena, cites immunity 'one minute' before deposition* (November 8, 2019).

<https://web.archive.org/web/20220610142211/https://thehill.com/homenews/administration/469595-mulvaney-defies-house-subpoena-cites-absolute-immunity-one-minute/>

⁶³ Subpoena letter from Chairman Bennie G. Thompson, House Select Committee to Investigate the January 6th Attack on the United States Capitol to Mark R. Meadows (September 23, 2021).

<https://web.archive.org/web/20231121052624/https://january6th-benniethompson.house.gov/sites/democrats.january6th.house.gov/files/20210923%20Meadows%20Letter.pdf>

⁶⁴ Letter from Justin Clark, Counsel to President Trump, to Scott Gast, Mark Meadows' Attorney (October 6, 2021), page 12.

<https://web.archive.org/web/20231121052139/https://docs.house.gov/meetings/IJ/IJ00/20211213/114313/HMTG-117-IJ00-20211213-SD002.pdf#page=12>

⁶⁵ Letter from Jonathan C. Su, Deputy Counsel to the President, to George J. Terwilliger III, Mark Meadows' Attorney (November 11, 2021).

<https://web.archive.org/web/20230404050559/https://storage.courtlistener.com/recap/gov.uscourts.dcd.238273/gov.uscourts.dcd.238273.1.12.pdf>

⁶⁶ United States District Court for the District of Columbia, *Meadows v. Pelosi et al*, (December 8, 2021).

https://web.archive.org/web/202304040405054/https://storage.courtlistener.com/recap/gov.uscourts.dcd.238273/gov.uscourts.dcd.238273.1.0_6.pdf

⁶⁷ United States District Court for the District of Columbia, *Meadows v. Pelosi et al*, statement of interest of the United States (July 15, 2022).

https://web.archive.org/web/20230404130916/https://storage.courtlistener.com/recap/gov.uscourts.dcd.238273/gov.uscourts.dcd.238273.42.0_4.pdf

case of the Select Committee’s subpoena to Mr. Meadows, the Committee had satisfied this test. The court, however, never ruled on the immunity issue, instead [dismissing](#)⁶⁸ Mr. Meadows’ suit in October 2022 on the grounds that, based on the Speech or Debate Clause of the U.S. Constitution, the court lacked subject matter jurisdiction to hear the case.

Invoking Executive Privilege

Traditionally, presidents have invoked executive privilege when refusing to comply with a congressional subpoena for documents. This is not an absolute privilege, but one that is [weighed](#)⁶⁹ against Congress’ need for the information in determining whether information should be disclosed. President Trump [invoked](#)⁷⁰ this privilege to withhold specific documents sought by the House Oversight Committee in its investigation of the Commerce Department’s attempt to add a citizenship question to the 2020 census.

Asserting a Protective Claim of Executive Privilege

In addition to asserting the traditional executive privilege to withhold documents from Congress, the Trump Administration developed a new type of executive privilege claim: one that was applied broadly to information that might be subject to a traditional claim of executive privilege by the president at some point in the future. This new protective executive privilege was used in response to the House Oversight Committee’s investigation of the Census citizenship question, where the White House [claimed a privilege](#)⁷¹ over tens of thousands of pages of responsive documents to “give the President ‘the ability to make a final decision whether to assert privilege following a full review.’”

President Clinton [previously used](#)⁷² a protective claim of executive privilege to temporarily withhold subpoenaed White House documents that he had not yet finished reviewing, but in that case, President Clinton followed up a few weeks later with a formal assertion of privilege over specific documents. The Trump Administration, by contrast, never provided the Oversight Committee with any final assertions of privilege, not even after two Cabinet Secretaries, Commerce Secretary Wilbur Ross and Attorney General William Barr, were held in contempt. According to the Oversight Committee, “the

⁶⁸ United States District Court for the District of Columbia, *Meadows v. Pelosi et al*, (October 31, 2022).

https://web.archive.org/web/20231003215716/https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2021cv3217-49

⁶⁹ Katherine Shaw, testimony before the Senate Judiciary Committee, *Breaking the Logjam: Principles and Practice of Congressional Oversight and Executive Privilege* (August 3, 2021).

<https://web.archive.org/web/20221121152751/https://larc.cardozo.yu.edu/cgi/viewcontent.cgi?article=1005&context=faculty-testimony>

⁷⁰ Letter from Stephen E. Boyd to Chairman Elijah E. Cummings (June 12, 2019). <https://perma.cc/WWF3-CVAZ>

⁷¹ House Committee on Oversight and Reform, *Update on Investigations of Census Citizenship Question Since House Held Attorney General Barr and Commerce Secretary Ross in Contempt of Congress* (November 12, 2019). <https://web.archive.org/web/20220824194831/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-11-12.Memo%20to%20COR%20Members%20re.%20Census.pdf>

⁷² Duke Law Journal, *The Executive’s Privilege* (October 2020), page 66.

<https://web.archive.org/web/20220321054731/https://scholarship.law.duke.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4036&context=dlj>

Administration's broad 'protective' assertion of privilege over all remaining responsive documents" [meant](#)⁷³ "the Committee is unable to complete its investigation."

In the House Judiciary Committee's investigation of Russian interference in the 2016 election, the Committee [subpoenaed](#)⁷⁴ a wide range of documents collected by Special Counsel Robert Mueller during his investigation. The Trump Administration similarly [invoked](#)⁷⁵ a protective claim of executive privilege to justify withholding the documents from the Committee.

A protective claim of executive privilege fundamentally alters the traditional relationship between Congress and the executive branch. As a commentator [wrote](#),⁷⁶ a protective assertion of executive privilege "provides the executive branch with the authority to ignore and countermand congressional subpoenas without the president ever asserting executive privilege and without the need to undertake the balancing inquiry at the heart of the privilege."

Refusing to Comply with Subpoenas for Documents without Claiming Executive Privilege

Congress [takes the position](#)⁷⁷ that it is required to recognize only constitutional privileges, like executive privilege or the privilege against self-incrimination. The Trump Administration, however, often refused to comply with a subpoena without a formal assertion of executive privilege, citing an array of reasons. The General Services Administration [refused](#)⁷⁸ to produce subpoenaed documents relating to the lease of federal property to the Trump International Hotel, [arguing](#)⁷⁹ that its lease agreement constrained its ability to disclose confidential financial information and that legal memoranda are protected by attorney-client privilege and "core confidentiality interests of the Executive Branch." The Department of

⁷³ House Committee on Oversight and Reform, *Update on Investigations of Census Citizenship Question Since House Held Attorney General Barr and Commerce Secretary Ross in Contempt of Congress* (November 12, 2019). <https://web.archive.org/web/20220824194831/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-11-12.Memo%20to%20COR%20Members%20re.%20Census.pdf>

⁷⁴ U.S. House of Representatives, *Subpoena to Attorney General William Barr* (May 1, 2019). <https://web.archive.org/web/20220825174358/https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/mueller%20report%20subpoena%204.18.19.pdf>

⁷⁵ Letter from Assistant Attorney General Stephen E. Boyd to Chairman Jerrold Nadler (May 8, 2019). <https://web.archive.org/web/20221115180900/https://s3.documentcloud.org/documents/5993531/5-8-19-Boyd-Letter-Nadler.pdf>

⁷⁶ Duke Law Journal, *The Executive's Privilege* (October 2020), page 28. <https://web.archive.org/web/20220321054731/https://scholarship.law.duke.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4036&context=dlj>

⁷⁷ Washington University Law Review, *House Rules: Congress and the Attorney-Client Privilege* (October 31, 2022). https://web.archive.org/web/20221121154035/https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4254169

⁷⁸ House Committee on Transportation and Infrastructure, *Chairs DeFazio and Titus Re-Submit Records Request Related to Trump Hotel Lease at the Old Post Office Building* (March 16, 2021). <https://web.archive.org/web/20220826051631/https://transportation.house.gov/news/press-releases/chairs-defazio-and-titus-re-submit-records-request-related-to-trump-hotel-lease-at-the-old-post-office-building>

⁷⁹ House Committee on Transportation & Infrastructure, *Problems on Pennsylvania Avenue: GSA's Mishandling of the Old Post Office Lease to the Trump Organization – Selected Records* (December 2021), page 31. <https://web.archive.org/web/20220826051437/https://transportation.house.gov/imo/media/doc/Misc.%20GSA%20docs%20&%20correspondence%20with%20cover%20page%20-%20FINAL%20-%20w%20rescans%20-%20II.pdf>

Homeland Security [refused to comply](#)⁸⁰ with a subpoena seeking information about the racist and sexist Facebook posts of Customs and Border Protection agents due to the confidentiality of personnel matters. In another instance, it [refused to comply](#)⁸¹ with a subpoena seeking documents about children separated from their parents at the border due to administrative burden.

Directing Officials Not to Comply with Congressional Subpoenas for Testimony

As described above, multiple laws protect Congress' right to receive information from federal officials. Notwithstanding these laws, the Trump Administration directed federal officials not to comply with congressional subpoenas for testimony. During the Ukraine impeachment investigation, the White House Counsel [wrote](#)⁸² the House Speaker and committee chairs that "President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances." Twelve current or former officials [refused to testify](#)⁸³ – ten of them after being subpoenaed – pursuant to this White House directive.

Directing Officials Not to Appear at Depositions without Agency Counsel

A long-standing House rule provides that witnesses in depositions can be represented by personal counsel, but counsel for other parties, such as agency counsel, cannot participate. The rationale for the rule is to preserve the integrity of the investigation, to avoid providing a roadmap of the investigation to the agency being investigated, and to prevent the agency counsel from obstructing the proceeding. As a Co-Equal precedent report [documents](#),⁸⁴ this was the rule adopted in the campaign finance investigation led by House Oversight Committee Chair Dan Burton during the Clinton Administration, the Benghazi investigation, and in all House depositions starting in 2015.

The Trump Administration, however, directed its officials not to participate in depositions under the rule. For example, as part of its investigation into the Commerce Department's decision to add a

⁸⁰ Letter from Deputy Assistant Commissioner Stephanie A. Talton to Chairwoman Carolyn B. Maloney (November 13, 2020).

<https://web.archive.org/web/20221108210112/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/11.13.20%20MALONEYC%20Signed%20response.pdf>

⁸¹ Letter from Chairman Bennie G. Thompson to Acting Homeland Security Secretary Chad F. Wolf (November 9, 2020).

<https://web.archive.org/web/20220826034809/https://homeland.house.gov/imo/media/doc/DHS%20Preserve%20Docs%20Letter.pdf>

⁸² Letter from White House Counsel Pat A. Cipollone to Speaker Nancy Pelosi, House Intelligence Committee Chairman Adam B. Schiff, House Foreign Affairs Committee Chairman Eliot L. Engel, and House Oversight and Reform Committee Chairman Elijah E. Cummings (October 8, 2019).

<https://web.archive.org/web/20221109201859/https://s3.documentcloud.org/documents/6459967/PAC-Letter-10-08-2019.pdf>

⁸³ House Permanent Select Committee on Intelligence in coordination with the Committee on Oversight and Reform and the Committee on Foreign Affairs, *The Trump-Ukraine Impeachment Inquiry Report*, page 229 (December 2019).

https://web.archive.org/web/20221111175020/https://intelligence.house.gov/uploadedfiles/the_trump-ukraine_impeachment_inquiry_report.pdf

⁸⁴ Co-Equal, *Investigation Rules and Practices Followed During the Clinton and Obama Administrations*.

<https://web.archive.org/web/20220713041113/https://www.co-equal.org/guide-to-congressional-oversight/investigative-rules-and-practices-followed-during-the-clinton-and-obama-administrations>

citizenship question to the 2020 Census, the House Oversight Committee sought to depose John Gore, the principal deputy attorney general for the Department of Justice Civil Rights Division, who had [reportedly pressured](#)⁸⁵ the Commerce Department to add the citizenship question. The Trump Administration [took the position](#)⁸⁶ that the congressional rule prohibiting agency counsel to attend congressional depositions of agency officials “unconstitutionally interferes with the President’s right to control the disclosure of privileged information.” Citing this position, Attorney General William Barr [instructed](#)⁸⁷ Mr. Gore to refuse to comply with the subpoena.

Firing and Demoting Government Officials Who Comply with Congressional Demands

Some federal officials, principally career officials, appeared before Congress despite the Trump Administration directives not to testify, as they are legally entitled to do under at least [seven federal laws](#).⁸⁸ They typically took this step after receiving a committee subpoena compelling their testimony.

The Trump Administration retaliated against some of these federal officials for their cooperation with Congress. In the Ukraine impeachment investigation, President Trump used Twitter to disparage several of the witnesses, including [former U.S. Ambassador to Ukraine Marie Yovanovitch](#),⁸⁹ [National Security Council Director of European Affairs Alexander Vindman](#),⁹⁰ and [special advisor to the Vice President Jennifer Williams](#).⁹¹ Some officials who testified were removed from their positions. For example, after Lt. Col. Vindman testified about his concerns about President Trump’s conduct in a July 2019 phone call with the President of Ukraine, he was [relieved from his position](#)⁹² as a National Security Council aide and escorted out of the White House. The President also [fired](#)⁹³ U.S. Ambassador to the European Union

⁸⁵ ProPublica, *The Trump Appointee Behind the Move to Add a Citizenship Question to the Census* (March 7, 2018). <https://web.archive.org/web/20220831053551/https://www.propublica.org/article/john-gore-trump-appointee-citizenship-question-census>

⁸⁶ U.S. Department of Justice, *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees* (May 23, 2019). <https://web.archive.org/web/20211009210026/https://www.justice.gov/sites/default/files/opinions/attachments/2019/11/04/2019-05-23-agency-counsel-2.pdf>

⁸⁷ Washington Post, *Justice Department refuses to comply with congressional subpoena for testimony on citizenship question and 2020 Census* (April 24, 2019). https://web.archive.org/web/20210215061835/https://www.washingtonpost.com/powerpost/justice-department-refuses-to-comply-with-congressional-subpoena-for-testimony-on-citizenship-question-and-2020-census/2019/04/24/d132996a-66a6-11e9-a1b6-b29b90efa879_story.html

⁸⁸ Co-Equal, *Career Officials Testimony Precedent*. <https://web.archive.org/web/20221109182640/https://www.co-equal.org/guide-to-congressional-oversight/career-official-testimony-precedent>

⁸⁹ Trump Twitter Archive, *Yovanovitch*. <https://www.thetrumparchive.com/?results=1&searchbox=%22yovanovitch%22>

⁹⁰ Trump Twitter Archive, *Vindman*. <https://www.thetrumparchive.com/?results=1&searchbox=%22vindman%22>

⁹¹ Trump Twitter Archive, *Jennifer Williams*. <https://www.thetrumparchive.com/?results=1&searchbox=%22%5C%22jennifer+williams%5C%22%22>

⁹² CNN, *Trump fires two major impeachment figures – Alexander Vindman and Gordon Sondland* (February 7, 2020). <https://web.archive.org/web/20221118163728/https://www.cnn.com/2020/02/07/politics/alex-vindman-donald-trump-impeachment/index.html>

⁹³ CNN, *Trump fires two major impeachment figures – Alexander Vindman and Gordon Sondland* (February 7, 2020).

Gordon Sondland following Ambassador Sondland's testimony that "everyone was in the loop" about the President's interest in pressuring Ukraine to do political investigations. Several months later, he fired Michael Atkinson, the Intelligence Community Inspector General who first [informed](#)⁹⁴ Congress of a whistleblower complaint regarding President Trump's call with the President of Ukraine and also [testified](#)⁹⁵ before the Committee.

Refusing to Cooperate with Impeachment Inquiry

As a Co-Equal precedent report [demonstrates](#),⁹⁶ prior presidents cooperated extensively with impeachment investigations. President Nixon waived executive privilege to allow current and former top aides such as his Chief of Staff and White House Counsel to testify before the Senate Select Committee, produced documentary and testimonial evidence to the Special Prosecutor during the fact-finding portion of the inquiry, and provided additional documents to the House Judiciary Committee. His counsel also attended, made presentations, and provided a closing argument during the Judiciary Committee's proceedings. President Clinton similarly cooperated extensively with the fact-finding investigation, which was conducted by Independent Counsel Kenneth Starr, as well as the House Judiciary Committee impeachment proceedings. President Clinton and many of his top aides provided testimony and documents to Independent Counsel Starr, the President's counsel posed questions to Mr. Starr during the Committee proceedings, and the President provided interrogatory responses to Committee questions.

In contrast to past presidents, the Trump Administration categorically refused to comply with Congress during the Ukraine impeachment inquiry. In a letter to House Speaker Nancy Pelosi and the Chairs of the House Intelligence, Foreign Affairs, and Oversight Committees, the White House Counsel [wrote](#)⁹⁷ that "President Trump and his Administration reject your baseless, unconstitutional efforts to overturn the democratic process. ... In order to fulfill his duties to the American people, the Constitution, the Executive Branch, and all future occupants of the Office of the Presidency, President Trump and his Administration cannot participate in your partisan and unconstitutional inquiry." Consistent with this

<https://web.archive.org/web/20221118163728/https://www.cnn.com/2020/02/07/politics/alex-vindman-donald-trump-impeachment/index.html>

⁹⁴ CNN, *Trump fires intelligence community watchdog who told Congress about whistleblower complaint that led to impeachment* (April 4, 2020).

<https://web.archive.org/web/20221119065529/https://www.cnn.com/2020/04/03/politics/trump-fires-inspector-general-michael-atkinson/index.html>

⁹⁵ NBC News, *Intelligence community watchdog testifies in impeachment probe* (October 4, 2019).

<https://web.archive.org/web/20221109210653/https://www.nbcnews.com/politics/congress/intelligence-community-watchdog-testifies-behind-closed-doors-impeachment-inquiry-n1062531>

⁹⁶ Co-Equal, *Impeachment Precedent*.

<https://web.archive.org/web/20221109182545/https://www.co-equal.org/guide-to-congressional-oversight/impeachment-precedent>

⁹⁷ Letter from White House Counsel Pat A. Cipollone to Speaker Nancy Pelosi, House Intelligence Committee Chairman Adam B. Schiff, House Foreign Affairs Committee Chairman Eliot L. Engel, and House Oversight and Reform Committee Chairman Elijah E. Cummings (October 8, 2019).

<https://web.archive.org/web/20220516091538/https://s3.documentcloud.org/documents/6459967/PAC-Letter-10-08-2019.pdf>

directive, the Trump Administration [refused](#)⁹⁸ to provide documents to Congress and [directed](#)⁹⁹ federal officials not to testify.

Making Officials Sign Nondisclosure Agreements

Federal officials with access to classified information are required to sign agreements that they will not disclose this information, but prior to the Trump Administration, there was [no precedent](#)¹⁰⁰ for requiring officials to sign broadly worded nondisclosure agreements. As a private citizen, Mr. Trump had [required](#)¹⁰¹ employees to sign nondisclosure agreements. After his election, he [brought](#)¹⁰² this practice into the White House.

The legality of the nondisclosure agreements required by the Trump Administration is uncertain. The First Amendment [limits](#)¹⁰³ the government's authority to restrict speech by federal employees, with the limits being especially strict for former employees. The Whistleblower Protection Act ([5 U.S.C. § 2302\(b\)](#))¹⁰⁴ prohibits the federal government from taking action against any federal employee who discloses illegal conduct, gross mismanagement, or an abuse of authority. As a Co-Equal precedent report [demonstrates](#),¹⁰⁵ there are several laws that prohibit the executive branch from preventing federal employees from communicating with Congress.

⁹⁸ House Permanent Select Committee on Intelligence in coordination with the Committee on Oversight and Reform and the Committee on Foreign Affairs, *The Trump-Ukraine Impeachment Inquiry Report*, page 216 (December 2019).

https://web.archive.org/web/20220826010404/https://intelligence.house.gov/uploadedfiles/the_trump-ukraine_impeachment_inquiry_report.pdf

⁹⁹ House Permanent Select Committee on Intelligence in coordination with the Committee on Oversight and Reform and the Committee on Foreign Affairs, *The Trump-Ukraine Impeachment Inquiry Report*, page 229 (December 2019).

https://web.archive.org/web/20220826010404/https://intelligence.house.gov/uploadedfiles/the_trump-ukraine_impeachment_inquiry_report.pdf

¹⁰⁰ New York University Journal of Legislation & Public Policy, *Nondisclosure Agreements in the Trump White House* (January 28, 2021). <https://web.archive.org/web/20220618131248/https://nyujlpp.org/quorum/nondisclosure-agreements-trump-white-house/>

¹⁰¹ AP News, *For many Trump employees, keeping quiet is legally required* (June 21, 2016). <https://web.archive.org/web/20220320113310/https://apnews.com/article/14542a6687a3452d8c9918e2f0bf16e6>

¹⁰² Washington Post, *Trump had senior staff sign nondisclosure agreements. They're supposed to last beyond his presidency* (March 18, 2018).

https://web.archive.org/web/20220823083203/https://www.washingtonpost.com/opinions/trumps-nondisclosure-agreements-came-with-him-to-the-white-house/2018/03/18/226f4522-29ee-11e8-b79d-f3d931db7f68_story.html

¹⁰³ New York University Journal of Legislation & Public Policy, *Nondisclosure Agreements in the Trump White House* (January 28, 2021). <https://web.archive.org/web/20220618131248/https://nyujlpp.org/quorum/nondisclosure-agreements-trump-white-house/>

¹⁰⁴ 5 U.S. Code § 2302, *Prohibited personnel practices*.

<https://web.archive.org/web/20220813031718/https://www.law.cornell.edu/uscode/text/5/2302>

¹⁰⁵ Co-Equal, *Career Officials Testimony Precedent*.

<https://web.archive.org/web/20221109182640/https://www.co-equal.org/guide-to-congressional-oversight/career-official-testimony-precedent>

In October 2020, the Department of Justice [brought a lawsuit](#)¹⁰⁶ against an advisor to First Lady Melania Trump for violation of a nondisclosure agreement. Before the court could rule on the legality of the nondisclosure agreement, however, the Biden Justice Department [dropped](#)¹⁰⁷ the lawsuit. A suit challenging the nondisclosure agreements that the Trump campaign had used in the 2016 election forced the campaign [to agree](#)¹⁰⁸ in 2022 not to enforce the nondisclosure agreements.

Congressional efforts to investigate the nondisclosure agreements were stymied by the White House. In 2018, the ranking members of the House Oversight Committee and the House Judiciary Committee [sought](#)¹⁰⁹ copies of the nondisclosure agreements. In 2019, this request was [renewed](#)¹¹⁰ as a request from the House Oversight Committee. The nondisclosure agreements and other documents sought by the Committee were never provided by the White House.

Blocking Third Parties from Cooperating with Congress

Requiring Contractors to Sign Nondisclosure Agreements

During the Trump Administration, federal agencies required government contractors to sign nondisclosure agreements, which the contractors used as a basis for denying congressional investigators access to requested information. For example, Senate Minority Leader Charles Schumer and Senate Health, Education, Labor and Pensions Committee ranking member Patty Murray [sent](#)¹¹¹ a letter to TeleTracking Technologies regarding its contract with the Trump Administration, following reports that the Administration had ordered hospitals to report COVID data to this company instead of following the standard practice of reporting hospitalization data to the Centers for Disease Control and Prevention

¹⁰⁶ Politico, *DOJ sues Melania Trump's former adviser for disclosures in her tell-all book* (October 13, 2020). <https://web.archive.org/web/20220329182346/https://www.politico.com/news/2020/10/13/melania-trump-book-doj-lawsuit-429240>

¹⁰⁷ Washington Post, *Justice Department drops lawsuit against Melania Trump's ex-aide for tell-all book* (February 8, 2021). https://web.archive.org/web/20210210033813/https://www.washingtonpost.com/local/legal-issues/stephanie-wolkoff-melania-trump-book-lawsuit-dropped/2021/02/08/86ce5784-6a63-11eb-9ead-673168d5b874_story.html

¹⁰⁸ The Hill, *Trump campaign won't enforce NDAs, attorneys say* (August 9, 2022). <https://web.archive.org/web/20220821200531/https://thehill.com/regulation/3594558-trump-campaign-wont-enforce-ndas-attorneys-says/>

¹⁰⁹ Letter from Ranking Members Elijah E. Cummings and Jerrold Nadler to White House Chief of Staff John F. Kelly (March 20, 2018). <https://web.archive.org/web/20221116202929/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-03-20..EEC%20to%20Nadler%20to%20WH%20re%20NDAs.pdf>

¹¹⁰ Letter from Chairman Elijah E. Cummings to Acting White House Chief of Staff Mick Mulvaney (May 14, 2019). <https://web.archive.org/web/20221116203420/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-14.EEC%20to%20Mulvaney-WH%20re%20NDAs.pdf>

¹¹¹ Senate Democrats, *Schumer, Murray Demand Answers On Trump Admin's Unexplained \$10 Million Contract For System Which Has Replaced CDC in Controlling COVID-19 Hospital Data – A Move That Sidelines Public Health Experts* (July 22, 2020). <https://web.archive.org/web/20221008221506/https://www.democrats.senate.gov/newsroom/press-releases/schumer-murray-demand-answers-on-trump-admins-unexplained-10-million-contract-for-system-which-has-since-replaced-cdc-in-controlling-covid-19-hospital-data-a-move-that-sidelines-public-health-experts>

(CDC). TeleTracking Technologies [refused](#)¹¹² to produce this information on the grounds that it was barred from doing so under a nondisclosure agreement with the Trump Administration.

Following the selection of Louis DeJoy as Postmaster General in the summer of 2020, Senate Minority Leader Charles Schumer requested information from Russell Reynolds Associates, the executive search firm hired by the U.S. Postal Service's Board of Governors, regarding its role in the selection of Mr. DeJoy. Russell Reynolds [refused](#)¹¹³ to produce this information, claiming it was barred from doing so by a nondisclosure agreement with the Board of Governors of the USPS.

Filing Lawsuits to Prevent Third Parties from Complying with Congressional Subpoenas

The Constitution prevents subjects of congressional oversight from going to court to interfere in conduct of the investigation. As the Supreme Court held in [Eastland v. United States Servicemen's Fund](#),¹¹⁴ the Speech or Debate Clause protects Congress from being sued for its official actions, such as issuance of a subpoena. Some courts have recognized an exception to this rule, however. If a congressional subpoena seeks records from a bank or other third party, the party whose records are being sought can challenge the subpoena by filing a lawsuit to stop the third party from releasing the records to Congress. President Trump took advantage of this exception when congressional committees sought his financial records.

In 2019, three House committees issued subpoenas for President Trump's business and financial records. The House Oversight Committee [subpoenaed](#)¹¹⁵ President Trump's financial records from his accounting firm, Mazars USA, as part of its investigation into the adequacy of his financial disclosures. The House Committee on Financial Services [subpoenaed](#)¹¹⁶ Deutsche Bank and Capital One Bank for records relating to Mr. Trump's financial transactions with Russian oligarchs. And the House Select Committee on Intelligence [subpoenaed](#)¹¹⁷ Deutsche Bank for records to evaluate leverage that foreign actors potentially had over President Trump, his family, and his businesses.

¹¹² Letter from A. Scott Bolden to Senators Charles Schumer and Patty Murray (August 3, 2020). <https://web.archive.org/web/20200817014947/https://int.nyt.com/data/documenttools/tele-tracking-response-to-senator-schumer-and-senator-murray-dated-august-03-2020-1/7cf488a8cc55487b/full.pdf>

¹¹³ Politico, *Schumer presses postal board on selection of Louis DeJoy as postmaster general* (August 19, 2020). <https://web.archive.org/web/20221106072018/https://www.politico.com/news/2020/08/19/chuck-schumer-louis-dejoy-postmaster-general-selection-398518>

¹¹⁴ Supreme Court of the United States, *Eastland v. United States Servicemen's Fund* (1975). <https://web.archive.org/web/20220922021327/https://supreme.justia.com/cases/federal/us/421/491/>

¹¹⁵ CNN, *House committee subpoenas Trump financial information from accounting firm* (April 15, 2019). <https://web.archive.org/web/20221114193049/https://www.cnn.com/2019/04/15/politics/oversight-subpoena-mazars/index.html>

¹¹⁶ Supreme Court of the United States, *Opposition to Emergency Application to Recall and Stay the Mandate*, page 11 (December 11, 2019). https://web.archive.org/web/20221114193840/https://www.supremecourt.gov/DocketPDF/19/19A640/125139/20191211104756921_Deutsche%20Bank%20S.%20Ct.%20Opposition%20to%20Stay%20final.pdf

¹¹⁷ Supreme Court of the United States, *Opposition to Emergency Application to Recall and Stay the Mandate*, page 15 (December 11, 2019). https://web.archive.org/web/20221114193840/https://www.supremecourt.gov/DocketPDF/19/19A640/125139/20191211104756921_Deutsche%20Bank%20S.%20Ct.%20Opposition%20to%20Stay%20final.pdf

President Trump, in his personal capacity, sued to block compliance with the subpoenas to [Mazars](#),¹¹⁸ [Deutsche Bank](#),¹¹⁹ and [Capital One Bank](#).¹²⁰ The cases reached the Supreme Court, which consolidated these cases and [rejected](#)¹²¹ the President's assertion that Congress was precluded from obtaining his financial records. Instead, the Court ruled that a "balanced approach is necessary" that "takes adequate account of ... both the significant legislative interests of Congress and the 'unique position' of the President." The Court then sent the cases back to the lower courts to apply this balancing test to the facts of the case. In July 2022, the D.C. Circuit [upheld and narrowed](#)¹²² the Oversight Committee's subpoena. The parties subsequently [settled](#)¹²³ the case, with document production [starting](#)¹²⁴ in September 2022.

Filing a Lawsuit to Block Production of Documents over which President Biden Declined to Assert Privilege

In August 2021, the House Select Committee to Investigate the January 6th Attack on the United States Capitol [requested](#)¹²⁵ that the National Archives provide presidential records from the Trump Administration to the Committee. After both former President Trump and President Biden reviewed responsive materials pursuant to the [procedures](#)¹²⁶ required by the Presidential Records Act, President

¹¹⁸ Politico, *Trump sues to block House subpoena of financial records* (April 22, 2019).

<https://web.archive.org/web/20221114194952/https://www.politico.com/story/2019/04/22/trump-sues-oversight-committee-chairman-finance-records-1284995>

¹¹⁹ New York Times, *Trump Wants to Block Deutsche Bank From Sharing His Financial Records* (April 30, 2019).

<https://web.archive.org/web/20221114195716/https://www.nytimes.com/2019/04/30/business/deutsche-bank-donald-trump.html>

¹²⁰ Washington Post, *Trump Organization and family sue Deutsche Bank and Capital One to block congressional subpoenas* (April 30, 2019).

<https://web.archive.org/web/20221114200055/https://www.washingtonpost.com/nation/2019/04/30/trump-organization-family-sue-deutsche-bank-capital-one-block-congressional-subpoenas/>

¹²¹ Supreme Court of the United States, *Trump v. Mazars USA, LLP*, page 18 (July 9, 2020).

https://web.archive.org/web/20221119000123/https://www.supremecourt.gov/opinions/19pdf/19-715_febh.pdf

¹²² United States Court of Appeals District of Columbia Circuit, *Trump v. Mazars, USA and Committee on Oversight and Reform* (July 8, 2022).

[https://web.archive.org/web/20220709022909/https://www.cadc.uscourts.gov/internet/opinions.nsf/E7A013008E57B8FD8525887900595CE8/\\$file/21-5176-1954101.pdf](https://web.archive.org/web/20220709022909/https://www.cadc.uscourts.gov/internet/opinions.nsf/E7A013008E57B8FD8525887900595CE8/$file/21-5176-1954101.pdf)

¹²³ Washington Post, *House deal for Trump records lets accounting firm decide what to release* (September 10, 2022).

<https://web.archive.org/web/20221112074002/https://www.washingtonpost.com/dc-md-va/2022/09/10/trump-records-house-deal/>

¹²⁴ New York Times, *Trump's Former Accounting Firm Begins Turning Over Documents to Congress* (September 17, 2022).

<https://web.archive.org/web/20221003221018/https://www.nytimes.com/2022/09/17/us/politics/mazars-accounting-trump-documents.html>

¹²⁵ Letter from Bennie G. Thompson, Chairman of the House Select Committee to Investigate the January 6th Attack on the United States Capitol, to David S. Ferriero, Archivist of the United States (August 25, 2021).

<https://web.archive.org/web/20240114204256/https://www.archives.gov/files/foia/pdf/2021-08-25.bgt-to-ferriero.request-re-january-6.pdf>

¹²⁶ 44 U.S. Code § 22, *Presidential Records*. <https://www.archives.gov/about/laws/presidential-records.html#2208>

Biden [declined](#)¹²⁷ to assert executive privilege over initial tranches of materials and authorized their release to the Committee. Mr. Trump, however, [filed a lawsuit](#)¹²⁸ against Congress and the National Archives to block the disclosure of these documents, asserting that the Committee lacked a legislative purpose, the request for files was overly broad, and the Archives should withhold the materials to safeguard executive privilege.

The District Court for the District of Columbia [rejected](#)¹²⁹ Mr. Trump's claims, holding that the Committee had a legitimate legislative purpose, the document requests did not exceed its legislative powers, and the balance of equities and public interest was "well served by the Committee's inquiry." The court stated that while former presidents can assert a privilege claim, courts owe deference to the decisions of incumbent presidents, who are better situated to assess the needs of the executive branch. The D.C. Circuit Court of Appeals [affirmed](#)¹³⁰ the district court's decision, finding that Mr. Trump's claim of executive privilege would have failed even if he were the sitting president. The court concluded that Congress' legitimate legislative interest in the information outweighed any harm to the operation of the executive branch or to the ability of Mr. Trump—or other presidents—to obtain confidential advice during their time as president. The Supreme Court—with only Justice Thomas dissenting—[rejected](#)¹³¹ Mr. Trump's request for an injunction to keep the National Archives from releasing the documents to Congress and [denied](#)¹³² Mr. Trump's writ of certiorari."

Directing Private Individuals Not to Provide Information to Congress

Sometimes President Trump simply directed private individuals not to provide information to Congress. An example is [the instruction](#)¹³³ he gave a former campaign aide, Corey Lewandowski, not to provide the

¹²⁷ Letter from Dana A. Remus, Counsel to the President, to David Ferriero, Archivist of the United States (October 8, 2021). <https://www.archives.gov/files/foia/pdf/remus-letter-to-ferriero-re-first-january-6-notification.10.08.2021.pdf>

¹²⁸ United States District Court for the District of Columbia, *Trump v. Thompson et al* (October 18, 2021). https://web.archive.org/web/20240326160757/https://storage.courtlistener.com/recap/gov.uscourts.dcd.236632/gov.uscourts.dcd.236632.1.0_4.pdf

¹²⁹ United States District Court for the District of Columbia, *Trump v. Thompson et al* (November 9, 2021). https://web.archive.org/web/20240118054406/https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2021cv2769-35

¹³⁰ United States Court of Appeals for the District of Columbia Circuit, *Trump v. Thompson et al* (December 9, 2021). <https://web.archive.org/web/20240329164722/https://www.cadc.uscourts.gov/internet/opinions.nsf/913002F9E FB94590852587A60075CC4F/%24file/21-5254-1926128.pdf>

¹³¹ Supreme Court of the United States, *Trump v. Thompson et al* (January 19, 2022). <https://web.archive.org/web/20240329164722/https://www.cadc.uscourts.gov/internet/opinions.nsf/913002F9E FB94590852587A60075CC4F/%24file/21-5254-1926128.pdf>

¹³² Supreme Court of the United States, *Orders in Pending Cases* (February 22, 2022), page 18. https://web.archive.org/web/20240328035514/https://www.supremecourt.gov/orders/courtorders/022222zor_b q7d.pdf#page=18

¹³³ New York Times, *Lewandowski Tells Congress 'I Wasn't Asked to Do Anything Illegal'* (September 17, 2019). <https://web.archive.org/web/2022111210613/https://www.nytimes.com/2019/09/17/us/politics/corey-lewandowski-hearing.html>

House Judiciary Committee with information relating to the influence of Russia on the 2016 election beyond what had already been publicly released in the report by Special Counsel Robert Mueller.

Violating Statutory Requirements to Provide Information to Congress

Refusal to Provide Tax Records

The Internal Revenue Code gives the House Committee on Ways and Means, the Senate Committee on Finance, and the Joint Committee on Taxation authority to obtain tax returns upon written request to the Secretary of Treasury. Congress enacted this provision ([26 U.S.C. § 6103\(f\)](#))¹³⁴ in 1924 after questions [arose](#)¹³⁵ regarding whether Secretary of the Treasury Andrew Mellon had financial conflicts of interest. Prior to the Trump Administration, the authority had been [used](#)¹³⁶ many times without controversy. According to the Ways and Means Committee, the Treasury Department had [never refused](#)¹³⁷ to provide requested returns prior to President Trump.

After President Trump broke with tradition and refused to release his tax returns publicly, the House Ways and Means Committee [requested](#)¹³⁸ his returns under section 6103(f). Despite the mandatory language in section 6103(f) and the long history of agency compliance, the Treasury Secretary [refused](#)¹³⁹ to provide the returns, asserting that Congress had no legitimate legislative purpose in seeking the

¹³⁴ 26 U.S. Code § 6103, *Confidentiality and disclosure of returns and return information*.

<https://web.archive.org/web/20221110185336/https://www.law.cornell.edu/uscode/text/26/6103>

¹³⁵ Tax Notes, *Congressional Authority to Obtain and Release Tax Returns* (February 20, 2017).

<https://web.archive.org/web/20221121164041/https://taxprof.typepad.com/files/154tn1013-yin.pdf>

¹³⁶ Co-Equal, *Tax Records*. <https://web.archive.org/web/20221115181424/https://www.co-equal.org/guide-to-congressional-oversight/tax-records>

¹³⁷ U.S. District Court for the District of Columbia, *Complaint for Declaratory and Injunctive Relief in Committee on Ways and Means v. U.S. Department of the Treasury and Internal Revenue Service*, page 14 (July 2, 2019).

<https://web.archive.org/web/20220816132731/https://int.nyt.com/data/documenthelper/1357-trump-tax-return-lawsuit/df3dcdcf83b1525d983/optimized/full.pdf>

¹³⁸ U.S. District Court for the District of Columbia, *Complaint for Declaratory and Injunctive Relief in Committee on Ways and Means v. U.S. Department of the Treasury and Internal Revenue Service*, page 25 (July 2, 2019).

<https://web.archive.org/web/20220816132731/https://int.nyt.com/data/documenthelper/1357-trump-tax-return-lawsuit/df3dcdcf83b1525d983/optimized/full.pdf>

¹³⁹ U.S. District Court for the District of Columbia, *Complaint for Declaratory and Injunctive Relief in Committee on Ways and Means v. U.S. Department of the Treasury and Internal Revenue Service*, page 31 (July 2, 2019).

<https://web.archive.org/web/20220816132731/https://int.nyt.com/data/documenthelper/1357-trump-tax-return-lawsuit/df3dcdcf83b1525d983/optimized/full.pdf>

returns. The Committee then [issued](#)¹⁴⁰ a subpoena for the returns, which the Treasury Secretary also [rejected](#).¹⁴¹ The Committee [filed](#)¹⁴² a suit to obtain the returns in July 2019.

In December 2021, a Trump-appointed federal judge [ruled](#)¹⁴³ that the tax returns must be provided to the committee. The D.C. Circuit [affirmed](#)¹⁴⁴ the lower court decision. In November 2022, the Supreme Court [declined](#) to stay the D.C. Circuit ruling, and the House obtained the tax returns from the Treasury Department.¹⁴⁵

Violating Reporting Requirements

In several cases, the Trump Administration ignored or defied statutory requirements to inform Congress on key matters of national security. For example, the 2020 National Defense Authorization Act required the Director of National Intelligence to produce an unclassified report on the killing of Saudi journalist Jamal Khashoggi. The Trump Administration ignored the law, providing only a classified report in February 2020. In separate letters, the Chairman of the House Intelligence Committee and the bipartisan leaders of the Senate Intelligence Committee [demanded](#)¹⁴⁶ that the Director of National Intelligence declassify the key information and comply with the law, but the Trump Administration refused. Congress did not receive the declassified report until its [release](#)¹⁴⁷ by the Biden Administration in February 2021.

¹⁴⁰ U.S. District Court for the District of Columbia, *Complaint for Declaratory and Injunctive Relief in Committee on Ways and Means v. U.S. Department of the Treasury and Internal Revenue Service*, page 32 (July 2, 2019). <https://web.archive.org/web/20220816132731/https://int.nyt.com/data/documenthelper/1357-trump-tax-return-lawsuit/df3dcdcf83b1525d983/optimized/full.pdf>

¹⁴¹ U.S. District Court for the District of Columbia, *Complaint for Declaratory and Injunctive Relief in Committee on Ways and Means v. U.S. Department of the Treasury and Internal Revenue Service*, page 33 (July 2, 2019). <https://web.archive.org/web/20220816132731/https://int.nyt.com/data/documenthelper/1357-trump-tax-return-lawsuit/df3dcdcf83b1525d983/optimized/full.pdf>

¹⁴² U.S. District Court for the District of Columbia, *Complaint for Declaratory and Injunctive Relief in Committee on Ways and Means v. U.S. Department of the Treasury and Internal Revenue Service*, page 1 (July 2, 2019). <https://web.archive.org/web/20220816132731/https://int.nyt.com/data/documenthelper/1357-trump-tax-return-lawsuit/df3dcdcf83b1525d983/optimized/full.pdf>

¹⁴³ CNN, *Trump tells court he will appeal ruling that would allow the House to obtain his tax returns* (December 15, 2021). <https://web.archive.org/web/20221116154352/https://www.cnn.com/2021/12/14/politics/trump-irs-disclosure-tax/index.html>

¹⁴⁴ U.S. Court of Appeals for the District of Columbia Circuit, *Committee on Ways and Means, U.S. House of Representatives, v. U.S. Department of the Treasury et al.* (August 9, 2022). <https://web.archive.org/web/20221116153907/https://www.documentcloud.org/documents/22129148-appeals-court-opinion-in-trump-tax-lawsuit>

¹⁴⁵ New York Times, *House Committee Obtains Access to Trump's Tax Returns, Ending Long Fight* (November 30, 2022). <https://web.archive.org/web/20221218061951/https://www.nytimes.com/2022/11/30/us/politics/trump-tax-returns.html>

¹⁴⁶ Washington Post, *Lawmakers want the DNI to make public the intelligence community's assessment of who's responsible for killing Jamal Khashoggi* (March 3, 2020). https://web.archive.org/web/20210829023319/https://www.washingtonpost.com/national-security/lawmakers-want-the-dni-to-make-public-the-intelligence-communitys-assessment-of-whos-responsible-for-killing-jamal-khashoggi/2020/03/03/aafa70ee-5d07-11ea-9055-5fa12981bbbf_story.html

¹⁴⁷ Office of the Director of National Intelligence, *Assessing the Saudi Government's Role in the Killing of Jamal Khashoggi* (February 11, 2021).

Violating Requirements to Consult with Congress

A 1980 law requires the President to consult with Congress on the annual determination of caps on the number of refugees allowed to enter the United States and how to allocate refugee caps among different regions. In multiple years, President Trump [failed to meet this statutory obligation](#),¹⁴⁸ ignoring congressional requests in [2019](#)¹⁴⁹ and [2020](#)¹⁵⁰ for the administration's proposed refugee admissions report.

Violating the "Seven Member" Rule

The "Seven Member" Rule ([5 U.S.C. § 2954](#))¹⁵¹ requires a federal agency to "submit any information requested of it relating to any matter within the jurisdiction of the committee" when requested by seven or more members of the House Oversight Committee or five or more members of the Senate Homeland Security and Governmental Affairs Committee. The provision was enacted in 1928 as part of a streamlining government bill that [eliminated](#)¹⁵² 128 reports the executive branch was required to submit to Congress. The idea was that the ability to request and receive information when needed would replace ongoing obligations to report on information that was no longer relevant.

As part of an investigation of the federal lease of the Old Post Office Building for the Trump Hotel, 18 members of the House Oversight Committee [made a request](#)¹⁵³ under the Seven Member Rule to the General Services Administration for documents relating to the lease. As the members noted, the Obama Administration had previously cooperated with a request under the Seven Member Rule on the same

<https://web.archive.org/web/20210306063802/https://int.nyt.com/data/documenttools/the-report-on-jamal-khashoggi-killing/ddc9578e0994f690/full.pdf>

¹⁴⁸ Niskanen Center, *Congress Must Demand Robust Refugee Consultation Amid Record Low Admissions and COVID-19* (August 31, 2020).

<https://web.archive.org/web/20220529053924/https://www.niskanencenter.org/congress-must-demand-robust-refugee-consultation-amid-record-low-admissions-and-covid-19/>

¹⁴⁹ Letter from Chairs Jerrold Nadler and Zoe Lofgren to Secretary of State Michael R. Pompeo, Acting Secretary of Homeland Security Kevin K. McAleenan, and Secretary of Health and Human Services Alex M. Azar II (September 13, 2019).

<https://web.archive.org/web/20220822220820/https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/2019-09-13%20letter%20to%20admin%20re%20refugee%20admissions.pdf>

¹⁵⁰ Letter from Ranking Members Richard J. Durbin and Dianne Feinstein and Chairs Jerrold Nadler and Zoe Lofgren to Secretary of State Michael Pompeo, Homeland Security Under Secretary Chad Wolf, and Secretary of Health and Human Services Alex M. Azar II (September 8, 2020).

<https://web.archive.org/web/20220825194908/https://www.durbin.senate.gov/imo/media/doc/Letter%20to%20Sec.%20Pompeo,%20Under%20Sec.%20Wolf,%20Sec.%20Azar.pdf>

¹⁵¹ 5 U.S. Code § 2954, *Information to committees of Congress on request*.

<https://web.archive.org/web/20220928195917/https://www.law.cornell.edu/uscode/text/5/2954>

¹⁵² U.S. Court of Appeals for the District of Columbia Circuit, *Carolyn Maloney et al. v. Emily W. Murphy, Administrator, General Services Administration*, page 4 (December 29, 2020).

<https://web.archive.org/web/20221117215324/https://www.govinfo.gov/content/pkg/USCOURTS-caDC-18-05305/pdf/USCOURTS-caDC-18-05305-0.pdf>

¹⁵³ House Committee on Oversight and Reform, *Oversight Democrats Challenge New Trump Administration Policy on Refusing Democratic Inquiries* (June 5, 2017).

<https://web.archive.org/web/20221115214054/https://oversight.house.gov/news/press-releases/oversight-democrats-challenge-new-trump-administration-policy-on-refusing>

topic. Despite the mandatory language used in the statute and the agency's prior cooperation, GSA under the Trump Administration refused to comply.

The members [sued](#)¹⁵⁴ GSA in 2017. The issues in the litigation revolved around whether the requirements of the Seven Member Rule are judicially enforceable. A three-judge panel D.C. Circuit [upheld](#)¹⁵⁵ the standing of the members to sue in 2020, a decision that was [affirmed](#)¹⁵⁶ by the full court in 2022 after a rehearing en banc.

Other Tactics to Keep Information from Congress

Refusing to Provide Briefings

In addition to document productions and hearing testimony, members of Congress rely on briefings from executive branch officials to obtain information needed to inform their legislative work. The Trump Administration refused to provide these briefings on multiple occasions, sometimes in retaliation for ongoing congressional oversight requests. For example, the State Department took the retaliatory action of [cancelling](#)¹⁵⁷ staff-level briefings for the House Foreign Affairs Committee on national security matters because of the Committee's unrelated investigation into the firing of former State Department Inspector General Steve Linick. During peace talks between the Taliban, the Afghan government, and the U.S., the State Department [repeatedly refused](#)¹⁵⁸ to make the U.S.'s top negotiator, Zalmay Khalilzad, available to brief members of the House Foreign Affairs Committee. After three separate requests, Ambassador Khalilzad [appeared](#)¹⁵⁹ before the Committee only after it issued a subpoena for his testimony. As the 2020 election approached and concerns about election security grew more urgent,

¹⁵⁴ House Committee on Oversight and Reform, *Oversight Committee Democrats File Federal Suit Against Trump Administration for Withholding Documents on Trump Hotel* (November 2, 2017).

<https://web.archive.org/web/20220824015132/https://oversight.house.gov/news/press-releases/oversight-committee-democrats-file-federal-suit-against-trump-administration-for>

¹⁵⁵ U.S. Court of Appeals for the District of Columbia Circuit, *Carolyn Maloney et al. v. Emily W. Murphy, Administrator, General Services Administration*, page 4, (December 29, 2020).

<https://web.archive.org/web/20221117215324/https://www.govinfo.gov/content/pkg/USCOURTS-caDC-18-05305/pdf/USCOURTS-caDC-18-05305-0.pdf>

¹⁵⁶ U.S. Court of Appeals for the District of Columbia Circuit, *Carolyn Maloney et al. v. Robin Carnahan, Administrator, General Services Administration* (August 8, 2022).

[https://web.archive.org/web/20221115215358/https://www.cadc.uscourts.gov/internet/opinions.nsf/B13039A09845837085258898006E437E/\\$file/18-5305-1958322.pdf](https://web.archive.org/web/20221115215358/https://www.cadc.uscourts.gov/internet/opinions.nsf/B13039A09845837085258898006E437E/$file/18-5305-1958322.pdf)

¹⁵⁷ House Foreign Affairs Committee, *Engel Statement on State Department Temper Tantrum* (August 18, 2020). <https://web.archive.org/web/20210320212838/https://foreignaffairs.house.gov/press-releases?ID=3A932905-1850-487B-948C-F04381D10C8D>

¹⁵⁸ House Foreign Affairs Committee, *House Foreign Affairs Committee Democrats Demand State Department Transparency on Afghanistan* (April 8, 2019).

<https://web.archive.org/web/20211023080215/https://foreignaffairs.house.gov/press-releases?ID=A4B1750C-22F7-4930-93E4-8267E2477C30>

¹⁵⁹ Reuters, *U.S. House committee reaches deal for testimony by Trump Afghan envoy* (September 18, 2019).

<https://web.archive.org/web/20220524084602/https://www.reuters.com/article/us-usa-afghanistan-khalilzad/u-s-house-committee-reaches-deal-for-testimony-by-trump-afghan-envoy-idUSKBN1W3320>

the Director of National Intelligence John Ratcliffe [halted](#)¹⁶⁰ a long-standing practice of briefing senior members of Congress in person.

Blocking Access to Federal Facilities

Members of Congress have historically used visits to federal facilities to conduct fact-finding on the ground and bring attention to pressing issues, but during the Trump Administration, these visits were sometimes curtailed. In the fall of 2020, members of Congress sought to visit local postal facilities to investigate severe mail delays, but the U.S. Postal Service [blocked](#)¹⁶¹ their access. The Postal Service claimed that the Hatch Act bars tour requests from anyone on a ballot within 45 days, notwithstanding [an opinion](#)¹⁶² by the Office of Special Counsel, which enforces the Hatch Act, that members of Congress can visit federal facilities for an official purpose. During the Trump Administration's implementation of a border policy that separated children from their parents, members of Congress were [denied entry](#)¹⁶³ into immigrant detention facilities. Eventually, they were told that they could tour the facilities only on certain days and with two weeks' prior notice, raising questions about whether their visit would provide accurate information about the conditions at the facilities.

Refusing to Cooperate with GAO Requests

The Government Accountability Office is a legislative support agency that was created in 1921 to assist in Congress' oversight of the federal government. The agency has broad statutory authority to investigate "all matters related to the receipt, disbursement and use of public money" ([31 U.S.C. § 712](#)).¹⁶⁴ The Trump Administration, however, frequently ignored GAO's information requests and withheld information from the agency. Examples of the Administration's widespread noncooperation with GAO include:

¹⁶⁰ Washington Post, *Senior intelligence officials will no longer brief Congress in person on foreign threats to the 2020 election* (August 29, 2020).

https://web.archive.org/web/20201105083140/https://www.washingtonpost.com/national-security/senior-intelligence-officials-will-no-longer-brief-congress-in-person-on-foreign-threats-to-the-2020-election/2020/08/29/2ec10112-ea35-11ea-97e0-94d2e46e759b_story.html

¹⁶¹ Washington Post, *USPS says it's too close to the election for most of Congress to inspect facilities* (October 6, 2020).

<https://web.archive.org/web/20221109225614/https://www.washingtonpost.com/business/2020/10/06/usps-congress-tours-blocked-vote-mail/>

¹⁶² U.S. Office of Special Counsel, *Federal Hatch Act Advisory: Candidate Visits to Federal Agencies* (February 15, 2018).

<https://web.archive.org/web/20220516150619/https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Candidate%20Visits%20to%20Federal%20Agencies.pdf>

¹⁶³ Washington Post, *Legislators were turned away from ICE detention centers. The administration has the right to do that* (June 21, 2018).

<https://web.archive.org/web/20210317192456/https://www.washingtonpost.com/news/politics/wp/2018/06/21/legislators-were-turned-away-from-ice-detention-centers-the-administration-has-the-right-to-do-that/>

¹⁶⁴ 31 U.S. Code § 712, *Investigating the use of public money*.

<https://web.archive.org/web/20220524131136/https://www.law.cornell.edu/uscode/text/31/712>

- The White House Counsel’s refusal to provide information about whether President Trump was [personally benefiting](#)¹⁶⁵ from federally funded travel to Trump-owned properties and whether the White House ethics program was [operating in compliance](#)¹⁶⁶ with the law;
- The [withholding](#)¹⁶⁷ of information by the Departments of Health and Human Services and Defense about the Departments’ COVID-19 vaccine contracts with Pfizer, a key vaccine developer, and other documents that GAO requested; and
- The Environmental Protection Agency’s [refusal](#)¹⁶⁸ to share information regarding the agency’s enforcement program.

III. Trump White House Examples

During President Trump’s four years in office, his White House refused to cooperate with at least 25 different congressional investigations. These investigations ranged from impeachment inquiries to investigations into Russian interference in the 2016 election, the President’s tax and financial records, ethics violations, and other subjects.

Impeachment Investigations

The Constitution gives Congress the impeachment power. Recognizing Congress’ constitutional role, past presidents cooperated with prior impeachment inquiries. As Co-Equal has [documented](#),¹⁶⁹ President Nixon cooperated extensively with the fact-finding investigation that preceded the House Judiciary Committee’s impeachment proceedings, including by waiving executive privilege to allow current and former top aides such as his Chief of Staff and White House Counsel to testify before the Senate Select Committee, producing documentary and testimonial evidence to the Special Prosecutor during the fact-finding portion of the inquiry, and providing additional documents to the House Judiciary Committee. His counsel also attended, made presentations, and provided a closing argument during the Judiciary Committee’s proceedings.

¹⁶⁵ Government Accountability Office, *Presidential Travel: Secret Service and DOD Need to Ensure that Expenditure Reports Are Prepared and Submitted to Congress*, page 8 (January 2019).

<https://web.archive.org/web/20220818161217/https://www.gao.gov/assets/gao-19-178.pdf>

¹⁶⁶ House Committee on Oversight and Reform, *Sens. Peters and Carper & Rep. Cummings Announce GAO Report Outlining Serious Compliance Issues with Agency and White House Ethics Programs* (March 15, 2019).

<https://web.archive.org/web/20221116183211/https://oversight.house.gov/news/press-releases/sens-peters-and-carper-rep-cummings-announce-gao-report-outlining-serious>

¹⁶⁷ Letter from Chairman James E. Clyburn et al to Secretary of Health and Human Services Alex M. Azar II and Acting Secretary of Defense Christopher C. Miller (December 16, 2020).

[https://web.archive.org/web/20201222000412/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-16.Majority%20to%20Azar%20and%20Miller%20re%20OWS%20Pfizer%20Letter .pdf](https://web.archive.org/web/20201222000412/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-16.Majority%20to%20Azar%20and%20Miller%20re%20OWS%20Pfizer%20Letter.pdf)

¹⁶⁸ House Committee on Energy and Commerce, *Committee Leaders Condemn EPA’s Stonewalling of GAO Enforcement Investigation* (March 3, 2020).

<https://web.archive.org/web/20220928074524/https://energycommerce.house.gov/newsroom/press-releases/committee-leaders-condemn-epa-s-stonewalling-of-gao-enforcement>

¹⁶⁹ Co-Equal, *Impeachment Precedent*. <https://web.archive.org/web/20221109182545/https://www.co-equal.org/guide-to-congressional-oversight/impeachment-precedent>

President Clinton, too, cooperated extensively with the fact-finding investigation, which was conducted by Independent Counsel Kenneth Starr, as well as the House Judiciary Committee impeachment proceedings. President Clinton and many of his top aides provided testimony and documents to Independent Counsel Starr, the President's counsel posed questions to Mr. Starr during the Committee proceedings, and the President provided interrogatory responses to Committee questions.

In contrast to past presidents, the Trump Administration categorically refused to comply with Congress during the first impeachment inquiry. The Trump Administration became the first presidential administration in American history to refuse to cooperate with an impeachment inquiry.

The Ukraine Impeachment

On September 24, 2019, the Speaker of the House, Nancy Pelosi, [announced](#)¹⁷⁰ that the House would begin an inquiry into whether President Trump's efforts to pressure Ukraine to investigate Joe Biden warranted impeachment. The investigation was conducted jointly by the House Intelligence, Oversight and Reform, and Foreign Affairs committees. President Trump [called](#)¹⁷¹ this action "a disgrace" and asserted that Congress "shouldn't be allowed" to impeach him. In October 2019, his White House Counsel [confirmed](#)¹⁷² that the President had directed his Administration not to cooperate, writing House congressional leaders that "President Trump and his Administration cannot participate in your partisan and unconstitutional inquiry."

At the direction of the White House, 12 current or former Administration officials [refused to testify](#)¹⁷³ in the inquiry. These officials were:

- Mick Mulvaney, the Acting White House Chief of Staff;
- Robert B. Blair, the Assistant to the President and Senior Advisor to the Chief of Staff;
- Ambassador John Bolton, the Former National Security Advisor;
- John A. Eisenberg, the Deputy Counsel to the President for National Security Affairs and Legal Advisor;
- Michael Ellis, the Senior Associate Counsel to the President and Deputy Legal Advisor, National Security Council;

¹⁷⁰ Time, *In Extraordinary Step, Pelosi Announces Democrats Will Open Formal Impeachment Inquiry* (September 24, 2019).

<https://web.archive.org/web/20221109183626/https://time.com/5685104/pelosi-impeachment-inquiry-trump-ukraine/>

¹⁷¹ Reuters, *Trump says there should be a way of stopping impeachment inquiry, perhaps through court* (September 26, 2019).

<https://web.archive.org/web/20221109184445/https://www.reuters.com/article/instant-article/idUSKBN1WB2DE>

¹⁷² Letter from White House Counsel Pat A. Cipollone to Speaker Nancy Pelosi, House Intelligence Committee Chairman Adam B. Schiff, House Foreign Affairs Committee Chairman Eliot L. Engel, and House Oversight and Reform Committee Chairman Elijah E. Cummings (October 8, 2019).

<https://web.archive.org/web/20220516091538/https://s3.documentcloud.org/documents/6459967/PAC-Letter-10-08-2019.pdf>

¹⁷³ House Permanent Select Committee on Intelligence in coordination with the Committee on Oversight and Reform and the Committee on Foreign Affairs, *The Trump-Ukraine Impeachment Inquiry Report*, page 31 (December 2019).

https://web.archive.org/web/20220301041633/https://intelligence.house.gov/uploadedfiles/the_trump-ukraine_impeachment_inquiry_report.pdf

- Preston Wells Griffith, the Senior Director for International Energy and Environment, National Security Council;
- Dr. Charles M. Kupperman, the Former Deputy Assistant to the President for National Security Affairs, National Security Council;
- Russell T. Vought, the Acting Director, Office of Management and Budget;
- Michael Duffey, the Associate Director for National Security Programs, Office of Management and Budget;
- Brian McCormack, the Associate Director for Natural Resources, Energy, and Science, Office of Management and Budget
- T. Ulrich Brechbuhl, Counselor, Department of State; and
- Secretary Rick Perry, the Secretary of the Department of Energy.

While [a few officials did appear](#)¹⁷⁴ before the House committees, they did so under subpoena and in defiance of the White House directive. The White House retaliated against several of these witnesses. President Trump used Twitter to disparage [former U.S. Ambassador to Ukraine Marie Yovanovitch](#),¹⁷⁵ [National Security Council Director of European Affairs Alexander Vindman](#),¹⁷⁶ and [special advisor to the Vice President Jennifer Williams](#).¹⁷⁷ Some officials who testified were removed from their positions. For example, after Lt. Col. Vindman testified about his concerns about President Trump's conduct in a July 2019 phone call with the President of Ukraine, he was [relieved from his position](#)¹⁷⁸ as a National Security Council aide and escorted out of the White House. The President also [fired](#)¹⁷⁹ U.S. Ambassador to the European Union Gordon Sondland following Ambassador Sondland's testimony that "everyone was in the loop" about the President's interest in pressuring Ukraine to do political investigations. Two months later, President Trump also [fired](#)¹⁸⁰ Michael Atkinson, the Intelligence Community Inspector General

¹⁷⁴ USA Today, *Who are the 17 witnesses in the Trump Impeachment inquiry and what have they said?* (November 6, 2019).
<https://web.archive.org/web/20220302004119/https://www.usatoday.com/story/news/politics/2019/11/06/trump-impeachment-inquiry-officials-who-testified-before-congress/4159209002/>

¹⁷⁵ The Trump Archive, *Yovanovitch*.
<https://www.thetrumparchive.com/?results=1&searchbox=%22yovanovitch%22>

¹⁷⁶ The Trump Archive, *Vindman*.
<https://www.thetrumparchive.com/?results=1&searchbox=%22vindman%22>

¹⁷⁷ The Trump Archive, *Jennifer Williams*.
<https://www.thetrumparchive.com/?results=1&searchbox=%22%5C%22jennifer+williams%5C%22%22>

¹⁷⁸ CNN, *Trump fires two major impeachment figures – Alexander Vindman and Gordon Sondland* (February 7, 2020).
<https://web.archive.org/web/20220819025802/https://www.cnn.com/2020/02/07/politics/alex-vindman-donald-trump-impeachment/index.html>

¹⁷⁹ CNN, *Trump fires two major impeachment figures – Alexander Vindman and Gordon Sondland* (February 7, 2020).
<https://web.archive.org/web/20220819025802/https://www.cnn.com/2020/02/07/politics/alex-vindman-donald-trump-impeachment/index.html>

¹⁸⁰ CNN, *Trump fires intelligence community watchdog who told Congress about whistleblower complaint that led to impeachment* (April 4, 2020).
<https://web.archive.org/web/20220704214159/https://www.cnn.com/2020/04/03/politics/trump-fires-inspector-general-michael-atkinson/index.html>

who first informed Congress of a whistleblower complaint regarding President Trump's call with the President of Ukraine and also [testified](#)¹⁸¹ before the Intelligence Committee.

The Trump Administration similarly resisted document requests. The White House, the Office of the Vice President, the Office of Management and Budget, the Department of State, the Department of Defense, and the Department of Energy [refused to produce a single document](#)¹⁸² in response to 71 individualized requests for information related to the impeachment inquiry. For example, the Office of Management and Budget, which played a central role in the freezing of military assistance funds to Ukraine that was under scrutiny in the impeachment inquiry, [failed to respond](#)¹⁸³ to any of the nine categories of information in a congressional subpoena it received. The State Department likewise [refused to produce](#)¹⁸⁴ documents, directed officials not to provide responsive materials in their possession, and even blocked Ambassador Sondland from reviewing records relevant to his preparation for Committee testimony.

At the direction of President Trump, the White House did release the transcript of the call between President Trump and President Zelensky of Ukraine. But this action was taken for public relations reasons, with the Washington Post [reporting](#)¹⁸⁵ that the President believed the release would "embarrass his critics and political opponents." As the transcript was released, President Trump [tweeted](#)¹⁸⁶ "You will see it was a very friendly and totally appropriate call."

¹⁸¹ NBC News, *Intelligence community watchdog testifies in impeachment probe* (October 4, 2019). <https://web.archive.org/web/20221109210653/https://www.nbcnews.com/politics/congress/intelligence-community-watchdog-testifies-behind-closed-doors-impeachment-inquiry-n1062531>

¹⁸² House Permanent Select Committee on Intelligence in coordination with the Committee on Oversight and Reform and the Committee on Foreign Affairs, *The Trump-Ukraine Impeachment Inquiry Report*, page 30 (December 2019). https://web.archive.org/web/20220826010404/https://intelligence.house.gov/uploadedfiles/the_trump-ukraine_impeachment_inquiry_report.pdf

¹⁸³ House Permanent Select Committee on Intelligence in coordination with the Committee on Oversight and Reform and the Committee on Foreign Affairs, *The Trump-Ukraine Impeachment Inquiry Report*, page 219 (December 2019). https://web.archive.org/web/20220826010404/https://intelligence.house.gov/uploadedfiles/the_trump-ukraine_impeachment_inquiry_report.pdf

¹⁸⁴ House Permanent Select Committee on Intelligence in coordination with the Committee on Oversight and Reform and the Committee on Foreign Affairs, *The Trump-Ukraine Impeachment Inquiry Report*, page 220 (December 2019). https://web.archive.org/web/20220826010404/https://intelligence.house.gov/uploadedfiles/the_trump-ukraine_impeachment_inquiry_report.pdf

¹⁸⁵ Washington Post, *Trump says he authorized release of transcript of call with Ukrainian president* (September 24, 2019). https://web.archive.org/web/20221111180157/https://www.washingtonpost.com/politics/trump-confirms-he-withheld-military-aid-from-ukraine-says-he-wants-other-countries-to-help-pay/2019/09/24/42bdf66c-ded2-11e9-8dc8-498eabc129a0_story.html

¹⁸⁶ Washington Post, *Trump says he authorized release of transcript of call with Ukrainian president* (September 24, 2019). https://web.archive.org/web/20221111180157/https://www.washingtonpost.com/politics/trump-confirms-he-withheld-military-aid-from-ukraine-says-he-wants-other-countries-to-help-pay/2019/09/24/42bdf66c-ded2-11e9-8dc8-498eabc129a0_story.html

Further, in contrast to previous presidents, President Trump [refused to participate](#)¹⁸⁷ in the House Judiciary Committee’s hearings and deliberations. The President’s counsel [declined](#)¹⁸⁸ to ask Committee hearing witnesses questions or even to attend the hearings at all, even though the procedural rules approved for the impeachment inquiry provided for such participation.

The January 6 Insurrection Impeachment

The [second impeachment](#)¹⁸⁹ of President Trump did not include a formal investigation, as it responded directly to President Trump’s public role in inciting the January 6, 2021, insurrection. However, after leaving office, Mr. Trump continued to try to block allies from testifying in the House Select Committee’s investigation into January 6, [vowing](#)¹⁹⁰ to “fight the Subpoenas on Executive Privilege and other grounds, for the good of our Country.” These efforts included filing a lawsuit to block the release of records related to his role in the insurrection. The Supreme Court [rejected his request](#)¹⁹¹ to withhold the presidential records in January 2022, upholding the [ruling of the D.C. Circuit](#)¹⁹² that even if Mr. Trump were the sitting president, the congressional interest in obtaining the documents would outweigh his executive privilege claims.

Mr. Trump’s effectiveness in preventing cooperation with Congress was significantly diminished during his post-presidency, especially following the Supreme Court’s decision. The precedents set during this period are beyond the scope of this analysis.

Other White House Investigations

The Trump White House or President Trump in his personal capacity also refused to cooperate with at least 23 other congressional investigations, including inquiries into Russia’s interference with the 2016 presidential election, President Trump’s communications with Russian President Vladimir Putin, President Trump’s financial and tax records, taxpayer expenditures for Trump family travel, and plans to

¹⁸⁷ Letter from White House Counsel Pat A. Cipollone to House Judiciary Committee Chairman Jerrold Nadler (December 1, 2019).

<https://web.archive.org/web/20221111190348/https://s3.documentcloud.org/documents/6564451/Cipollone-Impeachment-Letter-12-1-2019.pdf>

¹⁸⁸ House Committee on the Judiciary, *Impeachment of Donald J. Trump President of the United States*, page 17 (December 13, 2019).

https://web.archive.org/web/20220121194256/https://judiciary.house.gov/uploadedfiles/report_hjc_report_on_impeachment_of_donald_j._trump.pdf

¹⁸⁹ New York Times, *A Step-by-Step Guide to the Second Impeachment of Donald J. Trump* (February 13, 2021).

<https://web.archive.org/web/20220426000242/https://www.nytimes.com/interactive/2021/02/08/us/politics/trump-second-impeachment-timeline.html>

¹⁹⁰ AP News, *Trump to invoke executive privilege in Jan. 6 House probe* (October 7, 2021).

<https://web.archive.org/web/20221111192148/https://apnews.com/article/donald-trump-congress-subpoenas-capitol-siege-4eb9ffd1e94550219f5acab9e3d3b162>

¹⁹¹ Supreme Court of the United States, *Trump v. Thompson* (January 19, 2022).

https://web.archive.org/web/20221119095530/https://www.supremecourt.gov/opinions/21pdf/21a272_9p6b.pdf

¹⁹² United States Court of Appeals for the District of Columbia Circuit, *Trump v. Thompson* (December 9, 2021).

https://web.archive.org/web/20221119095530/https://www.supremecourt.gov/opinions/21pdf/21a272_9p6b.pdf

transfer sensitive nuclear technologies to Saudi Arabia. According to [Rep. Elijah Cummings](#),¹⁹³ the former chair of the House Committee on Oversight and Reform, the Trump White House “engaged in an unprecedented level of stonewalling, delay and obstruction.”

Russian Interference in U.S. Politics

The report by Special Counsel Robert Mueller on Russian efforts to interfere with the 2016 presidential election raised significant questions about the involvement of the Trump campaign and President Trump’s efforts to obstruct the Mueller investigation. In April 2019, the House Judiciary Committee [issued a subpoena](#)¹⁹⁴ for documents and hearing testimony to former White House Counsel Donald McGahn, who was quoted in the Mueller report describing several instances when President Trump asked him to lie or obstruct the investigation. President Trump refused to allow Mr. McGahn to cooperate, [taking the position](#)¹⁹⁵ that the Administration would be “fighting all the subpoenas” issued by the House.

In litigation brought by the House to enforce the McGahn subpoena, a judge [asked](#)¹⁹⁶ during oral argument whether there has ever been “such broad-scale defiance of a congressional request for information in the history of the Republic.” The president’s counsel responded, “Not to my knowledge.” In 2021, the Biden Justice Department [settled the litigation](#),¹⁹⁷ allowing Mr. McGahn to testify before the Committee.

The White House also [blocked](#)¹⁹⁸ several other presidential aides from testifying at congressional hearings regarding Russian election interference. The White House’s instructions to defy the inquiries even extended to questions concerning the period before Trump took office. In 2018, former Trump

¹⁹³ Washington Post, *Elijah Cummings: The White House hasn’t turned over a single piece of paper to my committee* (March 19, 2019).

https://web.archive.org/web/20221111194338/https://www.washingtonpost.com/opinions/elijah-cummings-presidential-harassment-more-like-unprecedented-obstruction/2019/03/19/8382d0fc-4a6a-11e9-b79a-961983b7e0cd_story.html

¹⁹⁴ Washington Post, *House Democrats issue subpoena for former White House lawyer McGahn* (April 22, 2019).

https://web.archive.org/web/20221111204317/https://www.washingtonpost.com/powerpost/house-democrats-issue-subpoena-for-former-white-house-lawyer-mcgahn/2019/04/22/e84f9d24-6542-11e9-8985-4cf30147bdca_story.html

¹⁹⁵ ABC News, *‘We’re fighting all the subpoenas’: Trump on battle with House Democrats* (April 24, 2019).

<https://web.archive.org/web/20221111204706/https://abcnews.go.com/Politics/fighting-subpoenas-trump-battle-democrats/story?id=62600497>

¹⁹⁶ New York Times, *In McGahn Case, an Epic Constitutional Showdown* (June 4, 2021).

<https://web.archive.org/web/20221111205033/https://www.nytimes.com/2020/01/13/us/politics/mcgahn-trump-congress-lawsuit.html>

¹⁹⁷ CBS News, *Ex-White House counsel Don McGahn to testify before House Judiciary Committee on June 4* (May 27, 2021).

<https://web.archive.org/web/20221111205355/https://www.cbsnews.com/news/don-mcgahn-house-judiciary-committee-testimony/>

¹⁹⁸ Letter from White House Counsel Pat A. Cipollone to House Judiciary Chairman Jerrold Nadler (September 16, 2019).

<https://web.archive.org/web/20220211134417/https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/nadler2.9.16.2019%20whletter%20on%20rick%20dearborn%20and%20rob%20porter.pdf>

advisor Steve Bannon [refused to answer questions](#)¹⁹⁹ before the House Intelligence Committee about events during the presidential transition after being instructed by the White House not to respond to certain topics. In a September 2019 hearing before the House Judiciary Committee, former Trump campaign official Corey Lewandowski [cited a directive from the White House](#)²⁰⁰ in refusing to provide additional information relating to his private conversations with Mr. Trump beyond what had already been publicly released in the report by Special Counsel Robert Mueller.

The Trump Administration also resisted providing documents to the Committee. In May 2019, the Committee [subpoenaed](#)²⁰¹ the full, unredacted version of the Mueller report, along with the documents referenced in the report and related investigative materials. President Trump [responded](#)²⁰² by making a “protective assertion of executive privilege” that “ensures the President’s ability to make a final decision whether to assert privilege following a full review.” The Administration also litigated to stop the House Judiciary Committee from obtaining grand jury materials relating to the Mueller findings as part of its impeachment inquiry. The D.C. Circuit [ruled](#)²⁰³ against the Administration, causing the Trump Administration to appeal to the Supreme Court. In 2021, the Supreme Court [vacated the lower court ruling](#)²⁰⁴ on the ground that the case was moot because Mr. Trump was no longer in office.

President Trump’s Communications with President Putin

In February 2019, the chairs of the House Oversight and Reform, Foreign Affairs, and Intelligence Committees [requested](#)²⁰⁵ that the Acting White House Chief of Staff address questions raised by news reports that President Trump confiscated notes from his meeting with Russian President Vladimir Putin, took other steps to conceal his communications with Mr. Putin from scrutiny by U.S. officials, and may

¹⁹⁹ CNN, *WH directs Bannon to avoid answering Hill queries in Russia probe* (January 17, 2018).

<https://web.archive.org/web/20221110033456/https://www.cnn.com/2018/01/16/politics/steve-bannon-executive-privilege/index.html>

²⁰⁰ New York Times, *Lewandowski Tells Congress ‘I Wasn’t Asked to Do Anything Illegal’* (September 17, 2019).

<https://web.archive.org/web/20221111210613/https://www.nytimes.com/2019/09/17/us/politics/corey-lewandowski-hearing.html>

²⁰¹ House Judiciary Committee *Subpoena to Attorney General William P. Barr* (April 18, 2019).

<https://web.archive.org/web/20221115180430/https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/mueller%20report%20subpoena%204.18.19.pdf>

²⁰² Letter from Assistant Attorney General Stephen E. Boyd to Judiciary Committee Chairman Jerrold Nadler (May 8, 2019).

<https://web.archive.org/web/20221115180900/https://s3.documentcloud.org/documents/5993531/5-8-19-Boyd-Letter-Nadler.pdf>

²⁰³ Lawfare, *Justice Department Must Share Mueller Grand Jury Materials With House, D.C. Circuit Rules* (March 20, 2020).

<https://web.archive.org/web/20221111210959/https://www.lawfareblog.com/justice-department-must-share-mueller-grand-jury-materials-house-dc-circuit-rules>

²⁰⁴ CNN, *Supreme Court order ends congressional Democrats’ attempts to determine if Trump lied in Mueller probe* (July 2, 2021).

<https://web.archive.org/web/20221111211452/https://www.cnn.com/2021/07/02/politics/democrats-trump-mueller-supreme-court/index.html>

²⁰⁵ Letter from Intelligence Committee Chairman Adam B. Schiff to Acting White House Chief of Staff Mick Mulvaney (February 21, 2019).

<https://web.archive.org/web/20221111211908/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-02-21.EEC%20Engel%20Schiff%20to%20Mulvaney-WH%20re%20PRA.pdf>

have destroyed presidential records. The White House refused to comply with that request or with [a follow-up request](#)²⁰⁶ from the Committees in March for related documents, [citing](#)²⁰⁷ the President's purported "exclusive" authority in foreign affairs. The White House also did not comply with a June 2019 request for a [transcribed interview](#)²⁰⁸ with the director of the White House Office of Records Management.

White House Security Office

In January 2019, the House Committee on Oversight and Reform [launched an inquiry](#)²⁰⁹ into deficiencies in the White House's security clearance process. After a whistleblower [testified](#)²¹⁰ about dozens of security clearances that were issued over the objections of career security officials and the press [reported](#)²¹¹ that the President personally ordered that his son-in-law, Jared Kushner, receive a clearance over the objections of intelligence officials, the Committee subpoenaed the head of the White House Office of Security to testify. The White House responded by [directing](#)²¹² the official to defy the subpoena.

²⁰⁶ Letter from House Foreign Affairs Committee Chairman Eliot Engel, Intelligence Committee Chairman Adam B. Schiff, and House Oversight and Reform Committee Chairman Elijah Cummings to Acting White House Chief of Staff Mick Mulvaney (March 4, 2019).
<https://web.archive.org/web/2022111211908/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-02-21.EEC%20Engel%20Schiff%20to%20Mulvaney-WH%20re%20PRA.pdf>

²⁰⁷ Letter from White House Counsel Pat A. Cipollone to House Oversight and Reform Committee Chairman Elijah E. Cummings, House Foreign Affairs Committee Chairman Eliot Engel, and Intelligence Committee Chairman Adam B. Schiff (March 21, 2019).
<https://web.archive.org/web/2022111212853/https://www.politico.com/f/?id=00000169-a165-d9c1-a7ef-f5effbf10001>

²⁰⁸ Letter from House Oversight and Reform Committee Chairman Elijah E. Cummings to Acting White House Chief of Staff Mick Mulvaney (June 24, 2019).
<https://web.archive.org/web/2022111213351/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-06-24.EEC%20to%20Mulvaney-WH%20re%20PRA.pdf>

²⁰⁹ Letter from House Oversight and Reform Committee Chairman Elijah E. Cummings to White House Counsel Pat Cipollone (January 23, 2019).
<https://web.archive.org/web/2022111213811/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-01-23.EEC%20to%20Cipollone-WH%20re%20Security%20Clearances.pdf>

²¹⁰ Washington Post, *White House whistleblower says 25 security clearance denials were reversed during Trump administration* (April 1, 2019).
https://web.archive.org/web/2022111214155/https://www.washingtonpost.com/powerpost/white-house-whistleblower-says-security-clearance-denials-were-reversed-during-trump-administration/2019/04/01/9f28334e-542c-11e9-814f-e2f46684196e_story.html

²¹¹ New York Times, *Trump Ordered Officials to Give Jared Kushner a Security Clearance* (February 28, 2019).
<https://web.archive.org/web/20221120122742/https://www.nytimes.com/2019/02/28/us/politics/jared-kushner-security-clearance.html>

²¹² House Oversight and Reform Committee, *White House Orders Former Security Director to Defy Oversight Committee Subpoena* (April 23, 2019).
<https://web.archive.org/web/2022111214915/https://oversight.house.gov/news/press-releases/white-house-orders-former-security-director-to-defy-oversight-committee-subpoena>

Eventually the official appeared before the Committee for a transcribed interview, but [refused](#)²¹³ to answer questions about specific individuals. The White House also [refused](#)²¹⁴ to comply with Committee requests for documents about the specific allegations of improperly issued clearances.

Three Inquiries into Trump Finances

In 2019, three House committees investigated allegations involving President Trump's business and financial interests. In prior administrations, presidents had [provided personal financial information to Congress](#).²¹⁵ They had also [placed their assets in blind trusts](#)²¹⁶ to avoid financial conflicts of interest. President Trump refused to put his extensive holdings in a blind trust and then took unprecedented steps to thwart congressional investigations that sought information about his business and financial interests.

The House Oversight and Reform Committee investigation [sought](#)²¹⁷ to examine President Trump's financial disclosures. The investigation followed a [determination](#)²¹⁸ by the Office of Government Ethics that President Trump filed an erroneous financial disclosure form and [testimony](#)²¹⁹ by Michael Cohen, Mr. Trump's former lawyer, that Mr. Trump routinely altered the values of his assets on financial

²¹³ CNN, *Kline takes responsibility for White House security clearance process, but Democrats vow to continue digging* (May 1, 2019).

<https://web.archive.org/web/20221111215224/https://www.cnn.com/2019/05/01/politics/carl-kline-congress-security-clearance/index.html>

²¹⁴ CNN, *White House rejects House Oversight Committee request for security clearance documents* (May 1, 2019).

<https://web.archive.org/web/20221111215754/https://www.cnn.com/2019/05/01/politics/white-house-security-clearance-documents/index.html>

²¹⁵ Supreme Court of the United States, *Brief for Respondent Committees of the U.S. House of Representatives*, page 7, Nos. 19-715, 19-760 (February 26, 2020).

https://web.archive.org/web/20221114180259/https://www.supremecourt.gov/DocketPDF/19/19-715/134253/20200226162318816_Nos%2019%20715%20760%20%20Merits%20Brief%20Final.pdf

²¹⁶ Washington Post, *Donald Trump won't do what Ronald Reagan, George H.W. Bush, Bill Clinton and George W. Bush did* (November 15, 2016).

<https://web.archive.org/web/20221114181234/https://www.washingtonpost.com/news/wonk/wp/2016/11/15/ronald-reagan-did-it-george-h-w-bush-did-it-bill-clinton-did-it-george-w-bush-did-it-donald-trump-wont-do-it/>

²¹⁷ House Oversight and Reform Committee, *Committee Seeks Documents on Accuracy of President Trump's Financial Statements* (March 27, 2019).

<https://web.archive.org/web/20221114181643/https://oversight.house.gov/news/press-releases/committee-seeks-documents-on-accuracy-of-president-trump-s-financial-statements>

²¹⁸ Letter from Office of Government Ethics Acting Director David J. Apol to Deputy Attorney General Rod J. Rosenstein (May 16, 2018).

[https://web.archive.org/web/20221114191508/https://www.oge.gov/web/oge.nsf/0/7CF3EBEF73AE9B78852585B6005A1E6F/\\$FILE/OGE%20Letter%20to%20DOJ%20%28posting%29.pdf](https://web.archive.org/web/20221114191508/https://www.oge.gov/web/oge.nsf/0/7CF3EBEF73AE9B78852585B6005A1E6F/$FILE/OGE%20Letter%20to%20DOJ%20%28posting%29.pdf)

²¹⁹ PBS, *Cohen releases Trump financial documents, claims president inflated net worth* (February 27, 2019).

<https://web.archive.org/web/20221114192226/https://www.pbs.org/newshour/politics/cohen-releases-trump-financial-documents-claims-president-inflated-net-worth>

statements. As part of this [investigation](#),²²⁰ the House Oversight and Reform Committee [subpoenaed](#)²²¹ Trump's financial records from his accounting firm, Mazars USA.

The House Committee on Financial Services investigation examined questions raised by [reports](#)²²² on the purchase of Trump properties by Russian oligarchs engaged in money laundering. As part of the investigation, the Committee [issued subpoenas](#)²²³ to Deutsche Bank and Capital One Bank for records relating to Mr. Trump's financial transactions.

The investigation by the House Select Committee on Intelligence [subpoenaed financial records](#)²²⁴ from Deutsche Bank to evaluate leverage that foreign actors potentially had over President Trump, his family, and his businesses.

President Trump, in his personal capacity, sued to block compliance with the subpoenas to [Mazars](#),²²⁵ [Deutsche Bank](#),²²⁶ and [Capital One Bank](#).²²⁷ The cases reached the Supreme Court, which consolidated these cases and [rejected](#)²²⁸ the President's assertion that Congress was precluded from obtaining his financial records. Instead, the Court ruled that a "balanced approach is necessary" that "takes adequate account of ... both the significant legislative interests of Congress and the 'unique position' of the President." The Court then sent the cases back to the lower courts to apply this balancing test to the

²²⁰ House Committee on Oversight and Reform, *Memorandum to Members from Chairman Elijah E. Cummings* (April 12, 2019).

<https://web.archive.org/web/20221114192705/https://www.politico.com/f/?id=0000016a-131f-da8e-adfa-3b5f319d0001>

²²¹ CNN, *House committee subpoenas Trump financial information from accounting firm* (April 15, 2019).

<https://web.archive.org/web/20221114193049/https://www.cnn.com/2019/04/15/politics/oversight-subpoena-mazars/index.html>

²²² USA Today, *Trump's business network reached alleged Russian mobsters* (March 28, 2017).

<https://web.archive.org/web/20221114193414/https://www.usatoday.com/story/news/world/2017/03/28/trump-business-past-ties-russian-mobsters-organized-crime/98321252/>

²²³ Supreme Court of the United States, *Opposition to Emergency Application to Recall and Stay the Mandate*, page 11 (December 11, 2019).

https://web.archive.org/web/20221114193840/https://www.supremecourt.gov/DocketPDF/19/19A640/125139/20191211104756921_Deutsche%20Bank%20S.%20Ct.%20Opposition%20to%20Stay%20final.pdf

²²⁴ Supreme Court of the United States, *Opposition to Emergency Application to Recall and Stay the Mandate*, page 13 (December 11, 2019).

https://web.archive.org/web/20221114193840/https://www.supremecourt.gov/DocketPDF/19/19A640/125139/20191211104756921_Deutsche%20Bank%20S.%20Ct.%20Opposition%20to%20Stay%20final.pdf

²²⁵ Politico, *Trump sues to block House subpoena of financial records* (April 22, 2019).

<https://web.archive.org/web/20221114194952/https://www.politico.com/story/2019/04/22/trump-sues-oversight-committee-chairman-finance-records-1284995>

²²⁶ New York Times, *Trump Wants to Block Deutsche Bank From Sharing His Financial Records* (April 30, 2019).

<https://web.archive.org/web/20221114195716/https://www.nytimes.com/2019/04/30/business/deutsche-bank-donald-trump.html>

²²⁷ Washington Post, *Trump Organization and family sue Deutsche Bank and Capital One to block congressional subpoenas* (April 30, 2019).

<https://web.archive.org/web/20221114200055/https://www.washingtonpost.com/nation/2019/04/30/trump-organization-family-sue-deutsche-bank-capital-one-block-congressional-subpoenas/>

²²⁸ Supreme Court of the United States, *Trump v. Mazars USA, LLP*, page 18 (July 9, 2020).

https://web.archive.org/web/20221119000123/https://www.supremecourt.gov/opinions/19pdf/19-715_febh.pdf

facts of the case. In July 2022, the D.C. Circuit [upheld](#)²²⁹ the Oversight Committee’s subpoena, but narrowed its scope. The parties subsequently [settled](#),²³⁰ and in September 2022, Mazars [started producing](#)²³¹ documents to the Oversight Committee.

Trump Tax Returns

Congressional investigators also sought President Trump’s tax returns. In contrast to the practice of [Republican and Democratic presidents](#)²³² since President Nixon, President Trump refused to publicly disclose his tax records. The House Ways and Means Committee in May 2019 issued a [subpoena](#)²³³ to Treasury Secretary Steven Mnuchin under its statutory authority ([26 U.S.C. § 6103\(f\)](#))²³⁴ to obtain taxpayer returns, demanding personal and business tax records of President Trump spanning six years that include time before and during his presidential tenure. As [a Co-Equal precedent report documents](#),²³⁵ prior presidents had provided this information to Congress even when the tax records sought were for years not publicly disclosed by the presidents.

After the Treasury Department refused to comply, the Committee [sued](#)²³⁶ to seek enforcement of the subpoena. As the Committee explained in [the complaint](#),²³⁷ it sought these records to evaluate the

²²⁹ United States Court of Appeals District of Columbia Circuit, *Trump v. Mars, USA and Committee on Oversight and Reform* (July 8, 2022).
[https://web.archive.org/web/20221114201735/https://www.cadc.uscourts.gov/internet/opinions.nsf/E7A013008E57B8FD8525887900595CE8/\\$file/21-5176-1954101.pdf](https://web.archive.org/web/20221114201735/https://www.cadc.uscourts.gov/internet/opinions.nsf/E7A013008E57B8FD8525887900595CE8/$file/21-5176-1954101.pdf)

²³⁰ Washington Post, *House deal for Trump records lets accounting firm decide what to release* (September 10, 2022).
<https://web.archive.org/web/20221114200846/https://www.washingtonpost.com/dc-md-va/2022/09/10/trump-records-house-deal/>

²³¹ New York Times, *Trump’s Former Accounting Firm Begins Turning Over Documents to Congress* (September 17, 2022).
<https://web.archive.org/web/20221114201153/https://www.nytimes.com/2022/09/17/us/politics/mazars-accounting-trump-documents.html>

²³² NPR, *Democratic Candidates Are Releasing Tax Returns, Answering Big Questions For Voters* (April 12, 2019).
<https://web.archive.org/web/20221115161330/https://www.npr.org/2019/04/12/712197338/democratic-candidates-are-releasing-tax-returns-answering-big-questions-for-vote>

²³³ Letter from Ways and Means Chairman Richard E. Neal to IRS Commissioner Charles P. Rettig and Treasury Secretary Steven T. Mnuchin (May 10, 2019).
<https://web.archive.org/web/20221115170846/https://int.nyt.com/data/documenthelper/876-subpoena-irs-treasury/0b7a5ac978ab60960b53/optimized/full.pdf>

²³⁴ 26 U.S. Code § 6103, *Confidentiality and disclosure of returns and return information*.
<https://web.archive.org/web/20221110185336/https://www.law.cornell.edu/uscode/text/26/6103>

²³⁵ Co-Equal, *Guide to Congressional Oversight*.
<https://web.archive.org/web/20221115181424/https://www.co-equal.org/guide-to-congressional-oversight/tax-records>

²³⁶ NPR, *House Democrats Sue for Trump’s Tax Returns* (July 2, 2019).
<https://web.archive.org/web/20221115182441/https://www.npr.org/2019/07/02/738030272/house-democrats-sue-for-trumps-tax-returns>

²³⁷ United States District Court for the District of Columbia, *Committee on Ways and Means v. U.S. Treasury and the Internal Revenue Service* (July 2, 2019).
<https://web.archive.org/web/20221115182905/https://int.nyt.com/data/documenthelper/1357-trump-tax-return-lawsuit/df3dcdcf83b1525d983/optimized/full.pdf>

adequacy of the IRS audit process and whether President Trump had personally benefited from the Tax Cut and Jobs Act of 2017 that he championed as President, such as [the tax breaks for real estate developers](#)²³⁸ included in the legislation. In December 2021, a Trump-appointed federal judge [ruled](#)²³⁹ that the tax returns must be provided to the committee. The D.C. Circuit [affirmed](#)²⁴⁰ the lower court decision. In November 2022, the Supreme Court [declined](#)²⁴¹ to stay the D.C. Circuit ruling, and the House obtained the tax returns from the Treasury Department.

Three Inquiries into White House Travel

After [news reports](#)²⁴² in 2017 that President Trump was potentially profiting from his travel to Trump-owned properties, the ranking members of the House Oversight and Reform Committee and the Senate Judiciary and Homeland Security and Governmental Affairs Committees requested a Government Accountability Office (GAO) [audit](#)²⁴³ of expenditures associated with four of the President's trips. The White House [failed](#)²⁴⁴ to provide GAO with information "related to coordinating travel for the President and any costs associated with White House staff traveling with the President."

In February 2020, the House Oversight Committee [made its own request](#)²⁴⁵ for documents after the *Washington Post* reported that Trump resorts charged Secret Service agents as much as \$650 per night for a room. By the end of the Trump Administration, the Committee had [received](#)²⁴⁶ only 86 documents

²³⁸ House Oversight and Reform Committee, *New Report Details How GOP Tax Law Hurts Homeowners and Helps Wealthy Developers* (July 5, 2018).

<https://web.archive.org/web/20221115183525/https://oversight.house.gov/news/press-releases/new-report-details-how-gop-tax-law-hurts-homeowners-and-helps-wealthy-developers>

²³⁹ CNN, *Trump tells court he will appeal ruling that would allow the House to obtain his tax returns* (December 15, 2021).

<https://web.archive.org/web/20221116154352/https://www.cnn.com/2021/12/14/politics/trump-irs-disclosure-tax/index.html>

²⁴⁰ United States Court of Appeals for the District of Columbia Circuit, *Opinion in the case of Ways and Means v. Treasury and Trump* (August 9, 2022).

<https://www.documentcloud.org/documents/22129148-appeals-court-opinion-in-trump-tax-lawsuit>

²⁴¹ New York Times, *House Committee Obtains Access to Trump's Tax Returns, Ending Long Fight* (November 30, 2022). <https://web.archive.org/web/20221218061951/https://www.nytimes.com/2022/11/30/us/politics/trump-tax-returns.html>

²⁴² NBC, *Trump's Mar-a-Lago Travel Triggers Cost and Ethics Concerns* (April 13, 2017).

<https://web.archive.org/web/20221115205832/https://www.nbcnews.com/politics/white-house/trump-s-mar-lago-travel-triggers-cost-ethics-concerns-n743541>

²⁴³ General Accounting Office, *Presidential Travel: Secret Service and DOD Need to Ensure that Expenditure Reports Are Prepared and Submitted to Congress* (January 2019).

<https://web.archive.org/web/20221115210405/https://www.gao.gov/assets/gao-19-178.pdf>

²⁴⁴ General Accounting Office, *Presidential Travel: Secret Service and DOD Need to Ensure that Expenditure Reports Are Prepared and Submitted to Congress*, page 8 (January 2019).

<https://web.archive.org/web/20221115210405/https://www.gao.gov/assets/gao-19-178.pdf>

²⁴⁵ Letter from House Oversight and Reform Committee Chairwoman Carolyn B. Maloney and Rep. Jackie Speier to U.S. Secret Service Director James M. Murray (February 12, 2020).

<https://web.archive.org/web/20221115211235/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-02-12.CBM%20Speier%20to%20Murray-USSS%20re%20Exorbitant%20Charges.pdf>

²⁴⁶ House Committee on Oversight and Reform, *Activities Report*, page 78 (December 31, 2020).

that had been previously released to the public and answers to four written questions. By October 2022, the Secret Service still had not provided a complete accounting, although the Oversight Committee had by then [obtained](#)²⁴⁷ information showing that Trump-owned properties charged the Secret Service more than the government rate at least 40 times.

In January 2020, the House Homeland Security Committee [requested](#)²⁴⁸ information from the Secret Service on the cost of travel by President Trump and his family. The Committee [renewed](#)²⁴⁹ its requests for the information in a letter sent to the Homeland Security Secretary in August 2020. The Committee did not receive the requested information during the Trump Administration.

The Lease of the Old Post Office Building

When Mr. Trump's company leased the Old Post Office Building in Washington, D.C., to build a hotel, the terms of the lease with the General Services Administration prohibited any federal official from receiving any benefit from the lease. After President Trump's election in 2016, Rep. Elijah Cummings, the ranking member of the House Oversight Committee, [requested](#)²⁵⁰ information about Mr. Trump's apparent violation of the lease. When this request was rejected, Mr. Cummings and other Committee members [filed](#)²⁵¹ a request under the "Seven Member Rule" ([5 U.S.C. § 2954](#)),²⁵² a statute that directs the executive branch to provide any seven members of the Oversight Committee "any information requested of it relating to any matter within the jurisdiction of the committee." The Administration rejected the request, and the members filed suit seeking the documents. The district court held the

<https://web.archive.org/web/20221115220509/https://www.congress.gov/116/crpt/hrpt710/CRPT-116hrpt710.pdf>

²⁴⁷ Letter from House Committee on Oversight and Reform Chairwoman Carolyn B. Maloney to U.S. Secret Service Director Kimberly A. Cheatle (October 17, 2022).

<https://web.archive.org/web/20221115212239/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-10-17.CBM%20to%20Cheatle-USSS%20re%20Exorbitant%20Charges%20at%20Trump%20Properties.pdf>

²⁴⁸ Letter from the House Committee on Homeland Security Chairman Bennie G. Thompson to U.S. Secret Service Director James M. Murray (January 15, 2020).

<https://web.archive.org/web/20221115212554/https://homeland.house.gov/imo/media/doc/SecretServiceCostRequest.pdf>

²⁴⁹ Letter from House Committee on Homeland Security Chairman Bennie G. Thompson to Senate Homeland Security and Governmental Affairs Chairman Ron Johnson and Ranking Member Gary C. Peters (September 22, 2020).

<https://web.archive.org/web/20221115213044/https://homeland.house.gov/imo/media/doc/HSGAC%20Letter%20Doc.pdf>

²⁵⁰ Politico, *House Dems: Trump's Post Office lease presents 'egregious conflict of interest'* (November 30, 2016).

<https://web.archive.org/web/20221115213702/https://www.politico.com/story/2016/11/democrats-trump-post-office-232030>

²⁵¹ House Committee on Oversight and Reform, *Oversight Democrats Challenge New Trump Administration Policy on Refusing Democratic Inquiries* (June 5, 2017).

<https://web.archive.org/web/20221115214054/https://oversight.house.gov/news/press-releases/oversight-democrats-challenge-new-trump-administration-policy-on-refusing>

²⁵² 5 U.S. Code § 2954, *Information to committees of Congress on request*.

<https://web.archive.org/web/20220928195917/https://www.law.cornell.edu/uscode/text/5/2954>

members lacked standing, but this decision was [reversed](#)²⁵³ by the D.C. Circuit. The circuit court subsequently [rejected](#)²⁵⁴ a request for rehearing en banc, sending the case back to the district court.

In April 2020, the new chair of the House Oversight Committee, Rep. Carolyn Maloney, [requested](#)²⁵⁵ additional documents in response to press reports that the Trump Organization had requested relief from the GSA due to the coronavirus pandemic. The Trump Administration continued to [fail to produce](#)²⁵⁶ responsive materials. In 2021, under the Biden Administration, the GSA provided additional information ([production 1](#),²⁵⁷ [production 2](#),²⁵⁸ [production 3](#)²⁵⁹) to the Committee's investigation, including an agreement showing that the financing of the Trump Hotel's construction relied on financial statements that Mr. Trump's accounting firm, Mazars, has since disavowed. This revelation led Chair Maloney and Rep. Gerald E. Connolly, Chair of the Subcommittee on Government Operations, to [call](#)²⁶⁰ for GSA to consider terminating the Old Post Office Building lease held by Mr. Trump and the Trump Organization in early 2022.

²⁵³ U.S. Court of Appeals for the District of Columbia Circuit, *Carolyn Maloney, et. al., v. Emily W. Murphy, Administrator, General Services Administration* (December 29, 2020).
[https://web.archive.org/web/20221115214715/https://www.cadc.uscourts.gov/internet/opinions.nsf/E572629FF06BE638525864D00571660/\\$file/18-5305-1877511.pdf](https://web.archive.org/web/20221115214715/https://www.cadc.uscourts.gov/internet/opinions.nsf/E572629FF06BE638525864D00571660/$file/18-5305-1877511.pdf)

²⁵⁴ U.S. Court of Appeals for the District of Columbia Circuit, *Carolyn Maloney, et. al., Val Demings v. Robin Carnahan, Administrator, General Services Administration* (August 8, 2022).
[https://web.archive.org/web/20221115215358/https://www.cadc.uscourts.gov/internet/opinions.nsf/B13039A09845837085258898006E437E/\\$file/18-5305-1958322.pdf](https://web.archive.org/web/20221115215358/https://www.cadc.uscourts.gov/internet/opinions.nsf/B13039A09845837085258898006E437E/$file/18-5305-1958322.pdf)

²⁵⁵ Reuters, *U.S. House panel seeks details on agency's talks over Washington Trump hotel* (April 29, 2020).
<https://web.archive.org/web/20221115220042/https://www.reuters.com/article/us-usa-trump-hotel/u-s-house-panel-seeks-details-on-agencys-talks-over-washington-trump-hotel-idUSKBN22B2SN>

²⁵⁶ House Committee on Oversight and Reform, *Activities Report*, page 69 (December 31, 2020).
<https://web.archive.org/web/20221115220509/https://www.congress.gov/116/crpt/hrpt710/CRPT-116hrpt710.pdf>

²⁵⁷ House Committee on Oversight and Reform, *Selected Documents: Documents Related to GSA Lease for Old Post Office Building, Part 1* (October 8, 2021).
<https://web.archive.org/web/20221115220834/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Selected%20Documents%20Related%20to%20GSA%20Lease%20for%20Old%20Post%20Office%20Building%20Part%201.pdf>

²⁵⁸ House Committee on Oversight and Reform, *Selected Documents: Documents Related to GSA Lease for Old Post Office Building, Part 2* (October 8, 2021).
<https://web.archive.org/web/20221115221127/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Selected%20Documents%20Related%20to%20GSA%20Lease%20for%20Old%20Post%20Office%20Building%20Part%202.pdf>

²⁵⁹ House Committee on Oversight and Reform, *Selected Documents: Documents Related to GSA Lease for Old Post Office Building, Part 3* (October 8, 2021).
<https://web.archive.org/web/20221115221453/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Selected%20Documents%20Related%20to%20GSA%20Lease%20for%20Old%20Post%20Office%20Building%20Part%203.pdf>

²⁶⁰ House Committee on Oversight and Reform, *Following Mazars' Disavowal of Trump's Financial Statements, Chairs Maloney and Connolly Urge GSA to Consider Terminating Trump Hotel Lease* (February 17, 2022).
<https://web.archive.org/web/20221115221918/https://oversight.house.gov/news/press-releases/following-mazars-disavowal-of-trump-s-financial-statements-chairs-maloney-and>

Three Inquiries into Potential Foreign Emoluments Clause Violations

Two congressional committees investigated whether President Trump or Trump family members were profiting from the actions of foreign governments in violation of the Constitution's prohibition on federal officeholders receiving any "emolument" from a foreign state or monarch without the consent of Congress. These investigations were triggered by reports indicating President Trump had ignored this requirement and had received:

- grants of trademarks from [China](#),²⁶¹
- profits from the decision of [Saudi Arabia](#)²⁶² to spend over \$270,000 and book 500 rooms at the Trump hotels during a three-month period,
- profits from an event held at the Trump Hotel by the [Embassy of the Philippines](#),²⁶³ and
- profits from attempts by [other countries](#)²⁶⁴ to curry favor by being [conspicuous customers](#)²⁶⁵ at Trump properties.

The House Committees on Oversight and Reform and Judiciary both opened investigations, with both [the Oversight Committee](#)²⁶⁶ and [the Judiciary Committee](#)²⁶⁷ sending document requests to the Trump Organization. President Trump's companies, however, [stonewalled](#)²⁶⁸ Congress' attempts to conduct

²⁶¹ Washington Post, *Trump Conflicts Watch, 2: Where trademark law meets the foreign emoluments clause* (February 15, 2017).

<https://web.archive.org/web/20221116133958/https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/02/15/trump-conflicts-watch-2-where-trademark-law-meets-the-foreign-emoluments-clause/>

²⁶² Washington Post, *Saudi-funded lobbyist paid for 500 rooms at Trump's hotel after 2016 election* (December 15, 2018).

https://web.archive.org/web/20221116134445/https://www.washingtonpost.com/politics/saudi-funded-lobbyist-paid-for-500-rooms-at-trumps-hotel-after-2016-election/2018/12/05/29603a64-f417-11e8-bc79-68604ed88993_story.html

²⁶³ AP, *Philippines latest foreign country to book Trump's DC hotel* (April 28, 2018).

<https://web.archive.org/web/20221116134832/https://apnews.com/article/9d68161fe26f44638cd74cb1a943501e>

²⁶⁴ CNBC, *Here's the part of the US Constitution two attorneys general say Trump is violating* (June 12, 2017).

<https://web.archive.org/web/20221116135155/https://www.cnn.com/2017/06/12/emoluments-clause-trump-accused-of-violating-constitution.html>

²⁶⁵ New York Times, *The Swamp That Trump Built* (October 10, 2020).

<https://web.archive.org/web/20221120181045/https://www.nytimes.com/interactive/2020/10/10/us/trump-properties-swamp.html>

²⁶⁶ Letter from House Oversight and Reform Committee Chairwoman Carolyn B. Maloney and Subcommittee Chairman Jamie Raskin to Eric Trump, Executive Vice President, Trump Organization (May 7, 2020).

<https://web.archive.org/web/20221116135937/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-05-07.CBM%20JR%20to%20Eric-%20Trump%20Org.%20re%20Coronavirus%20Emoluments.pdf>

²⁶⁷ House Committee on the Judiciary, *House Judiciary Committee Unveils Investigation into Threats Against the Rule of Law* (March 4, 2019).

<https://web.archive.org/web/20221116140542/https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=1502>

²⁶⁸ Reuters, *Exclusive: Foreign government leases at Trump World Tower stir more emoluments concerns* (May 2, 2019).

oversight and [refused](#)²⁶⁹ to keep or structure the Trump Organization's business records in a manner that would make it possible to return these emoluments if necessary. Although the Trump Organization [claimed it donated](#)²⁷⁰ its profits from foreign governments to the U.S. Treasury, it has provided [no accounting](#)²⁷¹ to back up its claims and no explanation for how it determines when a foreign government was involved.

In a third inquiry, the House Judiciary Committee [investigated](#)²⁷² whether President Trump's advocacy for hosting the Group of Seven summit of world leaders at his Trump National Doral Miami hotel was a potential violation of the emoluments clause. The Committee never received the information it requested.²⁷³

Two Inquiries into Potential Domestic Emoluments Clause Violations

After news reports that the State Department [spent tens of thousands of taxpayer dollars](#)²⁷⁴ at President Trump's Mar-a-Lago Club during a summit with the Chinese president and at a Trump golf course in Scotland, the House Foreign Affairs Committee in 2019 [requested](#)²⁷⁵ documents including correspondence and billing records to determine whether these payments were a responsible use of funds and whether they potentially violated the domestic emoluments clause of the Constitution, which prohibits the President from receiving emoluments from federal or state governments. The State

<https://web.archive.org/web/20221116140921/https://www.reuters.com/article/us-usa-trump-emoluments-exclusive/exclusive-foreign-government-leases-at-trump-world-tower-stir-more-emoluments-concerns-idUSKCN1S80PP>

²⁶⁹ Letter from House Oversight and Reform Ranking Member Elijah E. Cummings to George A. Sorial, Executive Vice President and Chief Compliance Counsel, the Trump Organization (May 24, 2017).

<https://web.archive.org/web/20221116141726/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-05-24.EEC%20to%20Trump%20Organization.pdf>

²⁷⁰ Washington Post, *Trump Organization's donations to U.S. Treasury shows drop in foreign government profits* (March 9, 2020).

<https://web.archive.org/web/20221116141307/https://www.washingtonpost.com/business/2020/03/09/trump-foreign-profits/>

²⁷¹ CNN, *Questions remain over Trump Organization's donation of foreign profits* (February 27, 2018).

<https://web.archive.org/web/20221116142052/https://www.cnn.com/2018/02/27/politics/trump-organization-foreign-profits/index.html>

²⁷² House Judiciary Committee, *House Judiciary Committee to Investigate Trump Doral G7 Plan* (August 28, 2019).

<https://web.archive.org/web/20221116142532/https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=2098>

²⁷³

²⁷⁴ Washington Post, *When Trump visits his clubs, government agencies and Republicans pay to be where he is* (June 20, 2019).

https://web.archive.org/web/20221116142945/https://www.washingtonpost.com/politics/when-trump-visits-his-clubs-government-agencies-and-republicans-pay-to-be-where-he-is/2019/06/20/a4c13c36-8ed0-11e9-adf3-f70f78c156e8_story.html

²⁷⁵ House Foreign Affairs Committee, *Engel Demands Records on State Department Payments to Mar-a-Lago and Trump Turnberry Resort* (July 23, 2019).

<https://web.archive.org/web/20221116164427/https://foreignaffairs.house.gov/press-releases?ID=55B47130-3C92-4318-8354-B336B8892BE1>

Department produced [fewer than 50 documents](#)²⁷⁶ in response, many of which were undated and lacked context.

Also in 2019, the House Oversight and Reform Committee [investigated](#)²⁷⁷ whether the U.S. military was purposely routing travel through a Trump-owned golf course and hotel in Scotland. The Department of Defense [produced only 21 pages of documents](#)²⁷⁸ in response to the Committee's request, which the Committee called "woefully inadequate."

Plans for the FBI Headquarters Relocation

Following receipt of documents indicating that the Administration's abrupt decision in 2018 to abandon plans to move the FBI headquarters out of downtown Washington, D.C., [involved](#)²⁷⁹ a "direction from the White House," as well as a [report](#)²⁸⁰ from the General Services Administration Inspector General that found that the GSA administrator's testimony to Congress on the decision was "incomplete" and "misleading" about the involvement of President Trump and other high-level administration officials in the decision-making process, the House Oversight and Reform Committee, Transportation and Infrastructure Committee, and Appropriations Subcommittee on Financial Services and General Government repeatedly [requested](#)²⁸¹ that the Trump Administration produce documents relevant to that decision. The Committees sought to evaluate whether President Trump's involvement in this decision was connected to the adverse impact that the sale of the FBI headquarters to commercial

²⁷⁶ House Foreign Affairs Committee, *Engel & Castro Push State Department for Answers on Payments to Trump Properties* (March 3, 2020).

<https://web.archive.org/web/20221116164422/https://foreignaffairs.house.gov/press-releases?ID=95DFD3CB-0090-4890-8004-6C95AEB7E5A7>

²⁷⁷ Washington Post, *House panel is probing U.S. military use of Trump-owned properties in Scotland* (September 7, 2019).

https://web.archive.org/web/20221116164739/https://www.washingtonpost.com/politics/house-panel-is-probing-us-military-use-of-trump-owned-property-in-scotland/2019/09/07/658aa050-d176-11e9-87fa-8501a456c003_story.html

²⁷⁸ House Oversight and Reform Committee, *New Documents Show Pentagon Spent At Least \$184,000 in U.S. Taxpayer Funds at President Trump's Turnberry Resort* (September 18, 2019).

<https://web.archive.org/web/20221116165126/https://oversight.house.gov/news/press-releases/new-documents-show-pentagon-spent-at-least-184000-in-us-taxpayer-funds-at>

²⁷⁹ WAMU, *New Documents Indicate That Trump Was Involved In Decision Not To Move FBI Building* (October 18, 2018).

<https://web.archive.org/web/20221116172102/https://wamu.org/story/18/10/18/new-documents-indicate-trump-involved-decision-not-move-fbi-building/>

²⁸⁰ Office of the Inspector General, U.S. General Services Administration, *Review of GSA's Revised Plan for the Federal Bureau of Investigation Headquarters Consolidation Project* (August 27, 2018).

<https://web.archive.org/web/20221116172530/https://www.gsaig.gov/sites/default/files/audit-reports/Review%20of%20GSA%27s%20Revised%20Plan%20for%20the%20FBI%20HQ%20Consolidation%20Project%20REDACTED%20-%200508%20compliant.pdf>

²⁸¹ House Oversight and Reform Committee, *Democratic Chairs Press Administration for Documents Withheld on FBI Headquarters Across Street from Trump Hotel in D.C.* (March 6, 2019).

<https://web.archive.org/web/20221116172922/https://oversight.house.gov/news/press-releases/democratic-chairs-press-administration-for-documents-withheld-on-fbi>

developers could have on the nearby Trump hotel. The Trump Administration [refused to comply](#)²⁸² with this request.

Hatch Act Violations

In [March 2017](#),²⁸³ [March 2018](#),²⁸⁴ and [June 2019](#),²⁸⁵ the nonpartisan Office of Special Counsel found that senior White House advisor Kellyanne Conway violated federal ethics law by using her official position to make public statements attacking Democratic political candidates and to promote President Trump's daughter's private business. After Ms. Conway refused to appear voluntarily at a House Oversight and Reform Committee hearing on these violations, the Committee [issued a subpoena](#)²⁸⁶ for her testimony. The White House [instructed](#)²⁸⁷ Ms. Conway to defy the subpoena, relying on an Office of Legal Counsel opinion [asserting](#)²⁸⁸ that Ms. Conway enjoyed "absolute[] immun[ity]" from testifying due to her status as a presidential advisor, even though the testimony sought concerned her public statements on television and social media and not her confidential communications with the President.

White House Oversight of Ethics Compliance for Political Appointees

In 2019, in response to requests from Oversight Committee Chair Elijah Cummings and the ranking member of the Senate Committee on Homeland Security and Governmental Affairs, GAO [published](#)²⁸⁹ a review of the Trump Administration's compliance with ethics requirements for political appointees. Over the course of its two-year investigation, GAO submitted five requests to the White House Counsel

²⁸² House Oversight and Reform Committee, *Democratic Chairs Issue Statement on DOJ Inspector General Launching Investigation into FBI Headquarters Relocation Plan* (July 3, 2019). <https://web.archive.org/web/20221116173337/https://oversight.house.gov/news/press-releases/democratic-chairs-issue-statement-on-doj-inspector-general-launching>

²⁸³ Letter from U.S. Office of Government Ethics Director Walter M. Shaub, Jr., to Oversight and Government Reform Committee Chairman Jason E. Chaffetz and Ranking Member Elijah E. Cummings (March 9, 2017). <https://web.archive.org/web/20221116175116/https://oge.app.box.com/s/r2t4v8ftjmkx4cfgfolqzievuhcvrfj2>

²⁸⁴ House Oversight and Reform Committee, *Cummings Issues Statement on OSC Report Recommending that President Trump Discipline Kellyanne Conway for Hatch Act Violations* (March 6, 2018). <https://web.archive.org/web/20220107133333/https://oversight.house.gov/news/press-releases/cummings-issues-statement-on-osc-report-recommending-that-president-trump>

²⁸⁵ U.S. Office of Special Counsel, *OSC Finds Kellyanne Conway Repeatedly Violated the Hatch Act, Recommends Removal from Federal Service* (June 13, 2019). <https://web.archive.org/web/20221117142504/https://osc.gov/News/Pages/19-10-Kellyanne-Conway-Hatch-Act.aspx>

²⁸⁶ Politico, *House Oversight panel authorizes subpoena for Kellyanne Conway* (June 26, 2019). <https://web.archive.org/web/20221116180519/https://www.politico.com/story/2019/06/26/house-oversight-panel-authorizes-subpoena-for-kellyanne-conway-1383284>

²⁸⁷ New York Times, *White House Directs Kellyanne Conway to Defy House Subpoena* (July 15, 2019). <https://web.archive.org/web/20221116180811/https://www.nytimes.com/2019/07/15/us/politics/kellyanne-conway-hatch-act.html>

²⁸⁸ Office of Legal Counsel, Department of Justice, *Testimonial Immunity Before Congress of the Assistant to the President and Senior Counselor to the President* (July 12, 2019). <https://web.archive.org/web/20221116181325/https://www.justice.gov/olc/file/1183271/download>

²⁸⁹ U.S. Government Accountability Office, *Federal Ethics Programs: Government-wide Political Appointee Data and Some Ethics Oversight Procedures at Interior and SBA Could Be Improved* (March 14, 2019). <https://web.archive.org/web/20221116182654/https://www.gao.gov/products/gao-19-249>

for information about oversight of political appointees' compliance with ethics requirements and the White House's own ethics program. In a hearing before the House Oversight and Reform Committee, GAO's Comptroller General [noted](#)²⁹⁰ that the Office of White House Counsel provided no information in response to GAO's requests and that "there hasn't been any meaningful contributions from the White House."

Nondisclosure Agreements

In 2018, the press [reported](#)²⁹¹ that President Trump had required White House officials to sign broad nondisclosure agreements, following a practice the Trump Organization had [employed](#)²⁹² when Mr. Trump was a private citizen. This prompted the ranking members of the House Oversight Committee and the House Judiciary Committee [to request](#)²⁹³ copies of these agreements, information on any staff member who signed the agreements, and any documents or communication about whether the agreements would limit staffers' protected communication with Congress. The White House ignored the request, which led to an [Oversight Committee request](#)²⁹⁴ for the documents in 2019. The Committee never received copies of the specific nondisclosure agreements it sought.

Handling of Hurricanes Irma and Maria

The House Committee on Oversight and Reform Chair Elijah Cummings [requested documents](#)²⁹⁵ on President Trump's handling of Hurricanes Irma and Maria, which devastated Puerto Rico and the U.S. Virgin Islands. The Committee sought to investigate "the apparent lack of presidential engagement and direction; the failure to lead a coordinated response; the failure to adequately plan for food and fuel contracts prior to the hurricanes; an apparent lack of communications between the White House and

²⁹⁰ House Oversight and Reform Committee, *Sens. Peters and Carper & Rep. Cummings Announce GAO Report Outlining Serious Compliance Issues with Agency and White House Ethics Programs*. (March 15, 2019). <https://web.archive.org/web/20221116183211/https://oversight.house.gov/news/press-releases/sens-peters-and-carper-rep-cummings-announce-gao-report-outlining-serious>

²⁹¹ Washington Post, *Opinion: Trump had senior staff sign nondisclosure agreements. They're supposed to last beyond his presidency*. (March 18, 2018). https://web.archive.org/web/20221116200556/https://www.washingtonpost.com/opinions/trumps-nondisclosure-agreements-came-with-him-to-the-white-house/2018/03/18/226f4522-29ee-11e8-b79d-f3d931db7f68_story.html

²⁹² AP, *For many Trump employees, keeping quiet is legally required* (June 21, 2016). <https://web.archive.org/web/20221116202522/https://apnews.com/article/14542a6687a3452d8c9918e2f0bf16e6>

²⁹³ Letter from House Oversight and Reform Committee Ranking Member Elijah E. Cummings and House Judiciary Committee Ranking Member Jerrold Nadler to White House Chief of Staff General John F. Kelly (March 20, 2018). <https://web.archive.org/web/20221116202929/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-03-20..EEC%20to%20Nadler%20to%20WH%20re%20NDAs.pdf>

²⁹⁴ Letter from House Oversight and Government Reform Committee Chairman Elijah E. Cummings to White House Acting Chief of Staff Mick Mulvaney (May 14, 2019). <https://web.archive.org/web/20221116203420/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-14.EEC%20to%20Mulvaney-WH%20re%20NDAs.pdf>

²⁹⁵ Letter from House Oversight and Reform Committee Chairman Elijah E. Cummings and 21 other Oversight Committee members to White House Acting Chief of Staff Mick Mulvaney (May 6, 2019). <https://web.archive.org/web/20221116203946/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-06.COR%20Dems%20to%20Mulvaney-WH%20re%20Hurricanes%20Irma%20and%20Maria.pdf>

entities on the ground; and the reasons for the President’s inaccurate statements regarding the crisis.” The White House failed to respond to the document request until the Committee [threatened](#)²⁹⁶ a subpoena and then produced only incomplete sets of documents.

Plans to Transfer Sensitive Nuclear Technologies to Saudi Arabia

After the brutal murder of Saudi journalist Jamal Khashoggi, multiple whistleblowers [warned](#)²⁹⁷ the House Oversight Committee that the Trump White House was considering transferring sensitive U.S. nuclear technologies to Saudi Arabia, in potential violation of the Atomic Energy Act. The Committee [requested](#)²⁹⁸ specific emails and documents related to these plans, but the White House [refused to comply](#).²⁹⁹

Failure to Preserve White House Records

In 2017 and 2018, the House Committee on Oversight and Reform [issued](#)³⁰⁰ three separate bipartisan requests for information about White House officials’ use of personal accounts to conduct official business. News reports [indicated](#)³⁰¹ that White House advisors, including Jared Kushner and Ivanka Trump, used personal email accounts to send hundreds of emails about government business, in violation of federal records preservation laws. In an interview with the committee, Mr. Kushner’s lawyer disclosed that he had used the messaging app WhatsApp to communicate with foreign leaders. The Trump White House failed to produce most of the requested documents, leading the Committee to

²⁹⁶ Letter from House Oversight and Reform Committee Chairman Elijah E. Cummings and Subcommittee Chairman Harley Rouda to White House Acting Chief of Staff Mick Mulvaney (July 1, 2019).

<https://web.archive.org/web/20221116204439/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-07-01.EEC%20to%20Mulvaney-WH%20re%20Hurricane%20Response.pdf>

²⁹⁷ Interim Staff Report, House Committee on Oversight and Reform, *Whistleblowers Raise Grave Concerns with Trump Administration’s Efforts to Transfer Sensitive Nuclear Technology to Saudi Arabia* (February 2019).

<https://web.archive.org/web/20221118101039/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Trump%20Saudi%20Nuclear%20Report%20-%202-19-2019.pdf>

²⁹⁸ Letter from House Oversight and Reform Committee Chairman Elijah E. Cummings to White House Acting Chief of Staff Mick Mulvaney (February 19, 2019).

<https://web.archive.org/web/20221116205447/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-02-19.EEC%20to%20Mulvaney-WH%20re%20IP3.pdf>

²⁹⁹ Washington Post, *Elijah Cummings: The White House hasn’t turned over a single piece of paper to my committee* (March 19, 2019).

https://web.archive.org/web/20221116205820/https://www.washingtonpost.com/opinions/elijah-cummings-presidential-harassment-more-like-unprecedented-obstruction/2019/03/19/8382d0fc-4a6a-11e9-b79a-961983b7e0cd_story.html

³⁰⁰ Letter from House Oversight and Reform Committee Chairman Elijah E. Cummings to White House Counsel Pat Cipollone (March 21, 2019).

<https://web.archive.org/web/20221116212524/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-03-21.EEC%20to%20Cipollone-WH.pdf>

³⁰¹ New York Times, *Jared Kushner and Ivanka Trump Use Private Accounts for Official Business, Their Lawyer Says* (March 21, 2019).

<https://web.archive.org/web/20221116212858/https://www.nytimes.com/2019/03/21/us/politics/jared-kushner-whatsapp.html>

[issue subpoenas](#)³⁰² for the information in 2019, but the White House still failed to produce the subpoenaed documents.

Following the 2020 election, committee chairs across the House of Representatives sent [letters](#)³⁰³ directing the White House and more than 50 federal agencies to comply with federal recordkeeping laws and preserve information responsive to congressional subpoenas and investigations, noting that the Trump Administration had obstructed numerous congressional investigations and was required by law to ensure that any information previously requested by Congress be preserved. Despite this explicit request, Mr. Trump transferred presidential records to his Florida residence. After news reports disclosed the missing records, Mr. Trump allowed the National Archives [to retrieve](#)³⁰⁴ 15 boxes of records, but it took a subpoena and an FBI search to obtain additional presidential records, some of which were [top secret](#).³⁰⁵

After President Trump left office, reports emerged that he regularly [tore up documents](#)³⁰⁶ and even [flushed them down the toilet](#)³⁰⁷ in violation of the Presidential Records Act, which requires presidential materials to be preserved. Employees in the White House Office of Records Management were often forced to tape ripped documents back together, and it is unclear how many documents were destroyed completely. These revelations prompted the House Oversight Committee to [open an investigation in February 2022](#)³⁰⁸ into President Trump's mishandling of presidential records. In September 2022, the National Archives [informed](#)³⁰⁹ the House Oversight Committee that the Trump White House had not

³⁰² House Committee on Oversight and Reform, *Committee Approves Subpoena to White House for Emails Sent on Personal Accounts in Violation of Federal Law* (July 25, 2019).

<https://web.archive.org/web/20221116213228/https://oversight.house.gov/news/press-releases/committee-approves-subpoena-to-white-house-for-emails-sent-on-personal-accounts>

³⁰³ House Oversight and Reform Committee, *House Committee Chairs Send Dozens of Letters Directing White House and Federal Agencies to Preserve Documents* (November 10, 2020).

<https://web.archive.org/web/20221116214140/https://oversight.house.gov/news/press-releases/house-committee-chairs-send-dozens-of-letters-directing-white-house-and-federal>

³⁰⁴ Washington Post, *National Archives had to retrieve Trump White House records from Mar-a-Lago* (February 7, 2022).

<https://web.archive.org/web/20220825173919/http://www.washingtonpost.com/politics/2022/02/07/trump-records-mar-a-lago/>

³⁰⁵ Washington Post, *Agents at Trump's Mar-a-Lago seized 11 sets of classified documents, court filing shows* (August 12, 2022).

<https://web.archive.org/web/20220814115623/https://www.washingtonpost.com/national-security/2022/08/12/trump-warrant-release/>

³⁰⁶ Washington Post, *'He never stopped ripping things up': Inside Trump's relentless document destruction habits* (February 5, 2022).

<https://web.archive.org/web/20220407042930/http://www.washingtonpost.com/politics/2022/02/05/trump-ripping-documents/>

³⁰⁷ Axios, *Exclusive photos: Trump's telltale toilet* (August 8, 2022).

<https://web.archive.org/web/20221121032720/https://www.axios.com/2022/08/08/trump-toilet-photos-maggie-haberman>

³⁰⁸ NPR, *Congressional panel will investigate Trump's removal of White House documents* (February 10, 2022).

<https://web.archive.org/web/20221116215841/https://www.npr.org/2022/02/10/1079832165/congressional-panel-will-investigate-trumps-removal-of-white-house-documents>

³⁰⁹ Letter from Debra Steidel Wall, Acting Archivist of the United States, to Carolyn B. Maloney, Chairwoman of the House Oversight Committee (September 30, 2022).

returned all presidential records and that the Archives was attempting to retrieve additional records from certain Trump Administration officials.

In November 2022, Attorney General Merrick Garland [appointed](#)³¹⁰ a special counsel to oversee the Department of Justice’s review of presidential document preservation issues along with Mr. Trump’s role in the January 6th attack on the Capitol. President Trump was [indicted](#)³¹¹ in June 2023 for his efforts to retain classified documents in defiance of the federal subpoena.

IV. Trump Agency Examples

The Trump Administration’s practices of resisting congressional oversight extended to at least 17 agencies that refused to produce documents, make key officials available for testimony, or otherwise cooperate with at least 79 congressional inquiries. These actions impeded Congress’s ability to investigate whether policy decisions were made for inappropriate political or financial reasons and to hold the Administration accountable for its actions.

The Department of Homeland Security, for example, defied subpoenas for documents or testimony in nearly a dozen different investigations, including investigations into child separation at the border, racist and sexually violent social media posts by Customs and Border Patrol agents, and practices that prevented asylum seekers from entering the U.S. In an investigation of political motivations for adding a citizenship question to the 2020 Census, Commerce Secretary Wilbur Ross and Attorney General William Barr refused to produce internal memos even after being issued subpoenas and held in contempt of Congress by the U.S. House of Representatives. In some cases, this obstruction also defied statutory requirements, such as when the Director of National Intelligence refused to release an unclassified report on the murder of Saudi journalist Jamal Khashoggi, as required by law.

Department of Commerce

Adding a Citizenship Question to the Census

In March 2018, the Commerce Department [announced plans](#)³¹² to add a question on citizenship to the 2020 Census, despite research from its own experts indicating that the question would likely reduce responses from households with noncitizens and lead to higher costs and a less accurate count.

<https://web.archive.org/web/20230802011102/https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/09.30.2022-acting-archivist-to-congresswoman-maloney-ltr.pdf>

³¹⁰ U.S. Department of Justice Office of Public Affairs, *Appointment of a Special Counsel* (press release) (November 18, 2022). [https://web.archive.org/web/20240328184253/https://www.justice.gov/opa/pr/appointment-special-counsel-](https://web.archive.org/web/20240328184253/https://www.justice.gov/opa/pr/appointment-special-counsel-0#:~:text=Attorney%20General%20Merrick%20B.%20Garland,oversee%20two%20ongoing%20criminal%20investigations)

[0#:~:text=Attorney%20General%20Merrick%20B.%20Garland,oversee%20two%20ongoing%20criminal%20investigations](https://web.archive.org/web/20240328184253/https://www.justice.gov/opa/pr/appointment-special-counsel-0#:~:text=Attorney%20General%20Merrick%20B.%20Garland,oversee%20two%20ongoing%20criminal%20investigations)

³¹¹ United States District Court Southern District of Florida, *United States of America v. Donald J. Trump and Waltine Nauta* (June 8, 2023). https://www.washingtonpost.com/documents/e6276c02-dfd0-428d-9731-8594c1f7261d.pdf?itid=lk_inline_manual_4

³¹² Pew Research Center, *What to know about the citizenship question the Census Bureau is planning to ask in 2020* (March 30, 2018). <https://web.archive.org/web/20221114173758/https://www.pewresearch.org/fact-tank/2018/03/30/what-to-know-about-the-citizenship-question-the-census-bureau-is-planning-to-ask-in-2020/>

According to Commerce Secretary Wilbur Ross, he [took this action](#)³¹³ in response to a request from the Justice Department for information to improve enforcement of the Voting Rights Act. Rep. Elijah Cummings, the ranking member of the House Committee on Oversight and Government Reform, requested documents on the decision from the Commerce and Justice Departments in [April](#)³¹⁴ and [May](#)³¹⁵ in 2018. In 2019, after Democrats took control of the House, Chairman Cummings renewed his requests to the Departments in [January](#)³¹⁶ and [February](#)³¹⁷ in 2019.

After the Department produced documents that were extensively redacted or already public, the Committee [issued subpoenas](#)³¹⁸ for the documents in April 2019. The Departments continued to resist providing the documents, leading Chairman Cummings [to write](#)³¹⁹ to Secretary Ross that the Committee would vote to hold him in contempt unless he produced 11 key documents and [to write](#)³²⁰ to Attorney General William Barr that the Committee would hold him in contempt unless he produced a similar small subset of key documents. President Trump then [asserted](#)³²¹ executive privilege over the specific key documents sought by the Committee and a broad “protective assertion of executive privilege” over all the remaining documents covered by the subpoenas to “ensur[e] the President’s ability to make a final decision whether to assert privilege following a full review of the documents.” The Committee

³¹³ Letter from Commerce Secretary Wilbur Ross to Karen Dunn Kelley, Under Secretary for Economic Affairs (March 26, 2018).

https://web.archive.org/web/20220728165303/https://www.commerce.gov/sites/default/files/2018-03-26_2.pdf

³¹⁴ House Committee on Oversight and Reform, *Oversight Committee Democrats Request Documents Relating to Concerns Raised Internally by Census Bureau on Adding Citizenship Question* (April 4, 2018).

<https://web.archive.org/web/20220919223725/https://oversight.house.gov/news/press-releases/oversight-committee-democrats-request-documents-relating-to-concerns-raised>

³¹⁵ House Committee on Oversight and Reform, *Maloney, Cummings, Oversight Committee Dems Ask for Documents on DOJ’s 2020 Census Citizenship Question Request* (May 2, 2018).

<https://web.archive.org/web/20220920180659/https://oversight.house.gov/news/press-releases/maloney-cummings-oversight-committee-dems-ask-for-documents-on-doj-s-2020-census>

³¹⁶ Letter from Chairman Elijah Cummings to Commerce Secretary Wilbur L. Ross (January 8, 2019).

<https://web.archive.org/web/20220921051058/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-01-08.EEC%20to%20Ross-DOC%20re%20Citizenship%20Question.pdf>

³¹⁷ Letter from Chairman Elijah Cummings to Acting Attorney General Matthew Whitaker (February 12, 2019).

https://web.archive.org/web/20220329082212/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-02-12.EEC%20to%20Whitaker-DOJ%20re%20Census_0.pdf

³¹⁸ House Committee on Oversight and Reform, *Committee Approves Subpoenas in Security Clearance and Census Investigations* (April 2, 2019).

<https://web.archive.org/web/20220920161531/https://oversight.house.gov/news/press-releases/committee-approves-subpoenas-in-security-clearance-and-census-investigations>

³¹⁹ Letter from Chairman Elijah Cummings to Commerce Secretary Wilbur Ross Jr. (June 3, 2019).

<https://web.archive.org/web/20220809071711/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-06-03.EEC%20to%20Ross-DOC%20re%20Census.pdf>

³²⁰ Letter from Chairman Elijah Cummings to Attorney General William P. Barr (June 3, 2019).

<https://web.archive.org/web/20220826094419/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-06-03.EEC%20to%20Barr-DOJ%20re%20Census.pdf>

³²¹ Letter from Assistant Attorney General Stephen E. Boyd to Chairman Elijah E. Cummings (June 12, 2019).

<https://perma.cc/WWF3-CVAZ>

[voted](#)³²² to hold Secretary Ross and Attorney General Barr in contempt in June 2019, which the full House [approved](#)³²³ in July 2019.

In June 2019, in a separate suit, the Supreme Court [held](#)³²⁴ that the Commerce Department’s proffered justification for adding the citizenship question to the U.S. Census, which was that the Department of Justice needed the information to enforce the Voting Rights Act—the same justification Secretary Ross offered the Committee while testifying under oath—was pretextual and in violation of the Administrative Procedure Act. The Oversight Committee [sued](#)³²⁵ the Trump Administration for compliance with the subpoenas in November 2019, but the Administration continued to refuse to produce documents. The Biden Administration reached an [agreement](#)³²⁶ with the Committee to produce key documents in January 2022. The Biden Administration ultimately provided the documents to Congress, which [confirmed](#)³²⁷ political motivations behind the plan to add the citizenship question.

A related dispute over the deposition testimony of John Gore, the principal deputy attorney general for the Civil Rights Division, is discussed in the section on the Justice Department.

Census Delays

Following [reports](#)³²⁸ in November 2020 that Census Bureau officials had concluded that they could not produce the state population totals required to reallocate seats in the House of Representatives until

³²² House Committee on Oversight and Reform, *Resolution Recommending that the House of Representatives Find William P. Barr, Attorney General of the United States, and Wilbur L. Ross, Jr., Secretary of Commerce, in Contempt of Congress for Refusal to Comply with Subpoenas Duly Issued by the Committee on Oversight and Reform* (June 24, 2019). <https://web.archive.org/web/20220705221424/https://www.congress.gov/116/crpt/hrpt125/CRPT-116hrpt125.pdf>

³²³ House Committee on Oversight and Reform, *House Holds Attorney General and Commerce Secretary in Contempt* (July 17, 2019). <https://web.archive.org/web/20220923053712/https://oversight.house.gov/news/press-releases/house-holds-attorney-general-and-commerce-secretary-in-contempt>

³²⁴ Supreme Court of the United States, *Department of Commerce et al v. New York et al* (June 27, 2019). https://web.archive.org/web/20221022140953/https://www.supremecourt.gov/opinions/18pdf/18-966_bq7c.pdf

³²⁵ House Committee on Oversight and Reform, *Committee Files Federal Lawsuit Against Barr and Ross to Enforce Subpoenas in Census Investigation* (November 26, 2019). <https://web.archive.org/web/20220920141715/https://oversight.house.gov/news/press-releases/committee-files-federal-lawsuit-against-barr-and-ross-to-enforce-subpoenas-in>

³²⁶ House Committee on Oversight and Reform, *Chairwoman Maloney Issues Statement on Successfully Obtaining Documents Withheld by the Trump Administration Regarding 2020 Census Citizenship Question* (January 7, 2022). <https://web.archive.org/web/20220920073126/https://oversight.house.gov/news/press-releases/chairwoman-maloney-issues-statement-on-successfully-obtaining-documents-withheld>

³²⁷ House Committee on Oversight and Reform, *Oversight Committee Releases New Documents and Findings on Trump Administration’s Illegal Effort to Add Citizenship Question to 2020 Census* (July 20, 2022). <https://web.archive.org/web/20220823090555/https://oversight.house.gov/news/press-releases/oversight-committee-releases-new-documents-and-findings-on-trump-administration>

³²⁸ New York Times, *Census Officials Say They Can’t Meet Trump’s Deadline for Population Count* (November 19, 2020). <https://web.archive.org/web/20221109230359/https://www.nytimes.com/2020/11/19/us/2020-census-data.html>

after President Trump left office, the House Committee on Oversight and Reform [requested](#)³²⁹ the production of documents relating to data errors and delays with the 2020 Census. After the Department produced a set of documents that were unresponsive to the Committee's concerns and in some cases badly outdated, the Committee [issued a subpoena](#)³³⁰ to Secretary Ross in December 2020. Secretary Ross refused to comply with the subpoena.

Conflicts of Interest

Commerce Secretary Wilbur Ross repeatedly [refused to comply](#)³³¹ with the House Oversight Committee's request for documents about his financial conflicts of interest, including his compliance with federal ethics laws and regulations and the accuracy of his public financial disclosures. When documents were provided, they were heavily redacted.³³²

"Sharpiegate"

As Hurricane Dorian approached in 2019, President Trump incorrectly tweeted that Alabama was in the path of the storm. When questions arose about the accuracy of the tweet, President Trump displayed a map that appeared to have been altered with a marker to show the hurricane striking Alabama.³³³ The National Oceanic and Atmospheric Administration posted a public statement to clarify that Alabama was not at risk, drawing a [public rebuke](#)³³⁴ from the agency's political leadership that appeared to have been requested by the White House. The House Committee on Science, Space, and Technology [opened an](#)

³²⁹ Letter from Chairwoman Carolyn B. Maloney to Census Bureau Director Dr. Steven Dillingham (November 19, 2020).

<https://web.archive.org/web/20220826085702/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-11-19.CBM%20to%20Dillingham-Census%20re%202020%20Census%20Count.pdf>

³³⁰ Letter from Chairwoman Carolyn B. Maloney to Commerce Secretary Wilbur L. Ross, Jr. (December 10, 2020).

<https://web.archive.org/web/20221008234103/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-12-10.CBM%20to%20Ross-DOC%20re%20Subpoena.pdf>

³³¹ House Committee on Oversight and Reform, *Oversight Committee Insists on Compliance from Wilbur Ross in Conflicts of Interest Investigation* (September 9, 2019).

<https://web.archive.org/web/20220826072207/https://oversight.house.gov/news/press-releases/oversight-committee-insists-on-compliance-from-wilbur-ross-in-conflicts-of>

³³² House Committee on Oversight and Reform, *Oversight Committee Insists on Compliance from Wilbur Ross in Conflicts of Interest Investigation* (September 9, 2019).

<https://web.archive.org/web/20220826072207/https://oversight.house.gov/news/press-releases/oversight-committee-insists-on-compliance-from-wilbur-ross-in-conflicts-of>

³³³ Science, *NOAA watchdog chides agency for how it handled Hurricane Dorian's 'Sharpiegate'* (July 10, 2002).

<https://web.archive.org/web/20220428200638/https://www.science.org/content/article/noaa-watchdog-chides-agency-how-it-handled-hurricane-dorian-s-sharpiegate>

³³⁴ Science, *NOAA watchdog chides agency for how it handled Hurricane Dorian's 'Sharpiegate'* (July 10, 2002).

<https://web.archive.org/web/20220428200638/https://www.science.org/content/article/noaa-watchdog-chides-agency-how-it-handled-hurricane-dorian-s-sharpiegate>

[investigation](#)³³⁵ into the incident, requesting documents and briefings. Despite [repeated requests](#),³³⁶ the Commerce Department refused to answer questions, refused to schedule briefings with key officials, and submitted extraneous materials in place of documents responsive to the Committee's requests. An Inspector General report later [found](#)³³⁷ that the incident may have undermined public trust in the agency's apolitical weather forecasting work.

Refusal to Testify at Budget Hearings

In 2019, Commerce Secretary Wilbur Ross repeatedly [refused](#)³³⁸ to comply with requests that he testify before the House Appropriations Committee's Subcommittee on Commerce, Justice, and Science, as well as the Senate Appropriations Committee. By failing to attend, Secretary Ross violated the [longstanding practice](#)³³⁹ of agency heads appearing before appropriations subcommittees to justify their annual budget requests.

Department of Defense

Afghanistan Policy

The House Committee on Oversight and Reform's Subcommittee on National Security conducted oversight over significant developments in U.S.-Afghanistan strategy, including the February 29, 2020, U.S.-Taliban agreement and subsequent increase in violence perpetrated by the Taliban against Afghan security forces; the U.S. force reduction in Afghanistan; and coronavirus in Afghanistan. At least four times, State and DOD officials [refused to comply](#)³⁴⁰ with Subcommittee requests to provide briefings or

³³⁵ Letter from Chairwomen Eddie Bernice Johnson, Lizzie Fletcher, and Mikie Sherrill to Assistant Secretary Neil Jacobs (September 12, 2019). <https://web.archive.org/web/20221108215831/https://science.house.gov/imo/media/doc/9.12.19%20Letter%20to%20Administrator%20Jacobs.pdf>

³³⁶ Letter from Chairwoman Eddie Bernice Johnson to Commerce Secretary Wilbur Ross (December 10, 2019). <https://web.archive.org/web/20210701222048/https://science.house.gov/imo/media/doc/12.10.19%20EBJ%20letter%20to%20Ross%20re%20Dorian%203rd%20transmittal.pdf>

³³⁷ Science, *NOAA watchdog chides agency for how it handled Hurricane Dorian's 'Sharpiegate'* (July 10, 2002). <https://web.archive.org/web/20220428200638/https://www.science.org/content/article/noaa-watchdog-chides-agency-how-it-handled-hurricane-dorian-s-sharpiegate>

³³⁸ Politico, *Wilbur Ross rejects second invite to testify before Congress* (April 3, 2019). <https://web.archive.org/web/20210408222221/https://www.politico.com/story/2019/04/03/wilbur-ross-testify-congress-1315312>

³³⁹ Congressional Research Service, *Voluntary Testimony by Executive Branch Officials: An Introduction* (November 27, 2019). <https://web.archive.org/web/20210318000120/https://crsreports.congress.gov/product/pdf/R/R46061>

³⁴⁰ Letter from Chairwoman Carolyn B. Maloney et al to Defense Secretary Mark T. Esper and Secretary of State Michael R. Pompeo (August 31, 2020). <https://web.archive.org/web/20211129223141/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-08-31.CBM%20SFL%20et%20al.%2C%20to%20Esper-DOD%20and%20Pompeo-State%20re%20Afghanistan%20Testimony.pdf>

appear at hearings on these issues. DOD officials [agreed to testify](#)³⁴¹ only after the Committee [threatened](#)³⁴² to issue subpoenas.

Department of Education

Dream Center

In July 2019, the House Committee on Education and Labor [publicly announced](#)³⁴³ an investigation into the Education Department, revealing evidence that the Department had assisted for-profit colleges owned by Dream Center Education Holdings in enrolling students and taking their financial aid after the colleges lost their accreditation and Dream Center became insolvent. In response to the Committee's request for relevant documents, the Department produced hundreds of pages of irrelevant documents, such as news clippings and heavily redacted emails, leading the Committee to [threaten](#)³⁴⁴ a subpoena. After months of negotiation, the Department insisted that Committee staff review the responsive documents *in camera* on departmental premises where agency officials could, in their sole discretion, review and take the Committee staff's notes on the documents.³⁴⁵ In its [response](#),³⁴⁶ the Committee rejected "this patently unreasonable term" and subpoenaed career staff in an attempt to obtain information being withheld by the Department. In its activities report at the end of the Congress, the Committee [announced](#)³⁴⁷ that it would "continue to pursue its long-standing document request with the

³⁴¹ House Committee on Oversight and Reform, *Special Representative Khalilzad to Testify on U.S. Strategy in Afghanistan* (September 18, 2020).

<https://web.archive.org/web/20211218133029/https://oversight.house.gov/news/press-releases/special-representative-khalilzad-to-testify-on-us-strategy-in-afghanistan>

³⁴² Letter from Chairwoman Carolyn B. Maloney et al to Defense Secretary Mark T. Esper and Secretary of State Michael R. Pompeo (August 31, 2020).

<https://web.archive.org/web/20211129223141/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-08-31.CBM%20SFL%20et%20al.%2C%20to%20Esper-DOD%20and%20Pompeo-State%20re%20Afghanistan%20Testimony.pdf>

³⁴³ Letter from Chairman Robert C. "Bobby" Scott to Education Secretary Betsy DeVos (July 16, 2019).

<https://web.archive.org/web/20220826090254/https://edlabor.house.gov/imo/media/doc/Chairman%20Scott%20Letter%20to%20ED%20re%20Dream%20Center.pdf>

³⁴⁴ Letter from Chairman Robert C. "Bobby" Scott to Education Secretary Betsy DeVos (October 22, 2019).

<https://web.archive.org/web/20220826094404/https://edlabor.house.gov/imo/media/doc/Chairman%20Scott%20Threatens%20to%20Subpoena%20Secretary%20DeVos.pdf>

³⁴⁵ Letter from Chairman Robert C. "Bobby" Scott to Education Secretary Betsy DeVos (October 22, 2020).

<https://web.archive.org/web/20220826084939/https://edlabor.house.gov/imo/media/doc/2020.10.22%20RCS%20Ltr%20to%20ED%20Re%20obstruction%20on%20DCEH.pdf>

³⁴⁶ Letter from Chairman Robert C. "Bobby" Scott to Education Secretary Betsy DeVos (October 22, 2020).

<https://web.archive.org/web/20220826084939/https://edlabor.house.gov/imo/media/doc/2020.10.22%20RCS%20Ltr%20to%20ED%20Re%20obstruction%20on%20DCEH.pdf>

³⁴⁷ U.S. House of Representatives, *Report on the Activities of the Committee on Education and Labor for the 116th Congress together with Minority Views* (December 31, 2020).

<https://web.archive.org/web/20220705100812/https://www.congress.gov/116/crpt/hrpt711/CRPT-116hrpt711.pdf>

incoming administration.” A June 2021 [report](#)³⁴⁸ from the Department of Education’s Office of Inspector General found that the Department took “unprecedented” actions that allowed Dream Center Education Holdings to continue operating without accreditation.

Borrower Defense

After President Trump took office in 2017, the Education Department [delayed and attempted to dilute](#)³⁴⁹ relief to thousands of students who had filed for debt relief under the Department’s “Borrower Defense” program that provides for loan forgiveness when an educational institution misleads students in the enrollment process or violates state law. In a House Committee on Education and Labor inquiry into the Trump Administration’s actions under this program, the Department refused [repeated Committee requests](#)³⁵⁰ for documents related to alleged misconduct. As the Committee wrote in [one letter](#),³⁵¹ the Department failed to respond to seven letters and approximately 50 staff follow-ups and did not start producing documents until threatened with a subpoena. When the Department finally released a [widely criticized policy](#)³⁵² to offer partial relief, Congress [voted on a bipartisan basis](#)³⁵³ to overturn the Department’s rule, but President Trump’s [veto](#)³⁵⁴ kept it in place. The Biden Administration reversed course and [approved](#)³⁵⁵ broad debt cancellation for defrauded borrowers.

³⁴⁸ U.S. Department of Education Office of Inspector General, *Inspection of the Department’s Activities Surrounding the Sale of Postsecondary Schools to Dream Center Education Holdings* (June 29, 2021). <https://web.archive.org/web/20220916010125/https://www2.ed.gov/about/offices/list/oig/auditreports/fy2021/i05t0010.pdf>

³⁴⁹ NPR, *Betsy DeVos Overruled Education Dept. Findings on Defrauded Student Borrowers* (December 11, 2019). <https://web.archive.org/web/20221109000811/https://www.npr.org/2019/12/11/786367598/betsy-devos-overruled-education-dept-findings-on-defrauded-student-borrowers>

³⁵⁰ Letter from Chairman Robert C. “Bobby” Scott to Education Secretary Betsy DeVos (November 1, 2019). <https://web.archive.org/web/20220826073819/https://edlabor.house.gov/imo/media/doc/20191101%20RCS%20Letter%20to%20DeVos%20.pdf>

³⁵¹ Letter from Chairman Robert C. “Bobby” Scott to Education Secretary Betsy DeVos (November 21, 2019). <https://web.archive.org/web/20220826073727/https://edlabor.house.gov/imo/media/doc/19.11.21%20E&L%20Committee%20ltr%20to%20Sec.%20DeVos2.pdf>

³⁵² Center for American Progress, *Betsy DeVos’ Cruel Math Denies Relief to Defrauded Borrowers* (December 18, 2019). <https://web.archive.org/web/20221108215459/https://www.americanprogress.org/article/betsy-devos-cruel-math-denies-relief-defrauded-borrowers/>

³⁵³ New York Times, *Senate Rejects DeVos Rule Restricting Debt Relief for Billed Students* (March 11, 2020). <https://web.archive.org/web/20210730061140/https://www.nytimes.com/2020/03/11/us/politics/student-debt-relief-senate-devos.html>

³⁵⁴ Washington Post, *Trump stands with DeVos, vetoes measure to overturn her controversial student loan forgiveness rule* (May 29, 2020). <https://web.archive.org/web/20210730040106/https://www.washingtonpost.com/education/2020/05/29/trump-stands-with-devos-vetoes-bill-overturn-her-controversial-student-loan-forgiveness-rule/>

³⁵⁵ U.S. Department of Education, *Education Department approves \$3.9 billion group discharge for 208,000 borrowers who attended ITT Technical Institute* (August 16, 2022). <https://web.archive.org/web/20220831060854/https://www.ed.gov/news/press-releases/education-department-approves-39-billion-group-discharge-208000-borrowers-who-attended-itt-technical-institute>

Title IX

In 2018, Education Secretary Betsy DeVos [released](#)³⁵⁶ a proposed rule for sexual harassment and assault on college campuses under Title IX that many advocates for survivors of sexual violence believed would make it less likely for sexual assault to be reported. In response, the Democrats on the House Oversight Committee [requested](#)³⁵⁷ documents and information about the proposed rule. In February 2020, Oversight Committee Chairwoman Maloney [made another request](#)³⁵⁸ for the documents, but Secretary DeVos [refused](#)³⁵⁹ to provide this information, citing the ongoing rulemaking process. After the rule was finalized in May 2020, Chairwoman Maloney [renewed](#)³⁶⁰ the request, but the Department of Education still refused to provide the requested documents.

Use of Personal Email

The Education Department [refused](#)³⁶¹ to provide information to both Republican and Democratic chairs of the House Committee on Oversight and Reform on whether employees used personal accounts to conduct official business, including after an Inspector General report found that Education Secretary Betsy DeVos used a personal account to conduct official business and failed to forward these emails to her official account, as required by law.

³⁵⁶ CNN, *Education Dept. unveils new protections for those accused of sexual misconduct on campuses* (November 16, 2018). <https://web.archive.org/web/20220104232915/https://www.cnn.com/2018/11/16/politics/education-department-betsy-devos-sexual-misconduct/index.html>

³⁵⁷ U.S. House of Representatives, *Activities of the Committee on Oversight and Reform, One Hundred Sixteenth Congress* (December 31, 2020). <https://web.archive.org/web/20220705201845/https://www.congress.gov/116/crpt/hrpt710/CRPT-116hrpt710.pdf>

³⁵⁸ Letter from Chairwoman Carolyn B. Maloney et al to Education Secretary Betsy DeVos (February 14, 2020). <https://web.archive.org/web/20220826092638/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-02-14.COR%20to%20DeVos-DoED%20re%20Title%20IX.pdf>

³⁵⁹ Letter from Assistant Secretary Kenneth L. Marcus to Chairwoman Carolyn B. Maloney (February 18, 2020). <https://web.archive.org/web/20221108221406/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2.18.20%20Marcus%20Response%20to%20Chairwoman%20Maloney.pdf>

³⁶⁰ House Committee on Oversight and Reform, *Chairwoman Maloney Condemns Trump Administration's Changes to Title IX* (May 6, 2020). <https://web.archive.org/web/20220920131803/https://oversight.house.gov/news/press-releases/chairwoman-maloney-condemns-trump-administration-s-changes-to-title-ix>

³⁶¹ House Committee on Oversight and Reform, *Committee Demands Documents Withheld by Secretary DeVos for More than Two Years in Bipartisan Personal Email Investigation* (July 15, 2019). <https://web.archive.org/web/20220826074800/https://oversight.house.gov/news/press-releases/committee-demands-documents-withheld-by-secretary-devos-for-more-than-two-years>

Department of Homeland Security

Two Inquiries into Child Separation

In April 2018, the Trump Administration announced a “zero tolerance” policy³⁶² under which it criminally prosecuted all individuals who illegally crossed the U.S. border. Since children cannot legally be detained in the United States for longer than 20 days and adults being prosecuted for illegal border crossing were often detained longer than that, more than 5,000 migrant children were separated from their families during the Trump Administration. As of December 2020, more than 600 children had not been reunited with their parents. The House Homeland Security Committee investigated the role of the Department of Homeland Security (DHS) in the Administration’s planning and implementation of this policy, requesting³⁶³ relevant documents in January 2019. The Committee obtained only incomplete responses; it detailed³⁶⁴ its efforts to obtain the documents and the “significant omissions” in DHS’s productions in October 2019. In November 2019, the Homeland Security Committee issued a subpoena³⁶⁵ for the withheld documents. DHS refused³⁶⁶ to comply with the subpoena.

In July 2018, the House Oversight and Reform Committee wrote a bipartisan letter³⁶⁷ to the Departments of Homeland Security, Justice, and Health and Human Services seeking information about child separation. After receiving no response, the Committee issued bipartisan subpoenas³⁶⁸ to the

³⁶² Congressional Research Service, *The Trump Administration’s “Zero Tolerance” Immigration Enforcement Policy* (February 2, 2021). <https://web.archive.org/web/20220414224626/https://sgp.fas.org/crs/homesecc/R45266.pdf>

³⁶³ Letter from Chairman Bennie G. Thompson to Homeland Security Secretary Kirstjen M. Nielsen (January 4, 2019). <https://web.archive.org/web/20220826033331/https://homeland.house.gov/imo/media/doc/nielsen19.pdf>

³⁶⁴ Letter from Chairman Bennie G. Thompson to Acting Homeland Security Secretary Kevin K. McAleenan (October 18, 2019). https://drive.google.com/file/d/194pByULb_k1chKwUz9wL9JG_-xlln-aG/view?usp=share_link

³⁶⁵ Letter from Chairman Bennie G. Thompson to Acting Homeland Security Secretary Chad F. Wolf (November 20, 2019). <https://web.archive.org/web/20220826033328/https://homeland.house.gov/imo/media/doc/1120subpoena.pdf>

³⁶⁶ Letter from Chairman Bennie G. Thompson to Acting Homeland Security Secretary Chad F. Wolf (November 9, 2020). <https://web.archive.org/web/20220826034809/https://homeland.house.gov/imo/media/doc/DHS%20Preserve%20Docs%20Letter.pdf>

³⁶⁷ Letter from Chairman Mark Meadows and Ranking Member Elijah E. Cummings to Homeland Security Secretary Kirstjen M. Nielsen, Health and Human Services Secretary Alex M. Azar II, and Attorney General Jeff Sessions (July 5, 2018). <https://web.archive.org/web/20220824203638/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Meadows-Cummings%20Letter%20Requesting%20Info%20on%20Separated%20Children.pdf>

³⁶⁸ House Committee on Oversight and Reform, *Oversight Committee Approves First Subpoenas of the 116th Congress – And They Are Bipartisan* (February 26, 2019). <https://web.archive.org/web/20220826065743/https://oversight.house.gov/news/press-releases/oversight-committee-approves-first-subpoenas-of-the-116th-congress-and-they-are>

Departments in February 2019. In response, the Departments produced [incomplete records](#)³⁶⁹ covering only a narrow time period.

Denial of Entry to Detention Facilities

During the implementation of the child separation policy, members of Congress were [denied entry](#)³⁷⁰ into immigrant detention facilities when they attempted to investigate conditions on the ground. Eventually, they were told that they could tour the facilities only on certain days and with two weeks' prior notice, raising questions about whether their visit would provide accurate information about the conditions at the facilities.³⁷¹

Customs and Border Protection Abuses

After [reports](#)³⁷² emerged in July 2019 that Customs and Border Protection (CBP) officers were making racist and sexually violent posts on a secret Facebook group, the House Committee on Oversight and Reform [requested](#)³⁷³ documents identifying the participating employees and their specific abuses. Citing ongoing internal disciplinary investigations, the CBP refused to comply with the document requests and multiple staff requests, leading the Committee to make another [written request](#).³⁷⁴ After more than a year of CBP resistance to the Committee requests, the Committee [issued a subpoena](#)³⁷⁵ in November

³⁶⁹ House Committee on Oversight and Reform, *Child Separations by the Trump Administration* (July 2019). <https://web.archive.org/web/20220901023146/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-07-2019.%20Immigrant%20Child%20Separations-%20Staff%20Report.pdf>

³⁷⁰ Washington Post, *Legislators were turned away from ICE detention centers. The administration has the right to do that* (June 21, 2018). <https://web.archive.org/web/20210317192456/https://www.washingtonpost.com/news/politics/wp/2018/06/21/legislators-were-turned-away-from-ice-detention-centers-the-administration-has-the-right-to-do-that/>

³⁷¹ Washington Post, *Legislators were turned away from ICE detention centers. The administration has the right to do that* (June 21, 2018). <https://web.archive.org/web/20210317192456/https://www.washingtonpost.com/news/politics/wp/2018/06/21/legislators-were-turned-away-from-ice-detention-centers-the-administration-has-the-right-to-do-that/>

³⁷² ProPublica, *Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post Sexist Memes* (July 1, 2019). <https://web.archive.org/web/20211231143742/https://www.propublica.org/article/secret-border-patrol-facebook-group-agents-joke-about-migrant-deaths-post-sexist-memes>

³⁷³ House Committee on Oversight and Reform, *Committee Seeks CBP Documents in Investigation into Secret Facebook Groups* (July 31, 2019). <https://web.archive.org/web/20211228161743/https://oversight.house.gov/news/press-releases/committee-seeks-cbp-documents-in-investigation-into-secret-facebook-groups>

³⁷⁴ Letter from Chairman Elijah E. Cummings to Mark Morgan, Chief Operating Officer, U.S. Customs and Border Protection (September 23, 2019). [https://web.archive.org/web/20210321030458/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-09-23.EEC%20to%20Morgan-CBP%20re%20Facebook%20Group%20\(1\).pdf](https://web.archive.org/web/20210321030458/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-09-23.EEC%20to%20Morgan-CBP%20re%20Facebook%20Group%20(1).pdf)

³⁷⁵ House Committee on Oversight and Reform, *Memorandum Re: Notice of Intent to Issue Subpoena to Customs and Border Protection* (October 30, 2020). <https://web.archive.org/web/20211125010507/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-10-30.COR%20Subpoena%20Memo%20re%20Customs%20and%20Border%20Protection.pdf>

2020, yet CBP still [refused](#)³⁷⁶ to provide all requested documents and heavily redacted many of the documents it did produce. The documents were not provided to the Committee until February 2021, after President Trump left office. They [showed](#)³⁷⁷ that while more than 60 agents were found to have committed misconduct, only two were fired, and 57 of them continue to work with migrants.

Critically Ill Children

In August 2019, the U.S. Citizenship and Immigration Services (USCIS) stopped considering requests for deferred action from immigrants with nonmilitary special circumstances, such as [children with life-threatening conditions](#),³⁷⁸ which temporarily ensures they will not face deportation. To conduct oversight on this decision, the Subcommittee on Civil Rights and Civil Liberties of the House Committee on Oversight and Reform invited the acting directors of USCIS and the U.S. Immigration and Customs Enforcement (ICE) to testify at a hearing. DHS agreed to provide witnesses only after the Subcommittee threatened a subpoena, but then on the eve of the scheduled hearing informed the Subcommittee that it would [bar its witnesses from answering](#)³⁷⁹ most questions because a private party had sued DHS and provided only limited testimony. After the hearing, DHS continued to refuse to produce the requested documents, leading Chairman Cummings to [issue subpoenas](#)³⁸⁰ for documents in October 2019, his last official act in Congress before his death.

³⁷⁶ Letter from Chairwoman Carolyn B. Maloney to Mark Morgan, Chief Operating Officer, U.S. Customs and Border Protection (January 11, 2021).

<https://web.archive.org/web/20211204113300/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-01-11.CBM%20to%20Morgan-CBP%20re%20Committee%20Requests.pdf>

³⁷⁷ House Committee on Oversight and Reform, *Border Patrol Agents in Secret Facebook Group Faced Few Consequences for Misconduct* (October 2021).

<https://web.archive.org/web/20211204021853/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/COR%20CBP%20Facebook%20Group%20Report%20-%20October%202021.pdf>

³⁷⁸ NPR, *Trump Administration Ends Protection for Migrants' Medical Care* (August 27, 2019).

<https://web.archive.org/web/20211208075422/https://www.npr.org/2019/08/27/754634022/trump-administration-ends-protection-for-migrants-medical-care>

³⁷⁹ Letter from Chairman Jamie Raskin to Acting U.S. Citizenship and Immigration Services Director Ken Cuccinelli and Acting U.S. Immigration and Customs Enforcement Director Matthew T. Albence (September 18, 2019).

<https://web.archive.org/web/20211206073224/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-09-18.JR%20to%20Cuccinelli%20Albence-DHS%20on%20Deporting%20Ill%20Children.pdf>

³⁸⁰ House Committee on Oversight and Reform, *Memorandum Re: Notice of Intent to Issue Subpoenas* (October 10, 2019).

<https://web.archive.org/web/20210319174729/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-10-10.%20COR%20Memo%20on%20Subpoena%20for%20DHS%20re.%20Deporting%20Critically%20Ill%20Children.pdf>

Treatment of Asylum Seekers

In April 2018, Customs and Border Protection began consistently utilizing a practice known as “metering”³⁸¹ under which the agency turned back asylum seekers at the U.S.-Mexico border and put them on a waiting list. U.S. law allows anyone who has entered the U.S. to apply for asylum, and administrations prior to the Trump Administration had applied the metering practice only sparingly, in times of extreme applicant backlogs. DHS resisted efforts by the House Homeland Security Committee to conduct oversight on this issue, refusing to provide a complete production of documents in response to a [January 2019 request](#)³⁸² and [multiple follow-up requests](#),³⁸³ which ultimately led to a subpoena issued in [November 2019](#).³⁸⁴ DHS’s response to the subpoena did not include all relevant documents, and those that it produced had “[extensive and improper redactions](#).”³⁸⁵

Invasive Medical Procedures

In September 2020, the House Committee on Oversight and Reform and Committee on Homeland Security investigated [reports](#)³⁸⁶ that a facility in Georgia that contracted with ICE to detain migrants had performed unnecessary invasive gynecological procedures on detainees, including removal of their uteruses, and had failed to maintain appropriate protocols to protect detainees from exposure to the coronavirus. The claims were raised by a nurse who worked at the facility, among others. In response to a document request from the Committees, ICE [indicated](#)³⁸⁷ that it was withholding responsive documents based on the fact that the DHS Inspector General was also investigating this issue. The Biden

³⁸¹ NPR, ‘Metering’ At the Border (June 29, 2019).

<https://web.archive.org/web/20211205052739/https://www.npr.org/2019/06/29/737268856/metering-at-the-border>

³⁸² Letter from Chairman Bennie G. Thompson to Homeland Security Secretary Kirstjen M. Nielsen (January 4, 2019).

<https://web.archive.org/web/20211203182910/https://homeland.house.gov/imo/media/doc/nielsen19.pdf>

³⁸³ Letter from Chairman Bennie G. Thompson to Acting Homeland Security Secretary Kevin K. McAleenan (October 18, 2019). https://drive.google.com/file/d/194pByULb_k1chKwUz9wL9JG_-xlln-aG/view?usp=share_link

³⁸⁴ Letter from Chairman Bennie G. Thompson to Acting Homeland Security Secretary Chad F. Wolf (November 20, 2019).

<https://web.archive.org/web/20210525075339/https://homeland.house.gov/imo/media/doc/1120subpoena.pdf>.

³⁸⁵ U.S. House of Representatives, *Legislative and Oversight Activities of the Committee on Homeland Security, 116th Congress* (January 2, 2021),

<https://web.archive.org/web/20220705104525/https://www.congress.gov/116/crpt/hrpt720/CRPT-116hrpt720.pdf>

³⁸⁶ New York Times, *Immigrants Say They Were Pressured Into Unneeded Surgeries* (September 29, 2020).

<https://web.archive.org/web/20220729015212/https://www.nytimes.com/2020/09/29/us/ice-hysterectomies-surgeries-georgia.html>

³⁸⁷ Letter from Chairs Bennie G. Thompson, Carolyn B. Maloney, Kathleen Rice, and Jamie Raskin to Tony H. Pham, Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement (October 9, 2020).

<https://web.archive.org/web/20220826032146/https://homeland.house.gov/imo/media/doc/ICDC%20ICE%20Letter.pdf>

Administration ultimately [provided](#)³⁸⁸ the documents the Committee requested.

Pardons for Illegal Activities

The [New York Times](#)³⁸⁹ and [Washington Post](#)³⁹⁰ reported that President Trump offered to pardon Homeland Security officials who carried out illegal activities in response to his orders, including closing the border with Mexico and seizing land needed to construct a wall along the U.S.-Mexico border. After several requests for information were ignored, the House Judiciary Committee [issued subpoenas](#)³⁹¹ for the production of documents about this “pardon dangling.” The Administration did not comply with the subpoenas.

Coronavirus Response

Beginning in March 2020, the House Committee on Oversight and Reform [requested](#)³⁹² information from DHS on supplies and distribution of personal protective equipment (PPE) in response to the COVID-19 pandemic, which was largely being coordinated by the Federal Emergency Management Agency (FEMA). FEMA response provided only nine contracts, while a publicly available database indicated that FEMA had issued nearly 200 contracts related to COVID-19. FEMA [failed to respond](#)³⁹³ to follow-up requests in April and May 2020 regarding PPE distribution among the states and territories.

³⁸⁸ Letter from Chairs Bennie G. Thompson, Carolyn B. Maloney, Nanette Barragán, and Jamie Raskin to Homeland Security Secretary Alejandro Mayorkas (December 3, 2021).

<https://web.archive.org/web/20220929225055/https://homeland.house.gov/imo/media/doc/Letter-DHS%20CDC%20Update.pdf>

³⁸⁹ New York Times, *Trump Urged Homeland Security Official to Close Border Despite an Earlier Promise of a Delay* (April 12, 2019).

<https://web.archive.org/web/20220826000522/https://www.nytimes.com/2019/04/12/us/politics/trump-border.html>

³⁹⁰ Washington Post, *‘Take the land’: President Trump wants a border wall. He wants it black. And he wants it by Election Day* (August 27, 2019).

https://web.archive.org/web/20220825215612/https://www.washingtonpost.com/immigration/take-the-land-president-trump-wants-a-border-wall-he-wants-it-black-and-he-wants-it-by-election-day/2019/08/27/37b80018-c821-11e9-a4f3-c081a126de70_story.html

³⁹¹ House Committee on the Judiciary, *House Judiciary Committee Subpoenas Homeland Security Over Trump Pardons* (September 4, 2019).

<https://web.archive.org/web/20220826010403/https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=2099>

³⁹² Letter from Chairman Bennie G. Thompson to Acting Homeland Security Secretary Chad Wolf and Health and Human Services Secretary Alex M. Azar II (March 23, 2020).

<https://web.archive.org/web/20220826023458/https://homeland.house.gov/imo/media/doc/DHS%20HHS%20PPE%20Letter.pdf>

³⁹³ Letter from Chairman Bennie G. Thompson to Chairman Ron Johnson and Ranking Member Gary C. Peters (September 22, 2020).

<https://web.archive.org/web/20220826034829/https://homeland.house.gov/imo/media/doc/HSGAC%20Letter%20Doc.pdf>

Trusted Traveler Programs

In February 2020, the Trump Administration [barred](#)³⁹⁴ New York State residents from enrolling in the “Trusted Traveler Programs” (TTP) that expedite international travel by speeding security screening at ports of entry. The Administration justified singling out New York on the grounds that the state had enacted a unique law that prevented the CBP from accessing state driver records necessary to assess risks posed by applicants to TTP, but [later acknowledged](#)³⁹⁵ other states had enacted similar restrictions. The House Homeland Security Committee investigated allegedly misleading testimony by Acting DHS Secretary Chad Wolf and another senior official, [issuing](#)³⁹⁶ a subpoena to DHS for relevant documents following three unsuccessful requests for DHS’s cooperation. DHS [refused](#)³⁹⁷ to comply, arguing that the Committee lacked a “legitimate legislative purpose” in investigating the matter because lying to Congress is a crime under the investigative purview of the executive and judicial branches.

Annual Hearing on Threats Facing the Nation

The House Committee on Homeland Security holds an annual hearing on threats facing the nation to inform Congress and the public on the current state of national security. Prior to the Trump Administration, both Republican and Democratic administrations [had cooperated](#)³⁹⁸ with the Committee in providing this annual assessment. In September 2020, Acting DHS Secretary Chad Wolf reneged on his agreement to appear at this hearing on the grounds that the President had recently nominated him to be Secretary. The Chairman of the Committee [issued a subpoena](#)³⁹⁹ for his testimony, after pointing out in a [letter](#)⁴⁰⁰ that Mr. Wolf had served as “‘Acting Secretary’ for nearly 10 months” and was in no way

³⁹⁴ NPR, *Trump Administration Suspends New Yorkers from Trusted Traveler Programs* (February 6, 2020).

<https://web.archive.org/web/20221114201845/https://www.npr.org/2020/02/06/803351058/trump-administration-suspends-new-yorkers-from-trusted-traveler-programs%5C>

³⁹⁵ NPR, *DHS Restores New York to Trusted Traveler Program, Admits False Statements in Lawsuit* (July 24, 2020).

<https://web.archive.org/web/20220415193419/https://www.npr.org/2020/07/24/894965662/dhs-restores-new-york-to-trusted-traveler-program-admits-false-statements-in-law>

³⁹⁶ House Committee on Homeland Security, *Chairman Thompson Subpoenas DHS for Trusted Traveler Documents* (October 9, 2020). <https://web.archive.org/web/20220823091647/https://homeland.house.gov/news/press-releases/chairman-thompson-subpoenas-dhs-for-trusted-traveler-documents->

³⁹⁷ Letter from Assistant Secretary Beth Spivey to Chairman Bennie Thompson (August 11, 2020).

<https://web.archive.org/web/20220129002720/https://homeland.house.gov/imo/media/doc/DHSresponse081120.pdf>

³⁹⁸ House Committee on Homeland Security, *Hearing Statement of Chairman Bennie G. Thompson (D-MS)* (September 17, 2020).

<https://web.archive.org/web/20220716130902/https://homeland.house.gov/imo/media/doc/BGT%20Statement%20Full%209.17.pdf>

³⁹⁹ House Committee on Homeland Security, *Chairman Thompson Subpoenas Chad Wolf After Refusal to Testify* (September 11, 2020). <https://web.archive.org/web/20220823105547/https://homeland.house.gov/news/press-releases/chairman-thompson-subpoenas-chad-wolf-after-refusal-to-testify>

⁴⁰⁰ Letter from Chairman Bennie G. Thompson to Acting Homeland Security Secretary Chad Wolf (September 10, 2020).

<https://web.archive.org/web/20221008233550/https://homeland.house.gov/imo/media/doc/Letter%20to%20Wolf%20Sept%2010.pdf>

prevented from appearing before the committee by his nomination, yet Mr. Wolf still [refused to appear](#).⁴⁰¹

Violations of Whistleblower Rights

In 2017, the Chair and Ranking Member of the House Committee on Oversight and Reform Subcommittee on Government Operations sent [bipartisan requests](#)⁴⁰² to multiple federal agencies, including DHS, requesting information on reports that employees were being instructed to sign nondisclosure agreements that may violate their rights under the Whistleblower Protection Act. DHS ignored multiple bipartisan requests for documents and information on these agreements for more than a year. The Republican chair of the committee at the time, Trey Gowdy, [refused](#)⁴⁰³ to issue a subpoena.

Refugee Admissions

A 1980 law requires the President to consult with Congress on the annual determination of caps on the number of refugees allowed to enter the United States and how to allocate refugee caps among different regions. In multiple years, President Trump [failed to meet this statutory obligation](#)⁴⁰⁴ and ignored committee requests in [2019](#)⁴⁰⁵ and [2020](#)⁴⁰⁶ for the administration's proposed refugee admissions report.

⁴⁰¹ Letter from Chairman Bennie G. Thompson to Chairman Ron Johnson and Ranking Member Gary C. Peters (September 22, 2020).
<https://web.archive.org/web/20220826034829/https://homeland.house.gov/imo/media/doc/HSGAC%20Letter%20Doc.pdf>

⁴⁰² Letter from Ranking Members Elijah Cummings and Gerald E. Connolly to Chairman Trey Gowdy (April 24, 2018).
<https://web.archive.org/web/20220826033446/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-04-24.EEC%20Connolly%20to%20Gowdy%20re%20WPEA%20Subpoena%20Request.pdf>

⁴⁰³ House Committee on Oversight and Reform, *GOP Blocks 12 More Subpoena Motions* (May 23, 2018).
<https://web.archive.org/web/20220826072013/https://oversight.house.gov/news/press-releases/gop-blocks-12-more-subpoena-motions>

⁴⁰⁴ Niskanen Center, *Congress Must Demand Robust Refugee Consultation Amid Record Low Admissions and COVID-19* (August 31, 2020).
<https://web.archive.org/web/20220529053924/https://www.niskanencenter.org/congress-must-demand-robust-refugee-consultation-amid-record-low-admissions-and-covid-19/>

⁴⁰⁵ Letter from Chairs Jerrold Nadler and Zoe Lofgren to Secretary of State Michael R. Pompeo, Acting Secretary of Homeland Security Kevin K. McAleenan, and Secretary of Health and Human Services Alex M. Azar II (September 13, 2019).
<https://web.archive.org/web/20220822220820/https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/2019-09-13%20Letter%20to%20admin%20re%20refugee%20admissions.pdf>

⁴⁰⁶ Letter from Ranking Members Richard J. Durbin and Dianne Feinstein and Chairs Jerrold Nadler and Zoe Lofgren to Secretary of State Michael Pompeo, Homeland Security Under Secretary Chad Wolf, and Secretary of Health and Human Services Alex M. Azar II (September 8, 2020).
<https://web.archive.org/web/20220825194908/https://www.durbin.senate.gov/imo/media/doc/Letter%20to%20Sec.%20Pompeo,%20Under%20Sec.%20Wolf,%20Sec.%20Azar.pdf>

Department of Health and Human Services

ACA Implementation

In 2019, the House Energy and Commerce Committee and House Ways and Means Committee [investigated](#)⁴⁰⁷ the Trump Administration's implementation of the Affordable Care Act (ACA). As part of this inquiry, the Committees [requested](#)⁴⁰⁸ that HHS produce an analysis by the Center for Medicare & Medicaid Services' Office of the Actuary (OACT) that found that policies under consideration by the Administration would increase health care costs and reduce insurance coverage. Citing the "deliberative process privilege," the Administration [refused](#)⁴⁰⁹ to produce the OACT analysis even though it had previously produced a memo that discussed the substance of the OACT analysis and the Committee had released the memo to the public without HHS objection.

Taxpayer-Funded Private Flights

As HHS Secretary, Tom Price took 21 trips, 20 of which failed to comply with federal travel rules, including 12 chartered private flights. These trips resulted in the waste of at least \$341,000 in taxpayer dollars. In response to [multiple bipartisan requests](#),⁴¹⁰ the White House and HHS failed to produce relevant documents.

Tracking COVID Infections

In July 2020, Senate Minority Leader Charles Schumer and Senate Health, Education, Labor and Pensions Committee Ranking Member Patty Murray [sent](#)⁴¹¹ a letter to TeleTracking Technologies regarding its

⁴⁰⁷ Letter from Chairs Frank Pallone, Jr., Richard E. Neal, and Robert C. "Bobby" Scott to Secretary of Health and Human Services Alex M. Azar II (June 13, 2019).
<https://web.archive.org/web/20220930141938/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/HHS.2019.6.13.%20Joint%20Letter%20to%20HHS.pdf>

⁴⁰⁸ Letter from Chairs Frank Pallone, Jr., Richard E. Neal, and Robert C. "Bobby" Scott to Secretary of Health and Human Services Alex M. Azar II (June 13, 2019).
<https://web.archive.org/web/20220930141938/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/HHS.2019.6.13.%20Joint%20Letter%20to%20HHS.pdf>

⁴⁰⁹ Letter from Chairman Frank Pallone Jr. to Secretary of Health and Human Services Alex M. Azar and Center for Medicare and Medicaid Services Administrator Seema Verma (October 16, 2019).
<https://web.archive.org/web/20221108212849/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/CMS.2019.10.16.%20Letter%20re%20Document%20Requests.pdf>

⁴¹⁰ House Committee on Oversight and Reform, *Cummings Calls on Gowdy to Subpoena White House After New IG Report Finds Price Squandered Taxpayer Funds on Private Flights* (July 13, 2018).
<https://web.archive.org/web/20220826200506/https://oversight.house.gov/news/press-releases/cummings-calls-on-gowdy-to-subpoena-white-house-after-new-ig-report-finds-price>

⁴¹¹ Senate Democrats, *Schumer, Murray Demand Answers On Trump Admin's Unexplained \$10 Million Contract For System Which Has Replaced CDC in Controlling COVID-19 Hospital Data – A Move That Sidelines Public Health Experts* (July 22, 2020).
<https://web.archive.org/web/20221008221506/https://www.democrats.senate.gov/newsroom/press-releases/schumer-murray-demand-answers-on-trump-admins-unexplained-10-million-contract-for-system-which-has-since-replaced-cdc-in-controlling-covid-19-hospital-data-a-move-that-sidelines-public-health-experts>

contract with the Trump Administration, following reports that the Administration had ordered hospitals to report COVID data to this company instead of following the standard practice of reporting hospitalization data to the Centers for Disease Control and Prevention (CDC). TeleTracking Technologies [refused](#)⁴¹² to produce this information to the Senate requestors on the grounds that it was barred from doing so under a nondisclosure agreement with the Trump Administration. The company also initially refused to respond to a [request](#)⁴¹³ by the Oversight Committee on the same grounds, though the Committee was ultimately able to negotiate delayed productions.

Retaining Consultants to Promote Image of Medicare and Medicaid Administrator

Following reports that Centers for Medicare & Medicaid Services Administrator Seema Verma had awarded millions of dollars in public contracts to Republican communications consultants to build up her own brand, the House Energy and Commerce and Oversight Committees, along with the ranking members of the Senate Finance and Health, Education, Labor, and Pensions Committees, [requested](#)⁴¹⁴ relevant documents and communications. After [repeated follow-up requests](#),⁴¹⁵ HHS produced only a limited set of responses. After a 17-month investigation, which included thousands of pages of documents obtained from the external contractors as well as a duplicative production of documents from HHS, the Committees [released a report](#)⁴¹⁶ detailing the abuse of nearly \$6 million in taxpayer funds by Administrator Verma. The Committees [never received](#)⁴¹⁷ a complete production of Administrator Verma's emails.

⁴¹² Letter from A. Scott Bolden to Senators Charles Schumer and Patty Murray (August 3, 2020). <https://web.archive.org/web/20200817014947/https://int.nyt.com/data/documenttools/tele-tracking-response-to-senator-schumer-and-senator-murray-dated-august-03-2020-1/7cf488a8cc55487b/full.pdf>

⁴¹³ House Select Subcommittee on the Coronavirus Crisis, *Select Subcommittee Investigates Coronavirus Data Collection Contract* (July 28, 2020). <https://web.archive.org/web/20201209230736/https://coronavirus.house.gov/news/press-releases/select-subcommittee-investigates-coronavirus-data-collection-contract>

⁴¹⁴ Letter from Chairmen Frank Pallone, Jr. and Elijah E. Cummings and Ranking Members Ron Wyden and Patty Murray to Center for Medicare and Medicaid Services Administrator Seema Verma (March 29, 2019). <https://web.archive.org/web/20201211175639/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/CMS.2019.3.29.pdf>

⁴¹⁵ Letter from Chairs Frank Pallone, Jr. and Carolyn B. Maloney and Ranking Members Ron Wyden and Patty Murray to Center for Medicare and Medicaid Services Administrator Seema Verma (December 17, 2019). <https://web.archive.org/web/2020121112207/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/HHS%20Letter%20re%20CMS%20Contracts%202019.12.17.pdf>

⁴¹⁶ House Committee on Energy Commerce, House Committee on Oversight and Reform, Senate Committee on Finance Minority, and Senate Committee on Health, Education, Labor, and Pensions Minority, *Investigation of CMS Administrator Seema Verma's Use of Private Communications Consultants* (September 2020). <https://web.archive.org/web/20201210125659/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Report.pdf>

⁴¹⁷ House Committee on Energy Commerce, House Committee on Oversight and Reform, Senate Committee on Finance Minority, and Senate Committee on Health, Education, Labor, and Pensions Minority, *Investigation of CMS Administrator Seema Verma's Use of Private Communications Consultants* (September 2020). <https://web.archive.org/web/20201210125659/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Report.pdf>

Government Accountability Office Report on COVID Vaccine Development

The House Select Subcommittee on the Coronavirus Crisis [submitted](#)⁴¹⁸ a bipartisan request for a GAO report on COVID vaccine deployment efforts in July 2020. However, HHS and the Department of Defense [withheld](#)⁴¹⁹ their contract with Pfizer, a key vaccine developer, for months, and failed to provide all the documents that GAO requested. As a result, Congress and the public failed to receive timely notice of potential shortages and distribution problems for the COVID vaccines.

Political Interference with COVID Scientific Guidance

The Select Subcommittee on the Coronavirus Crisis [opened](#)⁴²⁰ an investigation into political interference with scientific and medical guidance related to the coronavirus pandemic in September 2020. HHS refused to produce any documents for two months, then produced only a fraction of the requested documents with heavy redactions, and cancelled scheduled interviews with agency officials.⁴²¹ Nevertheless, the investigation uncovered evidence that political appointees attempted to block at least 13 CDC reports and pursued a strategy of “herd immunity” that would deliberately allow more Americans to be infected with COVID, which led the Subcommittee [to issue subpoenas](#)⁴²² in the final days of the Trump administration for HHS Secretary Azar and CDC Director Redfield to produce all responsive documents. The Trump administration continued to obstruct these document requests, leading to the Subcommittee’s decision to [continue the investigation](#)⁴²³ after President Biden took

⁴¹⁸ Letter from Chairman James E. Clyburn and Representatives Mark E. Green and Bill Foster to Comptroller Gene L. Dodaro (July 24, 2020).

<https://web.archive.org/web/20201209235007/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-07-24.Select%20Cmte%20to%20Dodaro-GAO%20re%20OWS%20.pdf>

⁴¹⁹ Letter from Chairman James E. Clyburn et al to Secretary of Health and Human Services Alex M. Azar II and Acting Secretary of Defense Christopher C. Miller (December 16, 2020).

https://web.archive.org/web/20201222000412/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-16.Majority%20to%20Azar%20and%20Miller%20re%20OWS%20Pfizer%20Letter_.pdf

⁴²⁰ House Select Subcommittee on the Coronavirus Crisis, *Select Subcommittee Launches Investigation Into Political Interference in CDC Scientific Reports on Coronavirus* (September 14, 2020).

<https://web.archive.org/web/20201218003414/https://coronavirus.house.gov/news/press-releases/select-subcommittee-launches-investigation-political-interference-cdc-scientific>

⁴²¹ Letter from Chairman James E. Clyburn to Secretary of Health and Human Services Alex M. Azar II and Centers for Disease Control and Prevention Director Dr. Robert R. Redfield (December 21, 2020).

https://web.archive.org/web/20201222000121/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-21.Clyburn%20to%20Redfield%20and%20Azar%20re%20Subpoena%20FINAL%20_0.pdf

⁴²² Letter from Chairman James E. Clyburn to Secretary of Health and Human Services Alex M. Azar II and Centers for Disease Control and Prevention Director Dr. Robert R. Redfield (December 21, 2020).

https://web.archive.org/web/20201222000121/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-21.Clyburn%20to%20Redfield%20and%20Azar%20re%20Subpoena%20FINAL%20_0.pdf

⁴²³ House Select Subcommittee on the Coronavirus Crisis, *Select Subcommittee Releases New Evidence of Trump Administration’s Political Meddling in Coronavirus Guidance, Testing, and Treatments* (February 8, 2021).

<https://web.archive.org/web/20220818025745/https://coronavirus.house.gov/news/press-releases/select-subcommittee-releases-new-evidence-trump-administration-s-political>

office. The Subcommittee ultimately made public significant evidence documenting multiple instances of political interference in [June 2022](#),⁴²⁴ [August 2022](#),⁴²⁵ and [October 2022](#).⁴²⁶

Department of the Interior

Bears Ears Monument

In December 2017, President Trump [ordered](#)⁴²⁷ major reductions in the size of two national monuments in Utah, Bears Ears and Grand Staircase-Escalante. In a 2019 investigation of this decision by the House Committee on Natural Resources, the Interior Department responded to Committee requests for relevant documents by providing nonresponsive documents. At a [hearing with Interior Secretary Bernhardt](#)⁴²⁸ in May 2019, the Committee reported that the agency's initial document production included [100 pages](#)⁴²⁹ of [unintelligible symbols](#)⁴³⁰ called "wingdings." In a [subsequent hearing](#)⁴³¹ in September 2019 on the Department's compliance with oversight requests, Rep. Deb Haaland disclosed that the Department provided the Committee nearly 18,000 pages of emails that were not responsive to

⁴²⁴ House Select Subcommittee on the Coronavirus Crisis, *The Atlas Dogma: The Trump Administration's Embrace of a Dangerous and Discredited Herd Immunity via Mass Infection Strategy* (June 2022). <https://web.archive.org/web/20220826030100/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2022.06.21%20The%20Trump%20Administration%E2%80%99s%20Embrace%20of%20a%20Dangerous%20and%20Discredited%20Herd%20Immunity%20via%20Mass%20Infection%20Strategy.pdf>

⁴²⁵ House Select Subcommittee on the Coronavirus Crisis, *A "Knife Fight" with the FDA: The Trump White House's Relentless Attacks on FDA's Coronavirus Response* (August 2022). <https://web.archive.org/web/20220825154127/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2022.08.24%20The%20Trump%20White%20House%E2%80%99s%20Relentless%20Attacks%20on%20FDA%E2%80%99s%20Coronavirus%20Response.pdf>

⁴²⁶ House Select Subcommittee on the Coronavirus Crisis, *"It Was Compromised": The Trump Administration's Unprecedented Campaign to Control CDC and Politicize Public Health During the Coronavirus Crisis* (October 2022). <https://web.archive.org/web/20221109191645/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2022.10.17%20The%20Trump%20Administration%E2%80%99s%20Unprecedented%20Campaign%20to%20Control%20CDC%20and%20Politicize%20Public%20Health%20During%20the%20Coronavirus%20Crisis.pdf>

⁴²⁷ New York Times, *Trump Slashes Size of Bears Ears and Grand Staircase Monuments* (December 4, 2017). <https://web.archive.org/web/20221110083725/https://www.nytimes.com/2017/12/04/us/trump-bears-ears.html>

⁴²⁸ House Natural Resources Committee, *Full Committee Hearing: U.S. Department of the Interior Budget and Policy Priorities for FY 2020* (May 15, 2019). <https://www.youtube.com/watch?v=oDSiCD4poHE>

⁴²⁹ House Natural Resources Committee, *Deflect and Obstruct: How Interior Ducked House Oversight* (January 12, 2021). <https://web.archive.org/web/20220826024138/https://naturalresources.house.gov/media/in-the-news/deflect-and-obstruct-how-interior-ducked-house-oversight>

⁴³⁰ House Natural Resources Committee, Twitter post (May 15, 2019). https://twitter.com/NRDems/status/1128669761561346048?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed&ref_url=https%3A%2F%2Fcdn.embedly.com%2Fwidgets%2Fmedia.html%3Ftype%3Dtext%252Fhtml%26key%3Da19fcc184b9711e1b4764040d3dc5c07%26schema%3Dtwitter%26url%3Dhttps%253A%2F%2Ftwitter.com%2Fnrdeems%2Fstatus%2F1128669761561346048%26image%3Dhttps%253A%2F%2Fi.embed.ly%2F1%2Fimage%253Furl%253Dhttps%25253A%25252F%25252Fpbs.twimg.com%25252Fmedia%25252FD6nXHb8WwAUPAGW.jpg%25253Alarge%2526key%253Da19fcc184b9711e1b4764040d3dc5c07

⁴³¹ House Natural Resources Committee, *Full Committee Hearing: U.S. Department of the Interior Budget and Policy Priorities for FY 2020* (May 15, 2019). <https://www.youtube.com/watch?v=oDSiCD4poHE>

any of the Committee’s monument requests.⁴³² In 2021, President Biden reversed⁴³³ the Trump reduction of the national monuments and restored full federal protection.

Bureau of Land Management Relocation

In response to the Interior Department’s decision to relocate the headquarters of the Bureau of Land Management (BLM) from Washington, D.C., to Grand Junction, Colorado, the House Committee on Natural Resources held a hearing about the decision that left the Committee with many unanswered questions.⁴³⁴ A few weeks after the hearing, in September 2019, Natural Resources Committee Chair Raul Grijalva requested⁴³⁵ relevant documents, including a cost-benefit analysis, formal documentation of tribal consultation, an analysis of the effect on staff, and a disparate impact analysis. After receiving only high-level, duplicative, and irrelevant documents in response, Chair Grijalva sent four follow-up letters⁴³⁶ reiterating his requests.

In February 2020, a day before a Committee vote to authorize the chair to issue subpoenas, the Interior Department provided more than a thousand hard-copy documents, but these did not include⁴³⁷ the analyses sought by the Committee. More than a third of the production consisted of printouts of spreadsheets that could not be reconstructed. Many of the materials were completely unrelated, including information on wild horse management and grazing. Even after the move was completed, Interior still refused⁴³⁸ to provide some key personnel data. A GAO report later found⁴³⁹ that the process

⁴³² House Natural Resources Committee, *The Department of the Interior’s Failure to Cooperate with Congressional Oversight Requests* (September 26, 2019). <https://www.youtube.com/watch?v=SVANPZkSN64>

⁴³³ House Natural Resources Committee, *Chair Grijalva Praises Biden Admin Move to Restore Original Boundaries, Protections for Bears Ears, Other National Monuments Trump Had Targeted* (October 7, 2021). <https://web.archive.org/web/20220826033100/https://naturalresources.house.gov/media/press-releases/chair-grijalva-praises-biden-admin-move-to-restore-original-boundaries-protections-for-bears-ears-other-national-monuments-trump-had-targeted>

⁴³⁴ House Natural Resources Committee, *Deflect and Obstruct: How Interior Ducked House Oversight* (January 12, 2021). <https://web.archive.org/web/20220826024138/https://naturalresources.house.gov/media/in-the-news/deflect-and-obstruct-how-interior-ducked-house-oversight>

⁴³⁵ Letter from Chair Raul M. Grijalva to Interior Secretary David Bernhardt (September 25, 2019). <https://web.archive.org/web/20221116200441/https://naturalresources.house.gov/imo/media/doc/2019.09.25%20RG%20to%20Sec.%20Bernhardt%20Doc%20Request%20on%20BLM%20Reorganization.pdf>

⁴³⁶ Letter from Chair Raul M. Grijalva to Interior Secretary David Bernhardt (March 9, 2020). <https://web.archive.org/web/20220826080101/https://naturalresources.house.gov/imo/media/doc/2020-03-09%20Chair%20Grijalva%20to%20Sec%20Bernhardt%20Final%20Request%20for%20Documents.pdf>

⁴³⁷ Letter from Chair Raul M. Grijalva to Interior Secretary David Bernhardt (March 9, 2020). <https://web.archive.org/web/20220826080101/https://naturalresources.house.gov/imo/media/doc/2020-03-09%20Chair%20Grijalva%20to%20Sec%20Bernhardt%20Final%20Request%20for%20Documents.pdf>

⁴³⁸ House Natural Resources Committee, *Deflect and Obstruct: How Interior Ducked House Oversight* (January 12, 2021). <https://web.archive.org/web/20220826024138/https://naturalresources.house.gov/media/in-the-news/deflect-and-obstruct-how-interior-ducked-house-oversight>

⁴³⁹ House Natural Resources Committee, *GAO Contradicts Trump Admin on Forced BLM Move – Finds Interior Officials Failed to Follow Basic Practices, Resulting in Damaging Staff Attrition* (March 6, 2020). <https://web.archive.org/web/20220114183257/https://naturalresources.house.gov/media/press-releases/gao->

had not followed best practices for agency reform and resulted in a high level of staff attrition. In 2021, the Biden Administration [announced](#)⁴⁴⁰ that the BLM's headquarters would return to Washington, D.C.

Lafayette Square

After peaceful protestors were violently cleared from Lafayette Square in Washington, D.C., in June 2020, the House Natural Resources Committee requested a briefing from the Interior Department about the role of the U.S. Park Police in the incident. The Interior Secretary provided an [unsatisfactory response](#),⁴⁴¹ one that the Committee asserted contradicted video evidence of the incident. When Interior officials eventually agreed to testify before the Committee, they gave conflicting explanations of the Park Police's role, including why radio transmissions were not recorded, how audible warnings to the crowd were transmitted, and the reasons behind the aggressive actions taken against protestors to clear the area. The Committee [wrote](#)⁴⁴² to the Interior Department seeking additional information and requesting documents, most of which the Trump Administration failed to produce.

Development Project at Villages at Vigneto

In July 2019, the House Committee on Natural Resources [requested](#)⁴⁴³ documents related to Interior's decision to approve a Clean Water Act permit for the Villages at Vigneto development in Benson, Arizona, after [reports](#)⁴⁴⁴ that political pressure from a Trump donor overrode experts' concerns that the development would harm the nearby San Pedro Riparian National Conservation Area. Interior responded to the document requests with documents that had been heavily and inappropriately [redacted](#).⁴⁴⁵ The Committee subsequently received additional documents and conducted an in-camera

[contradicts-trump-admin-on-forced-blm-move finds-interior-officials-failed-to-follow-basic-practices-resulting-in-damaging-staff-attrition](#)

⁴⁴⁰ Reuters, *Biden administration to move public lands agency back to Washington from Colorado* (September 17, 2021). <https://web.archive.org/web/20220410021935/https://www.reuters.com/world/us/biden-administration-move-public-lands-agency-back-washington-colorado-2021-09-17/>

⁴⁴¹ The Hill, *Interior secretary: Park Police faced 'state of siege' at Lafayette protests* (June 5, 2020). <https://web.archive.org/web/20220816110927/https://thehill.com/policy/energy-environment/501438-interior-secretary-park-police-faced-state-of-siege-at-lafayette/>

⁴⁴² Letter from Chair Raul M. Grijalva to Interior Secretary David Bernhardt (October 14, 2020). <https://web.archive.org/web/20220920053536/https://naturalresources.house.gov/imo/media/doc/Grijalva%20Letter%20to%20Bernhardt%20on%20Inconsistencies%20in%20USPP%20Testimony%20on%20Lafayette%20Crackdown%20October%2014%202020.pdf>

⁴⁴³ Letter from Chair Raul M. Grijalva to Interior Secretary David Bernhardt (July 3, 2019). https://web.archive.org/web/20220817160547/https://cdn.cnn.com/cnn/2019/images/07/09/2019-07-03.rg.to.bernhardt.on.villages.at.vigneto_redacted.pdf

⁴⁴⁴ CNN, *Whistleblower says he was pressured by Trump administration to reverse environmental decision* (July 9, 2019). <https://web.archive.org/web/20220614075415/https://www.cnn.com/2019/07/08/politics/interior-department-arizona-development-bernhardt/index.html>

⁴⁴⁵ House Natural Resources Committee, Twitter post (February 12, 2020). <https://web.archive.org/web/20200212152037/https://twitter.com/NRDems/status/1227608086057246726>

review of other documents at the Department, leading to a [criminal referral](#)⁴⁴⁶ to the Department of Justice outlining evidence of possible bribery of Trump Administration officials.

Failure to Disclose the Secretary's Calendar

In February 2019, the House Natural Resources Committee [requested](#)⁴⁴⁷ all calendars and schedules for then Acting Interior Secretary Bernhardt when Freedom of Information Act requests failed to provide information on the topic or attendees of meetings. After Mr. Bernhardt [claimed](#)⁴⁴⁸ that he did not personally maintain a calendar, the House Natural Resources Committee and the House Oversight Committee [wrote](#)⁴⁴⁹ a joint letter seeking interviews with the individuals involved in maintaining the Secretary's schedule. The Department blocked the Committees' access to the individuals until the Oversight Committee [advised](#)⁴⁵⁰ the agency that the responsible officials could have their salaries withheld for violating federal law. When five versions of Mr. Bernhardt's calendar were released during Senate consideration of his confirmation, they [contained](#)⁴⁵¹ contradictions and conflicting information. The calendars also failed to disclose a [meeting](#)⁴⁵² between Mr. Bernhardt and the developer of the Villages at Vigneto (see above), which suggests that the calendars produced were incomplete.

⁴⁴⁶ House Natural Resources Committee, *Chair Grijalva, Rep. Porter Refer Former Interior Secretary Bernhardt, Villages at Vigneto Developer to Justice Department, Alleging Criminal Bribery* (May 11, 2022). <https://web.archive.org/web/20220615211303/https://naturalresources.house.gov/media/press-releases/chair-grijalva-rep-porter-refer-former-interior-secretary-bernhardt-villages-at-vigneto-developer-to-justice-department-alleging-criminal-bribery>

⁴⁴⁷ Letter from Chairman Raul M. Grijalva and Chairman TJ Cox to Acting Interior Secretary David Bernhardt (February 7, 2019). <https://web.archive.org/web/20220826093135/https://naturalresources.house.gov/imo/media/doc/Grijalva%20Cox%20Letter%20to%20Bernhardt%20Requesting%20Calendars%20and%20Schedule%20Info%20Feb.%207%202019.pdf>

⁴⁴⁸ CNN, *Congress wants to see acting Interior secretary's calendar – he says he doesn't keep one* (March 8, 2019). <https://web.archive.org/web/20220530105515/https://www.cnn.com/2019/03/08/politics/david-bernhardt-calendar-democrats/index.html>

⁴⁴⁹ Letter from Chairmen Elijah E. Cummings and Raul M. Grijalva to Acting Interior Secretary David Bernhardt (March 28, 2019). <https://web.archive.org/web/20220827124836/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-03-28.EEC%20Grijalva%20to%20Bernhardt-DOI%20re%20Calendars.pdf>

⁴⁵⁰ Letter from Chairman Elijah E. Cummings to Interior Secretary David Bernhardt (May 31, 2019). <https://web.archive.org/web/20201212054110/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-31.EEC%20to%20Bernhardt-DOI%20re%20Transcribed%20Interviews.pdf>

⁴⁵¹ CNN, *Interior has 5 versions of the secretary's schedule – but they don't always match* (June 5, 2019). <https://web.archive.org/web/20201219081149/https://www.cnn.com/2019/06/05/politics/david-bernhardt-conflicting-calendars-interior/index.html>

⁴⁵² Letter from Chairs Raul M. Grijalva and Katie Porter to Attorney General Merrick Garland (May 11, 2022). <https://web.archive.org/web/20220826041040/https://naturalresources.house.gov/imo/media/doc/2022.05.11%20Vigneto%20DOJ%20Referral%20FINAL%20REDACTED.pdf>

Bureau of Safety and Environmental Enforcement

After news reports in 2018 that the Director of the Bureau of Safety and Environmental Enforcement, Scott Angelle, favored the oil industry and encouraged industry leaders to call his cell phone to avoid public records laws, the ranking member of the House Committee on Natural Resources [requested](#)⁴⁵³ Mr. Angelle's phone records. After the ranking member became the committee chairman in 2019, he [renewed the request](#)⁴⁵⁴ in March 2019. The Department provided a list of phone numbers with many redactions, but simultaneously released an unredacted phone record in response to a FOIA request that listed five times as many calls for the same time period. When questioned about the disparity at a [Committee hearing](#),⁴⁵⁵ the Department of Interior's Deputy Solicitor could provide no explanation for the incomplete response to Congress. Following a March 2020 hearing in which Mr. Angelle testified, the Committee sought additional information in questions for the record, including any information about Mr. Angelle's role in pressuring career staff to make an offshore drilling safety rule more industry-friendly. It took nine months for the Department [to respond](#)⁴⁵⁶ to this request, which it did by flooding the Committee with 38 boxes of documents, the vast majority of which were already publicly available.

Boundary Waters Mining Leases

In 2018, the Trump Administration [renewed](#)⁴⁵⁷ mineral leases that allowed mining activities in the Boundary Waters, one of the most visited wilderness areas in the country. In March 2019, the House Natural Resources Committee requested documents from the Department of Interior explaining the decision. The Department produced more than 10,000 pages of documents, most of them irrelevant. As the Committee revealed at a [hearing on the Department's failure to comply with oversight requests](#),⁴⁵⁸ a third of the documents were duplicates, and the production included pages that were entirely redacted, several pages of computer code, irrelevant documents on the long-term storage of nuclear waste, a 934-

⁴⁵³ House Natural Resources Committee, *Ranking Member Grijalva Requests Phone Records of Top Offshore Regulator Scott Angelle, Seeks Explanation for Lack of Transparency* (November 16, 2018). <https://web.archive.org/web/20210629032511/https://naturalresources.house.gov/media/press-releases/ranking-member-grijalva-requests-phone-records-of-top-offshore-regulator-scott-angelle-seeks-explanation-for-lack-of-transparency>

⁴⁵⁴ Letter from Chairs Raul Grijalva and Alan S. Lowenthal to Acting Interior Secretary David Bernhardt (March 6, 2019). <https://web.archive.org/web/20210625060413/https://naturalresources.house.gov/imo/media/doc/Grijalva%20Lowenthal%20Letter%20to%20DOI%20on%20Scott%20Angelle%20Phone%20Records%20March%206%202019.pdf>

⁴⁵⁵ House Natural Resources Committee, *The Department of the Interior's Failure to Cooperate with Congressional Oversight Requests* (September 26, 2019). <https://www.youtube.com/watch?v=SVANPZkSN64>

⁴⁵⁶ House Natural Resources Committee, *Deflect and Obstruct: How Interior Ducked House Oversight* (January 12, 2021). <https://web.archive.org/web/20220826024138/https://naturalresources.house.gov/media/in-the-news/deflect-and-obstruct-how-interior-ducked-house-oversight>

⁴⁵⁷ Center for American Progress, *Boundary Waters at Risk* (May 8, 2019). <https://web.archive.org/web/20220315093241/https://www.americanprogress.org/article/boundary-waters-risk/>

⁴⁵⁸ House Natural Resources Committee, *The Department of the Interior's Failure to Cooperate with Congressional Oversight Requests* (September 26, 2019). <https://web.archive.org/web/20210623062657/https://naturalresources.house.gov/hearings/full-committee-oversight-hearing>

page House Appropriations Committee report, and six copies of an Obama administration legal complaint. The Biden administration subsequently found that the mineral lease renewals did not meet legal standards and [cancelled](#)⁴⁵⁹ them in January 2022.

Cancellation of Study of Human Health Effects of Coal Mining

In early 2019, the Department of Interior abruptly [canceled](#)⁴⁶⁰ a National Academy of Science, Engineering, and Medicine study on the potential human health effects of surface coal mining operations in Central Appalachia. In February, the House Natural Resources Committee requested an explanation for this decision. In May, the Department produced 47 heavily redacted pages in response to the request. In June, the Committee requested the unredacted documents. In September, the Department produced 329 documents totaling more than 3,000 pages, 90 percent of which were unrelated to the decision to cancel the study. In some cases, the entire document was redacted. At a [hearing on congressional oversight](#),⁴⁶¹ the Deputy Solicitor of the Department called the production “unacceptable.”

Department of Interior’s Freedom of Information Act Policies

In March 2019, in response to reports that the Interior Department was issuing internal guidance to curtail information released to the public and a proposed rule that would increase response times and limit public information requests, the House Natural Resources and Oversight and Reform Committees [requested](#)⁴⁶² information about the recent changes to the Department’s FOIA policies. The Department of Interior sent the Committees a production of 12,575 pages in response. An Oversight Committee [analysis](#)⁴⁶³ showed that 12,320 of these pages were a spreadsheet of the Department’s annual FOIA report, which was already available online, and the remaining documents were also already public

⁴⁵⁹ U.S. Department of the Interior, *Interior Department Takes Action on Mineral Leases Improperly Renewed in the Watershed of the Boundary Waters Wilderness* (January 26, 2022).

<https://web.archive.org/web/20220707135535/https://www.doi.gov/pressreleases/interior-department-takes-action-mineral-leases-improperly-renewed-watershed-boundary>

⁴⁶⁰ New York Times, *Coal Mining Health Study Is Halted by Interior Department* (August 21, 2017).

<https://web.archive.org/web/20220709124738/https://www.nytimes.com/2017/08/21/climate/coal-mining-health-study-is-halted-by-interior-department.html>

⁴⁶¹ House Natural Resources Committee, *The Department of the Interior’s Failure to Cooperate with Congressional Oversight Requests* (September 26, 2019).

<https://web.archive.org/web/20210623062657/https://naturalresources.house.gov/hearings/full-committee-oversight-hearing>

⁴⁶² Letter from Chairmen Raul M. Grijalva, Elijah E. Cummings, and TJ Cox to Acting Interior Secretary David Bernhardt (March 13, 2019).

<https://web.archive.org/web/20220826090152/https://naturalresources.house.gov/imo/media/doc/Grijalva%20Cummings%20Cox%20Letter%20to%20Bernhardt%20on%20FOIA%20Implementation%20Procedures%20March%2013%202019.pdf>

⁴⁶³ Letter from Chairman Elijah E. Cummings to Interior Secretary David Bernhardt (May 31, 2019).

<https://web.archive.org/web/20201212054110/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-31.EEC%20to%20Bernhardt-DOI%20re%20Transcribed%20Interviews.pdf>

information. The Interior Inspector General [found](#)⁴⁶⁴ that the Department was not properly tracking FOIA reviews and failed to provide clear guidance.

Four Refusals to Cooperate with GAO Investigations

The Department of Interior refused to respond to or cooperate with four GAO investigations and legal opinions. First, a GAO investigation requested in 2017 was frustrated when the Interior Department [refused to provide a legal opinion](#)⁴⁶⁵ to GAO on whether tens of millions of dollars were improperly spent by the Bureau of Reclamation as part of an undisclosed plan to subsidize several California water districts formerly represented by Secretary Bernhardt.

Second, GAO was [unable to reach a legal opinion](#)⁴⁶⁶ in 2018 on whether Interior Secretary Ryan Zinke had improperly lobbied Alaska's senators because the Department refused to provide any detailed information about their communication.

Third, the Department [failed to respond](#)⁴⁶⁷ to GAO's request for an explanation of its movement of funds during the December 2018-January 2019 government shutdown, which GAO concluded was illegal.

Finally, GAO was [unable to reach a legal opinion](#)⁴⁶⁸ about the National Park Service's operation of the Old Post Office Building during the same government shutdown because of Interior's failure to respond to its requests for information.

Refusal to Appear at Remote Hearings

During the COVID-19 pandemic in 2020, the Department of Interior [refused](#)⁴⁶⁹ to appear at Committee hearings because the hearings were conducted virtually.

⁴⁶⁴ U.S. Department of the Interior Office of Inspector General, *Lack of Tracking and Unclear Guidance Identified in the U.S. Department of the Interior's Awareness Review Process for Freedom of Information Act Requests* (February 2022). <https://web.archive.org/web/20220322120107/https://www.oversight.gov/sites/default/files/oig-reports/DOI/Final-Report-FOIAAwareness.pdf>

⁴⁶⁵ Letter from Chairmen Jared Huffman and Raul M. Grijalva to Acting Interior Secretary David Bernhardt (April 10, 2019). <https://web.archive.org/web/20220826083310/https://naturalresources.house.gov/imo/media/doc/Grijalva%20Huffman%20Letter%20to%20Bernhardt%20on%20Bureau%20of%20Rec%20Accounting%20April%2010%202019.pdf>

⁴⁶⁶ Government Accountability Office, *U.S. Department of the Interior – Telephone calls between the Secretary of the Interior and United States Senators from Alaska* (June 27, 2018). <https://web.archive.org/web/20210404070812/https://www.gao.gov/products/b-329372>

⁴⁶⁷ Government Accountability Office, *Department of the Interior – Activities at National Parks during the Fiscal Year 2019 Lapse in Appropriations* (September 5, 2019). <https://web.archive.org/web/20210412164239/https://mccollum.house.gov/sites/mccollum.house.gov/files/documents/B-330776%20Parks%20in%20Shutdown%20-%20Final%20Signed%20Opinion%20-%20PDF.PDF>

⁴⁶⁸ Government Accountability Office, *U.S. General Services Administration and U.S. Department of the Interior – Operation of the Old Post Office Observation Tower during the Fiscal Year 2019 Lapse in Appropriations* (September 5, 2019). <https://web.archive.org/web/20210425084332/https://www.gao.gov/products/b-330775>

⁴⁶⁹ House Natural Resources Committee, *Dirty Deals: Four Years of the Trump Administration Putting Polluter Profits Over People* (October 27, 2020), page 29. <https://web.archive.org/web/20210318000113/https://naturalresources.house.gov/imo/media/doc/DirtyDeals.pdf>

Department of Justice

Political Interference in Criminal Cases

In February 2020, the House Judiciary Committee [wrote](#)⁴⁷⁰ Attorney General William Barr to request documents and interviews with Justice Department officials regarding the Attorney General's reduction of the sentencing recommendation for Roger Stone, a Trump campaign advisor, and other examples of political interference in criminal cases. After the Department failed to respond, the Committee [requested](#)⁴⁷¹ investigations by the Inspector General for the Justice Department into the Roger Stone case, the Attorney General's decision to dismiss the criminal case against Michael Flynn, President Trump's first National Security Advisor, and other examples of political interference. Committee Chairman Jerrold Nadler subsequently [introduced legislation](#)⁴⁷² to slash the budget of the Attorney General due in part to his failure to respond to the Committee's request.

The Attorney General's Refusal to Testify

In April 2019, [reports emerged](#)⁴⁷³ that Special Counsel Robert Mueller had written to Attorney General William Barr expressing concern that Mr. Barr's memo summarizing the Special Counsel's Russia investigation "did not fully capture the context, nature, and substance of this Office's work and conclusions" and urging Mr. Barr to release the full content of the Special Counsel's report. When the House Judiciary Committee sought to convene a hearing to review the Special Counsel findings and the Attorney General's role in their release, Mr. Barr [refused to testify](#)⁴⁷⁴ after the Committee informed him he would face 60 minutes of questioning from staff counsel in addition to questioning from Committee members. House rules have [long provided](#)⁴⁷⁵ committees authority to designate counsel for witness questioning at hearings, so this refusal established new precedent.

⁴⁷⁰ Letter from Chairman Jerrold Nadler to Attorney General William Barr (February 28, 2020). https://web.archive.org/web/20210626134200/https://judiciary.house.gov/uploadedfiles/2020-02-28_ltr_to_barr.pdf?utm_campaign=1546-519

⁴⁷¹ Letter from Chairman Jerrold Nadler et al to Inspector General Michael E. Horowitz (May 8, 2020). https://web.archive.org/web/20220211134214/https://judiciary.house.gov/uploadedfiles/2020-05-08_letter_to_ig_horowitz_re_political_interference.pdf?utm_campaign=2735-519

⁴⁷² House Committee on the Judiciary, *House Judiciary Chairman Announces Actions to Hold AG Barr Accountable* (June 2, 2020). <https://web.archive.org/web/20220826052245/https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=2979>

⁴⁷³ Washington Post, *Mueller complained that Barr's letter did not capture 'context' of Trump probe* (April 30, 2019). https://web.archive.org/web/20220205113728/https://www.washingtonpost.com/world/national-security/mueller-complained-that-barrs-letter-did-not-capture-context-of-trump-probe/2019/04/30/d3c8fdb6-6b7b-11e9-a66d-a82d3f3d96d5_story.html

⁴⁷⁴ Reuters, *Defying Congress, U.S. Attorney General Barr to skip Mueller hearing* (May 1, 2019). <https://web.archive.org/web/20220523153740/https://www.reuters.com/article/usa-trump-barr-testimony/defying-congress-u-s-attorney-general-barr-to-skip-mueller-hearing-idUSKCN1S74T6>

⁴⁷⁵ Co-Equal, *Extended Questioning of House Hearing Witnesses*. <https://web.archive.org/web/20220123181709/https://www.co-equal.org/guide-to-congressional-oversight/extended-questioning-of-house-hearing-witnesses>

Role in Citizenship Question

In 2018, the Census Bureau [announced plans](#)⁴⁷⁶ to add a question on citizenship to the 2020 Census, despite research from its own experts indicating that the question would likely reduce responses from households with noncitizens and lead to higher costs and a less accurate count. The House Committee on Oversight and Reform investigated the Justice Department's role in this decision after [reports](#)⁴⁷⁷ emerged that John Gore, the principal deputy attorney general for the Civil Rights Division, had pressured the Commerce Department to add the citizenship question. After Mr. Gore [refused](#)⁴⁷⁸ to answer more than 150 questions during a transcribed interview in March 2019, the Committee issued a subpoena for his deposition testimony. The Trump Administration [took the position](#)⁴⁷⁹ that the congressional rule prohibiting agency counsel to attend congressional depositions of agency officials "unconstitutionally interferes with the President's right to control the disclosure of privileged information." Citing this position, Attorney General William Barr [instructed](#)⁴⁸⁰ Mr. Gore in April 2019 to refuse to comply with the subpoena. The Trump Administration was the first to use these concerns to justify defiance of a congressional subpoena for deposition testimony. Several subsequent attempts by the Committee to [obtain](#)⁴⁸¹ Mr. Gore's deposition testimony failed for the same reason.

A related dispute over document production is discussed in the section on the Commerce Department.

⁴⁷⁶ Pew Research Center, *What to know about the citizenship question the Census Bureau is planning to ask in 2020* (March 30, 2018). <https://web.archive.org/web/20221111094417/https://www.pewresearch.org/fact-tank/2018/03/30/what-to-know-about-the-citizenship-question-the-census-bureau-is-planning-to-ask-in-2020/>

⁴⁷⁷ ProPublica, *The Trump Appointee Behind the Move to Add a Citizenship Question to the Census* (March 7, 2018). <https://web.archive.org/web/20220831053551/https://www.propublica.org/article/john-gore-trump-appointee-citizenship-question-census>

⁴⁷⁸ House Committee on Oversight and Reform, *Supplemental Memo on Transcribed Interview with John Gore Regarding Addition of Citizenship Question to Census* (March 14, 2019). <https://web.archive.org/web/20220824202201/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-03-14.%20Supplemental%20Memo%20on%20Gore%20TI.pdf>

⁴⁷⁹ U.S. Department of Justice, *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees* (May 23, 2019). <https://web.archive.org/web/20211009210026/https://www.justice.gov/sites/default/files/opinions/attachments/2019/11/04/2019-05-23-agency-counsel-2.pdf>

⁴⁸⁰ Washington Post, *Justice Department refuses to comply with congressional subpoena for testimony on citizenship question and 2020 Census* (April 24, 2019). https://web.archive.org/web/20210215061835/https://www.washingtonpost.com/powerpost/justice-department-refuses-to-comply-with-congressional-subpoena-for-testimony-on-citizenship-question-and-2020-census/2019/04/24/d132996a-66a6-11e9-a1b6-b29b90efa879_story.html

⁴⁸¹ House Committee on Oversight and Reform, *Update on Investigation of Census Citizenship Question Since House Held Attorney General Barr and Commerce Secretary Ross in Contempt of Congress* (November 12, 2019), page 16. <https://web.archive.org/web/20220824194831/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-11-12.Memo%20to%20COR%20Members%20re.%20Census.pdf>

Violations of Whistleblower Rights

In 2017, the chair and ranking member of the House Committee on Oversight and Reform Subcommittee on Government Operations sent [bipartisan requests](#)⁴⁸² to multiple federal agencies, including the Justice Department, requesting information on reports that employees were being instructed to sign nondisclosure agreements that may violate their rights under the Whistleblower Protection Act. The Justice Department ignored multiple bipartisan requests for documents and information on these agreements for more than a year. The Republican chair of the committee at the time, Trey Gowdy, [refused](#)⁴⁸³ to issue a subpoena.

Politically Motivated Antitrust Investigations

The House Committee on the Judiciary requested information from the White House and the Department of Justice in 2019 regarding reports that political considerations were influencing the action of the Antitrust Division, such as its opposition to [AT&T's acquisition of Time Warner](#)⁴⁸⁴ and its investigation of [auto industry support for California's vehicle emission standards](#).⁴⁸⁵ The White House did not respond to the Committee's requests. The Justice Department denied that these investigations were political but did not provide any of the requested communications with the White House about the antitrust investigations. In 2020, a senior official in the Antitrust Division [testified](#)⁴⁸⁶ as a whistleblower about these actions.

⁴⁸² Letter from Ranking Members Elijah E. Cummings and Gerald E. Connolly to Chairman Trey Gowdy (April 24, 2018).

<https://web.archive.org/web/20220823081100/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-04-24.EEC%20Connolly%20to%20Gowdy%20re%20WPEA%20Subpoena%20Request.pdf>

⁴⁸³ House Committee on Oversight and Reform, *GOP Blocks 12 More Subpoena Motions* (May 23, 2018).

<https://web.archive.org/web/20220826072013/https://oversight.house.gov/news/press-releases/gop-blocks-12-more-subpoena-motions>

⁴⁸⁴ House Committee on the Judiciary, *Nadler, Cicilline Press for Answers on Whether White House Interfered with AT&T-Time Warner Merger* (March 7, 2019).

<https://web.archive.org/web/20220826014024/https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=336>

⁴⁸⁵ Letter from Chairmen Jerrold Nadler and David N. Cicilline to Pat Cipollone and Makan Delrahim (September 19, 2019).

<https://web.archive.org/web/20220826014402/https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/2019-09-19%20-%20letter%20to%20doj%20-%20ca%20auto%20antitrust.pdf>

⁴⁸⁶ House Committee on the Judiciary, *Testimony of John W. Elias* (June 24, 2020).

<https://web.archive.org/web/20201107235637/https://context-cdn.washingtonpost.com/notes/prod/default/documents/9fda828b-c9ca-4624-a9dc-f744f00fe935/note/f01b9690-59b3-4d98-bbac-9642774df0d3>

Rebuffing Individual Member Requests

In May 2017, the Office of Legal Counsel issued a letter opinion that [concluded](#)⁴⁸⁷ that executive branch responses to the requests of individual members are purely “discretionary,” arguing that individual members have no constitutional authority to conduct oversight in the absence of a specific delegation by a full house, committee, or subcommittee.

Department of State

Retaliation Against Career Officials

In March 2018, the ranking members of the House Foreign Affairs Committee and House Oversight and Reform Committee [requested](#)⁴⁸⁸ documents to investigate allegations that political appointees at the State Department were taking retaliatory personnel actions against career civil servants who were viewed as insufficiently supportive of President Trump. In June 2018, the State Department [refused](#)⁴⁸⁹ to comply, citing the ongoing investigations of this matter by the State Department Office of Inspector General and Office of Special Counsel.

In 2019, the request was [renewed](#)⁴⁹⁰ by the chair of the House Foreign Affairs Committee and the ranking member of the Senate Foreign Relations Committee after the State Department acknowledged that it had no legal basis to withhold production of the same documents to private parties under the Freedom of Information Act. The State Department later produced some documents as a condition of securing a [nomination hearing](#)⁴⁹¹ for Brian Bulatao to serve as Undersecretary of State for Management.

⁴⁸⁷ U.S. Department of Justice, *Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch* (May 1, 2017).

<https://web.archive.org/web/20201204140702/https://www.justice.gov/olc/file/966326/download>

⁴⁸⁸ Letter from Ranking Members Elijah E. Cummings and Eliot L. Engel to General John F. Kelly and Deputy Secretary of State John J. Sullivan (March 15, 2018).

<https://web.archive.org/web/20201210223157/https://foreignaffairs.house.gov/cache/files/3/8/38aebb82-d9e3-4bfb-b88b-a0c3cf9d0a1f/1AD94CBCE786282F0787A89796A965B8.3.15.18-engel-cummings-political-retaliation-letter.pdf>

⁴⁸⁹ Letter from Chairman Eliot L. Engel and Ranking Member Robert Menendez to Secretary of State Michael Pompeo (March 14, 2019), page 19.

<https://web.archive.org/web/20201210223150/https://foreignaffairs.house.gov/cache/files/a/f/af101dbe-1a9f-48e1-b45b-529ad719f84b/CD2EF928DFD650998BD823812EE69808.03.15.19-hfac-sfrc-letter-to-pompeo---prohibited-personnel-practices---with-attachments.pdf>

⁴⁹⁰ Letter from Chairman Eliot L. Engel and Ranking Member Robert Menendez to Secretary of State Michael Pompeo (March 14, 2019), page 4.

<https://web.archive.org/web/20201210223150/https://foreignaffairs.house.gov/cache/files/a/f/af101dbe-1a9f-48e1-b45b-529ad719f84b/CD2EF928DFD650998BD823812EE69808.03.15.19-hfac-sfrc-letter-to-pompeo---prohibited-personnel-practices---with-attachments.pdf>

⁴⁹¹ Roll Call, *Menendez, Pompeo Feud Over Diplomatic Nominees* (October 16, 2018).

<https://web.archive.org/web/20200803095858/https://rollcall.com/2018/10/16/menendez-pompeo-feud-over-diplomatic-nominees/>

Subsequently, the Inspector General found in [one report](#)⁴⁹² that the Trump State Department had a “negative” and “vindictive” environment in which career staff faced retribution for perceived disloyalty to the Trump Administration’s political preferences and found in a [second report](#)⁴⁹³ that Brian Hook, then the Special Representative for Iran, inappropriately retaliated against a senior career official. Nonetheless, the State Department continued to [withhold](#)⁴⁹⁴ certain requested documents and refused to make some key witnesses available, including Mr. Hook.

Firing of Inspector General

In May 2020, President Trump [abruptly fired](#)⁴⁹⁵ State Department Inspector General Steve Linick and replaced him with a political ally. President Trump took this action after the Inspector General released a [critical report](#)⁴⁹⁶ on emergency arms sales to Saudi Arabia and the United Arab Emirates and was in the process of [investigating](#)⁴⁹⁷ whether Secretary Pompeo was using public funds for his personal benefit, including by instructing State Department staff to carry out personal errands, such as walking his dog, and by hosting lavish dinners for corporate and political allies at taxpayer expense. An investigation into the firing was launched by [the House Oversight Committee](#)⁴⁹⁸ and the [House Foreign Affairs Committee](#),⁴⁹⁹ which was joined by Senator Menendez, the ranking member of the Senate Foreign

⁴⁹² House Committee on Oversight and Reform, *Cummings Issues Statement on IG Report Finding Politicized Retaliation in the State Department* (August 16, 2019).

<https://web.archive.org/web/20201210184125/https://oversight.house.gov/news/press-releases/cummings-issues-statement-on-ig-report-finding-politicized-retaliation-in-the>

⁴⁹³ Politico, *Trump aides retaliated against State staffer of Iranian descent, probe finds* (November 13, 2019).

<https://web.archive.org/web/20201202081011/https://www.politico.com/news/2019/11/13/trump-aides-state-department-staffers-070419>

⁴⁹⁴ House Foreign Affairs Committee, *Engel & Menendez Expand Investigations into Politically-Motivated Retaliation at the State Department* (February 27, 2020).

<https://web.archive.org/web/20201210073810/https://foreignaffairs.house.gov/press-releases?ID=02238CE3-FA82-4B08-BABE-83391EA8D6B6>

⁴⁹⁵ NBC News, *Trump fires State Department watchdog* (May 16, 2020).

<https://web.archive.org/web/20220131102211/https://www.nbcnews.com/politics/donald-trump/trump-fires-state-department-watchdog-n1208476>

⁴⁹⁶ U.S. Department of State Office of Inspector General, *Review of the Department of State’s Role in Arms Transfers to the Kingdom of Saudi Arabia and the United Arab Emirates* (August 2020).

https://web.archive.org/web/20221027222432/https://www.stateoig.gov/uploads/report/report_pdf_file/isp-i-20-19_7.pdf

⁴⁹⁷ NBC News, *Pompeo’s elite taxpayer-funded dinners raise new concerns* (May 19, 2020).

<https://web.archive.org/web/20220324102628/https://www.nbcnews.com/news/amp/ncna1210746>

⁴⁹⁸ House Committee on Oversight and Reform, *Maloney, Engel, Connolly, and Castro Condemn Firing of State Department IG After Reports Reveal Ongoing Scrutiny of Pompeo’s Actions* (May 21, 2020).

<https://web.archive.org/web/20220823183139/https://oversight.house.gov/news/press-releases/maloney-engel-connolly-and-castro-condemn-firing-of-state-department-ig-after>

⁴⁹⁹ House Foreign Affairs Committee, *Engel & Menendez Launch Probe into Removal of State Department Inspector General* (May 16, 2020). https://web.archive.org/web/20201026052921/https://foreignaffairs.house.gov/press-releases?ContentRecord_id=164EE59D-12BB-4CF2-B285-2DC1EC36AFC1

Relations Committee. The State Department [refused](#)⁵⁰⁰ to provide any of the records requested by the Committees and [blocked the Office of the Inspector General](#)⁵⁰¹ from sharing with the Committee an unredacted version of the classified addendum to the Inspector General's emergency arms sales report. The State Department also refused to make key witnesses available voluntarily for testimony, forcing the Committees to [issue subpoenas](#).⁵⁰²

An investigation into the firing by the Council of the Inspectors General on Integrity and Efficiency – an independent executive branch oversight panel – [found](#)⁵⁰³ that there was no evidence to substantiate claims of misconduct to justify Mr. Linick's firing. In addition, a subsequent report from the State Department's Office of Inspector General [found](#)⁵⁰⁴ that the investigation into Secretary Pompeo was warranted and that his and his wife's use of staff resources was "inconsistent with Department ethics rules and the Standards of Ethical Conduct for Employees of the Executive Branch."

Cancelled Staff Briefings

The State Department in August 2020 took the retaliatory action of [cancelling](#)⁵⁰⁵ staff-level briefings for the House Foreign Affairs Committee because of the Committee's investigation into the firing of former State Department Inspector General Steve Linick. The cancelled briefings concerned foreign policy and national security matters that had no relation to the inspector general firing, including counterterrorism efforts in Mali, the Islamic State's takeover of a port in Mozambique, and the closure of a consulate in China.

⁵⁰⁰ House Foreign Affairs Committee, *Engel Remarks at Hearing on Firing of the State Department Inspector General* (September 16, 2020). <https://web.archive.org/web/20201026145441/https://foreignaffairs.house.gov/press-releases?ID=44E7AAD3-E2BE-487A-ACD2-99A5198AFD64>

⁵⁰¹ House Foreign Affairs Committee, *Engel Statement on State Department's Pre-Spin of OIG Arms Sales Report* (August 10, 2020). <https://web.archive.org/web/20201218003405/https://foreignaffairs.house.gov/press-releases?ID=1FABD803-6472-4484-8CCE-7D285E4F93DD>

⁵⁰² House Foreign Affairs Committee, *Engel, Maloney, and Menendez Announce Subpoenas for Additional Witnesses in Investigation of IG Linick's Firing and Release Details of Recent Witness Testimony* (August 3, 2020). <https://web.archive.org/web/20201210191714/https://foreignaffairs.house.gov/press-releases?ID=2D1AB73A-A4DA-4641-8631-6894E0B78A89>

⁵⁰³ House Foreign Affairs Committee, *Engel Releases Inspector Report Refuting Pompeo's Smears Against Former State Department Inspector General* (December 31, 2020). <https://web.archive.org/web/20210101055309/https://foreignaffairs.house.gov/press-releases?ID=3EA33CB4-77F2-473C-8712-7E2D25E70C09>

⁵⁰⁴ PBS News Hour, *State Department watchdog says Pompeo, wife violated ethics rules* (April 16, 2021). <https://web.archive.org/web/20211124175656/https://www.pbs.org/newshour/politics/state-department-watchdog-says-pompeo-wife-violated-ethics-rules>

⁵⁰⁵ House Foreign Affairs Committee, *Engel Statement on State Department Temper Tantrum* (August 18, 2020). <https://web.archive.org/web/20210320212838/https://foreignaffairs.house.gov/press-releases?ID=3A932905-1850-487B-948C-F04381D10C8D>

Burisma

In May 2020, as part of an inquiry into whether the State Department was misusing official resources for partisan purposes, House Foreign Affairs Committee Chairman Eliot Engel [requested](#)⁵⁰⁶ that the State Department produce documents regarding the family of then-presidential candidate Joe Biden and the Ukrainian energy company Burisma. The State Department had previously provided these documents to the Republican-chaired Senate Committee on Finance and Senate Committee on Homeland Security and Governmental Affairs. The Department declined to provide these documents, and it continued to refuse to provide them after the Committee issued a [subpoena](#)⁵⁰⁷ for them on July 31, 2020. It was only after Chairman Engel threatened to hold Secretary of State Pompeo in contempt that the Department [ultimately provided](#)⁵⁰⁸ some of the subpoenaed documents.

Misuse of Official Resources

The House Foreign Affairs Committee investigated Secretary of State Mike Pompeo for [participating virtually in the Republican National Convention](#)⁵⁰⁹ while on an official trip to Jerusalem and using taxpayer funds to [travel the country](#)⁵¹⁰ delivering political speeches in the weeks preceding the 2020 election, despite State Department legal guidance prohibiting political appointees from even attending partisan events. The State Department did not provide any documents to the Committee, which prompted the Committee to issue another [request for documents](#)⁵¹¹ in November 2020. The Biden Administration later provided documents pursuant to this inquiry.

⁵⁰⁶ Letter from Chairman Eliot L. Engel to Secretary of State Mike Pompeo (May 21, 2020). <https://web.archive.org/web/20210625115936/https://foreignaffairs.house.gov/cache/files/5/7/577bfdef-657a-48d7-b8e9-1b91229daf5d/404E6B8B9F59DEDDBA792009808D9C91.5-21-2020.ele-letter-to-pompeo.pdf>

⁵⁰⁷ House Foreign Affairs Committee, *Engel Subpoenas Records from Pompeo-Senate GOP Smear Campaign against Bidens* (July 31, 2020). <https://web.archive.org/web/20210920231142/https://foreignaffairs.house.gov/2020/7/engel-subpoenas-records-from-pompeo-senate-gop-smear-campaign-against-bidens>

⁵⁰⁸ House Foreign Affairs Committee, *Engel Obtains State Department Records Provided to Senate Committees in Biden Smear* (September 18, 2020). <https://web.archive.org/web/20210324133844/https://foreignaffairs.house.gov/2020/9/engel-obtains-state-department-records-provided-to-senate-committees-in-biden-smear>

⁵⁰⁹ Office of Joaquin Castro, *Chairman Castro Launches Investigation of the U.S. Secretary of State's Participation in the Republican National Convention* (August 25, 2020). <https://web.archive.org/web/20211204033019/https://castro.house.gov/media-center/press-releases/chairman-castro-launches-investigation-of-the-us-secretary-of-states-participation-in-the-republican-national-convention>

⁵¹⁰ House Foreign Affairs Committee, *Engel & Castro Demand Records on Pompeo's Recent Political Speeches* (October 5, 2020). <https://web.archive.org/web/20211016190602/https://foreignaffairs.house.gov/press-releases?ID=76E5816D-3EB1-455F-81D1-9ABFFAD6CE10>

⁵¹¹ Letter from Chairmen Eliot L. Engel and Joaquin Castro to Undersecretary of State Brian Bulatao and Acting Legal Adviser Marik String (November 19, 2020). <https://web.archive.org/web/20210622135115/https://foreignaffairs.house.gov/cache/files/8/1/8117e9fe-e884-454a-bac9-f391def8e6dd/A161B59F27C2937B533C87C0E3190F32.11-19-2020.-ele-castro-letter-to-bulatao-string.pdf>

North Korea

As President Trump engaged North Korean leader Kim Jong-un in nuclear negotiations, the Trump Administration cut off congressional committees' access to intelligence regarding North Korea's nuclear and conventional weapons, refused to brief senior-level staff on the committees of jurisdiction, and failed to produce a required report to Congress on the status of North Korea's nuclear program. The Chairs of the House Committees on Foreign Affairs, Armed Services, and Intelligence [wrote](#)⁵¹² to insist that Congress be fully briefed and that the Administration submit a report to Congress as required by the 2019 National Defense Authorization Act. Despite the letter, the flow of information about North Korea remained restricted. Blocking or restricting access to intelligence analysis due to concerns it would contradict policymaker statements politicizes the intelligence community.

Afghanistan Negotiations

During peace talks between the Taliban, the Afghan government, and the U.S., the State Department [repeatedly refused](#)⁵¹³ to make the U.S.'s top negotiator, Ambassador Zalmay Khalilzad, available to brief members of the House Foreign Affairs Committee. The Committee was forced to [subpoena](#)⁵¹⁴ Ambassador Khalilzad to obtain the briefing it sought.

Use of Force in Iran

Days after President Trump [ordered and then quickly reversed](#)⁵¹⁵ military strikes against Iran in retaliation for shooting down an American surveillance drone, the House Foreign Affairs Committee [requested](#)⁵¹⁶ legal analysis from the State Department about "whether the Administration believes that it has the legal authorization, under either the 2001 or 2002 Authorization for Use of Military Force (AUMFs), to attack the Islamic Republic of Iran." The request specifically sought documents that existed prior to the letter to understand the administration's internal rationale during a period of heightened

⁵¹² House Foreign Affairs Committee, *Engel, Smith, & Schiff to Trump: Stop Withholding Information on North Korea from Congress* (February 21, 2019).

<https://web.archive.org/web/20211024061619/https://foreignaffairs.house.gov/press-releases?ID=08248EF4-8ECC-41FB-B8A1-21114B44E682>

⁵¹³ House Foreign Affairs Committee, *House Foreign Affairs Committee Democrats Demand State Department Transparency on Afghanistan* (April 8, 2019).

<https://web.archive.org/web/20211023080215/https://foreignaffairs.house.gov/press-releases?ID=A4B1750C-22F7-4930-93E4-8267E2477C30>

⁵¹⁴ Reuters, *U.S. House committee reaches deal for testimony by Trump Afghan envoy* (September 18, 2019).

<https://web.archive.org/web/20220524084602/https://www.reuters.com/article/us-usa-afghanistan-khalilzad/u-s-house-committee-reaches-deal-for-testimony-by-trump-afghan-envoy-idUSKBN1W332O>

⁵¹⁵ New York Times, *Strikes on Iran Approved by Trump, Then Abruptly Pulled Back* (June 20, 2019).

<https://web.archive.org/web/20221115000705/https://www.nytimes.com/2019/06/20/world/middleeast/iran-us-drone.html>

⁵¹⁶ House Foreign Affairs Committee, *Engel & Deutch Demand State Department's Legal Opinions on Use of Force against Iran* (June 26, 2019).

<https://web.archive.org/web/20221114011940/https://foreignaffairs.house.gov/press-releases?ID=6E0AD02E-DAEE-424F-A3EE-18408F63C45C>

tension. In response, the State Department provided a briefing, but refused to produce documents that existed prior to the date of the letter.

Sidelining Diplomats During Trip to Saudi Arabia

After senior White House aide Jared Kushner traveled to Saudi Arabia in February 2019 without involving diplomats at the U.S. Embassy in the planning or execution of sensitive meetings, House Foreign Affairs Committee Chairman Eliot Engel [wrote](#)⁵¹⁷ to Secretary of State Mike Pompeo to request a briefing and documents on the trip and an explanation of why an official visit from a White House aide was conducted without oversight or support from State Department diplomats. The State Department failed to provide the bulk of the requested documents beyond a small production that lacked sufficient details responsive to the request.

WHO Defunding

In April 2020, President Trump [announced](#)⁵¹⁸ his intention to cut off funds to the World Health Organization (WHO), criticizing the organization's pandemic response in an attempt to deflect blame from his own administration's handling of the crisis. Medical experts decried the decision, saying that it would undermine international cooperation and research needed to bring the pandemic under control. In response, House Foreign Affairs Committee Chairman Eliot Engel [requested](#)⁵¹⁹ documents from the State Department explaining the administration's process and justification for reaching this decision. The State Department failed to produce any relevant documents.

Refusal to Testify at Budget Hearings

In 2020, Secretary of State Mike Pompeo repeatedly [refused](#)⁵²⁰ to comply with requests that he testify before the House Appropriations Committee's Subcommittee on State, Foreign Operations, and Related Programs. By failing to attend, Secretary Pompeo violated the [longstanding practice](#)⁵²¹ of agency heads appearing before appropriations subcommittees to justify their annual budget requests.

⁵¹⁷ Daily Beast, *House Chairman Demands Briefing on Kushner's Trip to Saudi Arabia* (March 29, 2019). <https://web.archive.org/web/20220518061651/https://www.thedailybeast.com/house-foreign-affairs-committee-chairman-eliot-engel-demands-briefing-on-kushner-trip-to-saudi-arabia>

⁵¹⁸ Politico, *Trump halts funding to World Health Organization* (April 14, 2020). <https://web.archive.org/web/20220807235957/https://www.politico.com/news/2020/04/14/trump-world-health-organization-funding-186786>

⁵¹⁹ Letter from Chairman Eliot L. Engel to Secretary of State Mike Pompeo (April 27, 2020). <https://web.archive.org/web/20220901060617/https://foreignaffairs.house.gov/cache/files/6/e/6ebd95bd-76ff-4eeb-afc8-56ff96206c04/8CD54BDD144026EDC5618B546B0C9054.4-27-2020-ele-letter-to-pompeo-who-doc-request.pdf>

⁵²⁰ Letter from Chairwoman Nita M. Lowey to Secretary of State Michael R. Pompeo (March 9, 2020). <https://web.archive.org/web/20200808130829/https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/Pompeo%20Letter%20signed.pdf>

⁵²¹ Congressional Research Service, *Voluntary Testimony by Executive Branch Officials: An Introduction* (November 27, 2019), page 9. <https://web.archive.org/web/20201218012832/https://crsreports.congress.gov/product/pdf/R/R46061>

Refusal to Testify at Virtual Hearings

In June 2020, the State Department and the U.S. Agency for International Development, joined by the Departments of Defense and Homeland Security, announced plans to implement the [U.S. Strategy on Women, Peace, and Security](#).⁵²² The announcement occurred a few months into the COVID-19 pandemic, when House and Senate committees were regularly conducting hearings remotely. The Administration [refused](#)⁵²³ a House Committee on Oversight and Reform Subcommittee on National Security request for testimony on the strategy from representatives of these agencies, citing White House guidance providing that agency officials will not testify unless the committee chairman and witnesses appear in person. Just a few weeks earlier, senior officials from each of these agencies had participated in an [online webinar forum](#)⁵²⁴ on the same topic hosted by the American Enterprise Institute.

Department of Transportation

Use of Official Resources for Personal Purposes

After [news reports](#)⁵²⁵ emerged that Transportation Secretary Elaine Chao used public resources to promote her family's shipping company, the House Oversight Committee [requested documents](#)⁵²⁶ about Secretary Chao's compliance with ethics agreements. The Department of Transportation [provided](#)⁵²⁷ extensively and improperly redacted documents, and it agreed to an *in camera* review of documents only after being threatened with a subpoena. An Inspector General report later [found](#)⁵²⁸ that Secretary

⁵²² U.S. Department of Homeland Security, *DHS Moves to Promote Global Peace, Stability, and Security by Enhancing Women's Leadership Around the World Through Whole-of-Government Strategy* (June 11, 2020). <https://web.archive.org/web/20200814141335/https://www.dhs.gov/news/2020/06/11/dhs-moves-promote-global-peace-stability-and-security-enhancing-women-s-leadership>

⁵²³ Letter from Chairwoman Carolyn B. Maloney and Chairman Stephen F. Lynch to Secretary of State Michael R. Pompeo, Secretary of Defense Mark T. Esper, Acting Administrator of U.S. AID John Barsa, and Acting Secretary of Homeland Security Chad F. Wolf (June 30, 2020). <https://web.archive.org/web/20201211135840/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-06-30.CBM%20SFL%20to%20State%20USAID%20DOD%20DHS%20re%20Hearings.pdf>

⁵²⁴ American Enterprise Institute, *Advancing the Women, Peace, and Security Strategy in 2020* (June 11, 2020). <https://web.archive.org/web/20200728091728/https://www.aei.org/events/webinar-advancing-the-women-peace-and-security-strategy-in-2020/>

⁵²⁵ New York Times, *A 'Bridge' to China, and Her Family's Business, in the Trump Cabinet* (June 2, 2019). <https://web.archive.org/web/20201223204244/https://www.nytimes.com/2019/06/02/us/politics/elaine-chao-china.html>

⁵²⁶ House Committee on Oversight and Reform, *Oversight Launches Investigation of Ethics Allegations Against Chao* (September 16, 2019). <https://web.archive.org/web/20201210181041/https://oversight.house.gov/news/press-releases/oversight-launches-investigation-of-ethics-allegations-against-chao>

⁵²⁷ House Committee on Oversight and Reform, *Ethics Investigation: Secretary of Transportation Elaine Chao, Select Investigation Documents* (December 7, 2020). <https://web.archive.org/web/20210402180818/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Selected%20Documents%20-%20Ethics%20Investigation%20Sec.%20Elaine%20Chao.pdf>

⁵²⁸ House Committee on Oversight and Reform, *Committee Leaders Release DOT Inspector General's Ethics Report on Former Secretary Elaine Chao* (March 3, 2021).

Chao improperly used official resources for personal tasks, to benefit her family's company, and to promote her father's book.

Director of National Intelligence

Khashoggi Killing

In October 2018, Saudi journalist Jamal Khashoggi, who had been living in Washington, D.C., and writing for the *Washington Post*, was [killed and dismembered](#)⁵²⁹ by Saudi agents when he entered the Saudi consulate in Istanbul, Turkey. After President Trump [refused](#)⁵³⁰ to demand a U.S. investigation of the matter, Congress in December 2019 enacted provisions in the National Defense Authorization Act for Fiscal Year 2020 ([§ 1277](#)⁵³¹ [§ 5714](#)⁵³²) requiring the DNI to release an unclassified report on the murder within 30 days. The Trump Administration ignored the law, providing only a classified report in February 2020. In separate letters, the Chairman of the House Intelligence Committee and the bipartisan leaders of the Senate Intelligence Committee [demanded](#)⁵³³ that the DNI declassify the key information and comply with the law, but the Trump Administration refused. Congress did not receive the declassified report until its [release](#)⁵³⁴ by the Biden Administration in February 2021.

<https://web.archive.org/web/20211215150902/https://oversight.house.gov/news/press-releases/committee-leaders-release-dot-inspector-general-s-ethics-report-on-former>

⁵²⁹ New York Times, *Audio Offers Gruesome Details of Jamal Khashoggi Killing, Turkish Official Says* (October 17, 2018).

<https://web.archive.org/web/20210813154136/https://www.nytimes.com/2018/10/17/world/europe/turkey-saudi-khashoggi-dismember.html>

⁵³⁰ Washington Post, *Trump brushes off calls to investigate Jamal Khashoggi's death* (June 23, 2019).

<https://web.archive.org/web/20211202120121/https://www.washingtonpost.com/politics/2019/06/23/trump-brushes-off-calls-investigate-jamal-khashoggis-death/>

⁵³¹ National Defense Authorization Act for Fiscal Year 2020, Section 1277, *Report on Intelligence Community Assessment Relating to the Killing of Washington Post Columnist Jamal Khashoggi* (December 20, 2019), page 505.

<https://web.archive.org/web/20210803225704/https://www.congress.gov/116/plaws/publ92/PLAW-116publ92.pdf>

⁵³² National Defense Authorization Act for Fiscal Year 2020, Section 5714, *Report on Death of Jamal Khashoggi* (December 20, 2019), page 977.

<https://web.archive.org/web/20210803225704/https://www.congress.gov/116/plaws/publ92/PLAW-116publ92.pdf>

⁵³³ Washington Post, *Lawmakers want the DNI to make public the intelligence community's assessment of who's responsible for killing Jamal Khashoggi* (March 3, 2020).

https://web.archive.org/web/20210829023319/https://www.washingtonpost.com/national-security/lawmakers-want-the-dni-to-make-public-the-intelligence-communitys-assessment-of-whos-responsible-for-killing-jamal-khashoggi/2020/03/03/aafa70ee-5d07-11ea-9055-5fa12981bbbf_story.html

⁵³⁴ Office of the Director of National Intelligence, *Assessing the Saudi Government's Role in the Killing of Jamal Khashoggi* (February 11, 2021).

<https://web.archive.org/web/20210306063802/https://int.nyt.com/data/documenttools/the-report-on-jamal-khashoggi-killing/ddc9578e0994f690/full.pdf>

Intelligence Briefings

The Intelligence Reform and Terrorism Prevention Act of 2004 requires that the Director of National Intelligence “fully and completely inform” Congress on intelligence matters. In August 2020, however, the Director’s office [halted](#)⁵³⁵ its long-standing practice of providing in-person briefings, stating that briefings on election security would only occur in writing. This abrupt change came after a top intelligence official warned publicly that foreign adversaries like Russia could seek to compromise election security and undermine confidence in the democratic process. A [bicameral letter](#)⁵³⁶ from leaders of committees with jurisdiction over federal elections requested that the in-person briefings be restored, but the request was ignored.

Environmental Protection Agency

Formaldehyde

In 2018, reports emerged that the EPA was [suppressing](#)⁵³⁷ a report warning of the dangers of formaldehyde. From March to October 2019, the House Committee on Science, Space, and Technology sent four written requests for a briefing from a key official and production of documents ([March 4, 2019, letter](#),⁵³⁸ [April 3, 2019, letter](#),⁵³⁹ [July 18, 2019, letter](#),⁵⁴⁰ [October 29, 2019, letter](#)⁵⁴¹). In response to

⁵³⁵ Washington Post, *Senior intelligence officials will no longer brief Congress in person on foreign threats to the 2020 election* (August 29, 2020).

https://web.archive.org/web/20201105083140/https://www.washingtonpost.com/national-security/senior-intelligence-officials-will-no-longer-brief-congress-in-person-on-foreign-threats-to-the-2020-election/2020/08/29/2ec10112-ea35-11ea-97e0-94d2e46e759b_story.html

⁵³⁶ Letter from Senator Amy Klobuchar et al to Director of National Intelligence John Ratcliffe (August 31, 2020). https://web.archive.org/web/20201211041354/https://www.feinstein.senate.gov/public/_cache/files/6/8/688b5967-1ce1-49a2-9b76-52c5628d6d53/F0D1D2EFADDEA8A575C79EFA8CF56C6C.2020.08.31-dni-letter.pdf

⁵³⁷ Politico, *Sources: EPA blocks warnings on cancer-causing chemical* (July 6, 2018). <https://web.archive.org/web/20201121115849/https://www.politico.com/story/2018/07/06/epa-formaldehyde-warnings-blocked-696628>

⁵³⁸ Senate Committee on Environment and Public Works, *Members Urge EPA to Complete Formaldehyde Assessment, Open Investigations on Compliance with Agency’s Scientific Integrity Policy and Political Appointee’s Potential Ethics Violation* (March 4, 2019). <https://web.archive.org/web/20201213005919/https://www.epw.senate.gov/public/index.cfm/2019/3/members-urge-epa-to-complete-formaldehyde-health-assessment-open-investigations-on-compliance-with-agency-s-scientific-integrity-policy-and-political-appointee-s-potential-ethics-violation>

⁵³⁹ Letter from Chairwomen Eddie Bernice Johnson and Mikie Sherrill to Environmental Protection Agency Administrator Andrew Wheeler (April 3, 2019). <https://web.archive.org/web/20201210180051/https://science.house.gov/imo/media/doc/4.3.19%20Wheeler%20letter%20EPA%20IRIS.pdf>

⁵⁴⁰ Letter from Chairwoman Eddie Bernice Johnston to Environmental Protection Agency Administrator Andrew Wheeler (July 18, 2019). <https://web.archive.org/web/20201210180230/https://science.house.gov/imo/media/doc/7.18.19%20Letter%20to%20Wheeler%20regarding%20IRIS.pdf>

⁵⁴¹ Letter from Chairwoman Eddie Bernice Johnston to Environmental Protection Agency Administrator Andrew Wheeler (October 29, 2019).

the document requests, EPA [primarily produced](#)⁵⁴² materials that were either irrelevant, nonresponsive, or extensively redacted, including documents that were already public and scans of morning news clips from Politico. In response to the briefing request, EPA [sent another official](#),⁵⁴³ who was not involved in the core decision-making and not prepared to answer basic questions on the EPA's decision to stop the review. Faced with the threat of subpoenas, the EPA offered *in camera* review of responsive documents. The Committee rejected these offers and [issued subpoenas](#)⁵⁴⁴ for production of the documents and testimony of the EPA official. It was only after being subpoenaed that the official finally appeared before the Committee for a transcribed interview.

Hurricane Harvey Response

In September 2017, after Hurricane Harvey caused the release of toxic chemicals and other hazardous materials into the environment, EPA [rejected](#)⁵⁴⁵ an offer from NASA to collect air quality data over the Houston area. In March 2019, the House Committee on Science, Space, and Technology [requested](#)⁵⁴⁶ documents on that decision from NASA and the EPA. While NASA complied with the Committee's request, turning over relevant documents, including their correspondence with EPA, EPA missed Committee deadlines, [produced](#)⁵⁴⁷ only irrelevant materials, and [withheld](#)⁵⁴⁸ its emails and other relevant documents.

<https://web.archive.org/web/20201210180238/https://science.house.gov/imo/media/doc/10.29.19%20Wheeler%20final%20IRIS%20letter%20.pdf>

⁵⁴² The Hill, *What has EPA been hiding about formaldehyde?* (November 16, 2019).

<https://web.archive.org/web/20200805171221/https://thehill.com/blogs/congress-blog/energy-environment/470737-what-has-epa-been-hiding-about-formaldehyde/>

⁵⁴³ The Hill, *What has EPA been hiding about formaldehyde?* (November 16, 2019).

<https://web.archive.org/web/20200805171221/https://thehill.com/blogs/congress-blog/energy-environment/470737-what-has-epa-been-hiding-about-formaldehyde/>

⁵⁴⁴ House Committee on Science, Space, and Technology, *Science Committee Chairwoman Issues Subpoenas to EPA* (November 15, 2019). <https://web.archive.org/web/20201124191455/https://science.house.gov/news/press-releases/science-committee-chairwoman-issues-subpoenas-to-epa>

⁵⁴⁵ Los Angeles Times, *Must Reads: Post-Hurricane Harvey, NASA tried to fly a pollution-spotting plane over Houston. The EPA said no* (March 5, 2019).

<https://web.archive.org/web/20201203015318/https://www.latimes.com/local/california/la-me-nasa-jet-epa-hurricane-harvey-20190305-story.html>

⁵⁴⁶ House Committee on Science, Space, and Technology, *Science Committee Chairs Question Decision to Halt NASA Air Pollution Monitoring in Aftermath of Hurricane Harvey* (March 6, 2019).

<https://web.archive.org/web/20200808011617/https://science.house.gov/news/press-releases/science-committee-chairs-question-decision-to-halt-nasa-air-pollution-monitoring-in-aftermath-of-hurricane-harvey>

⁵⁴⁷ Los Angeles Times, *EPA refuses to give Congress documents on its rejection of NASA flight after Hurricane Harvey* (June 26, 2019). <https://web.archive.org/web/20200226125100/https://www.latimes.com/politics/la-me-epa-refuses-turnover-docs-nasa-20190626-story.html>

⁵⁴⁸ Letter from Chairs Eddie Bernice Johnson, Lizzie Fletcher, and Mikie Sherrill to Environmental Protection Agency Administrator Andrew Wheeler (June 26, 2019).

<https://web.archive.org/web/20201010081940/https://science.house.gov/imo/media/doc/6.26.19%20Letter%20to%20Administrator%20Wheeler.pdf>

Rollback of Climate Regulations

In 2018, the ranking member of the House Energy and Commerce Committee and two subcommittee ranking members [requested information](#)⁵⁴⁹ on EPA's decision to roll back the Clean Power Plan, fuel economy standards for vehicles, and a rule on methane emissions, despite the escalating threat of climate change. This request was [repeated](#)⁵⁵⁰ in February 2019 when the members became the Chair of the full committee and Chairs of two of its subcommittees. In May 2019, the Committee [wrote again](#)⁵⁵¹ seeking specific information about the rollback of the vehicle standards. EPA failed to respond to these requests for information justifying these changes.

Rollback of Mercury and Air Toxics Protections

In 2019, the House Energy and Commerce Committee [requested](#)⁵⁵² information from EPA on the agency's efforts to roll back regulations limiting emissions of mercury and other air toxics. EPA provided only a partial response that failed to address the breadth of the requested information and [refused](#)⁵⁵³ to send a witness when the Committee held a hearing on the rollbacks.

PFAS in Drinking Water

Following [reports](#)⁵⁵⁴ that industry influence led political appointees at the White House and EPA to block the release of a chemical hazard study on the safety of perfluorinated compounds (PFAS) in drinking

⁵⁴⁹ Letter from Ranking Members Frank Pallone, Jr., Diana DeGette, and Paul D. Tonko to Environmental Protection Agency Administrator Andrew Wheeler (November 20, 2018).

https://web.archive.org/web/20201124074842/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/EPA.2018.11.20.%20Letter%20re%20Climate%20Change.%20EE.OI_.pdf

⁵⁵⁰ Letter from Chairs Frank Pallone, Jr., Diana DeGette, and Paul D. Tonko to Environmental Protection Agency Administrator Andrew Wheeler (February 8, 2019).

<https://web.archive.org/web/20221108223903/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/EPA.%202019.02.08.%20Letter%20to%20Wheeler%20re%20Climate%20Rules..pdf>

⁵⁵¹ House Committee on Energy & Commerce, *Pallone, Carper Demand Documents, Other Information Related to Wheeler's Dubious Defenses of Fuel Economy Rollback* (May 23, 2019).

<https://web.archive.org/web/20221108210504/https://energycommerce.house.gov/newsroom/press-releases/pallone-carper-demand-documents-other-information-related-to-wheeler-s>

⁵⁵² House Committee on Energy & Commerce, *E&C Democratic Leaders Demand Information on Dangerous EPA Clean Air Rollbacks* (January 28, 2019).

<https://web.archive.org/web/20220811213703/https://energycommerce.house.gov/newsroom/press-releases/ec-democratic-leaders-demand-information-on-dangerous-epa-clean-air>

⁵⁵³ House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, *Opening Statement of Chairwoman Diana DeGette at Hearing on "Undermining Mercury Protections: EPA Endangers Human Health and the Environment"* (May 21, 2019).

https://web.archive.org/web/20220825170442/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/2019.5.21.DeGETTE.%20Mercury%20Hearing.OI_.pdf

⁵⁵⁴ Politico, *White House, EPA headed off chemical pollution study* (May 14, 2018).

<https://web.archive.org/web/20220826080453/https://www.politico.com/story/2018/05/14/emails-white-house-interfered-with-science-study-536950>

water, the House Energy and Commerce Committee minority [requested](#)⁵⁵⁵ documents and information in 2018 on the role of EPA’s political leaders and the chemical industry in the decision. The EPA refused to provide documents or a substantive response, and the new Committee majority [renewed the request](#)⁵⁵⁶ in 2019. [EPA provided a partial response](#),⁵⁵⁷ including redacted documents that did not fully address the committee’s requests.

Lack of EPA Enforcement

During the first year of the Trump administration, EPA brought 20 percent fewer civil actions and 30 percent fewer criminal actions against polluters than the previous year. The House Energy and Commerce Committee requested a [GAO investigation](#),⁵⁵⁸ which the EPA [stonewalled](#).⁵⁵⁹

General Services Administration

Trump Hotel

In 2013, Donald Trump entered into a lease with the General Services Administration (GSA) to develop the Trump Hotel on the federal property formerly known as the Old Post Office Building. After Mr. Trump was elected President and refused to divest his ownership stake in his businesses, the House Committee on Transportation and Infrastructure and the House Oversight Committee [investigated](#)⁵⁶⁰ his apparent breach of the lease clause prohibiting elected officials from benefiting from the lease and related potential violations of the Emoluments Clause of the Constitution. From 2017 to 2020, the

⁵⁵⁵ House Committee on Energy and Commerce, *E&C Democrats Want Answers on Whether Industry Influenced EPA’s Efforts to Suppress Public Health Study* (May 21, 2018).

<https://web.archive.org/web/20220924132117/https://energycommerce.house.gov/newsroom/press-releases/ec-democrats-want-answers-on-whether-industry-influenced-epa-s-efforts-to>

⁵⁵⁶ House Committee on Energy and Commerce, *E&C Leaders Renew Information Request on Whether Industry Influenced EPA’s Suppression of Public Health Study on PFAS* (January 29, 2019).

<https://web.archive.org/web/20221108215835/https://energycommerce.house.gov/newsroom/press-releases/ec-leaders-renew-information-request-on-whether-industry-influenced-epa-s>

⁵⁵⁷ House Committee on Energy and Commerce, *Memorandum re Legislative Hearing on “Protecting Americans at Risk of PFAS Contamination and Exposure* (May 13, 2019).

https://web.archive.org/web/20220119200819/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Briefing%20Memo_ECC%20Hearing_2019.05.15.%20PFAS%20Legislation_final_1.pdf

⁵⁵⁸ Letter from Ranking Members Frank Pallone, Jr., Paul D. Tonko, and Diana DeGette to Comptroller General Gene L. Dodaro (April 24, 2018).

https://web.archive.org/web/20220930145100/https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/GAO.2018.04.24.%20State%20Enforcement%20Request.%20EE.OI_.pdf

⁵⁵⁹ House Committee on Energy and Commerce, *Committee Leaders Condemn EPA’s Stonewalling of GAO Enforcement Investigation* (March 3, 2020).

<https://web.archive.org/web/20220928074524/https://energycommerce.house.gov/newsroom/press-releases/committee-leaders-condemn-epa-s-stonewalling-of-gao-enforcement>

⁵⁶⁰ House Committee on Transportation and Infrastructure, *GSA’s Management of the Old Post Office Building Lease*. <https://web.archive.org/web/20220826053859/https://transportation.house.gov/committee-activity/issue/gsas-management-of-the-old-post-office-building-lease?1>

Administration refused to comply with Committee document requests and ultimately a document subpoena from the House Committee on Transportation and Infrastructure and its Subcommittee on Economic Development, Public Buildings, and Emergency Management. As the Transportation and Infrastructure Committee explained in a [March 2021 letter](#),⁵⁶¹ GSA never provided relevant financial records and legal memos to Congress.

As part of the investigative efforts, the House Oversight Committee made a request for documents under the “Seven Member Rule” ([5 U.S.C. § 2954](#)),⁵⁶² which requires a federal agency to “submit any information requested of it relating to any matter within the jurisdiction of the committee” when requested by seven or more members of the House Oversight Committee. When GSA refused to comply, the members sued GSA. A three-judge panel D.C. Circuit [upheld](#)⁵⁶³ the standing of the members to sue in 2020, a decision that was [affirmed](#)⁵⁶⁴ by the full court in 2022 after a rehearing en banc.

Office of Management and Budget

Elimination of Office of Personnel Management

In response to a Trump Administration plan to eliminate the Office of Personnel Management and divide its responsibilities between the White House, the Department of Defense, and the General Services Administration, the House Committee on Oversight and Reform [requested](#)⁵⁶⁵ a number of documents, including a legal analysis, a cost-benefit analysis, and information on how this proposed change would affect civil service policies. After two written requests and two committee hearings, OMB [refused](#)⁵⁶⁶ to provide these analyses, and materials that were provided to the committee had substantive legal

⁵⁶¹ House Committee on Transportation and Infrastructure, *Chairs DeFazio and Titus Re-Submit Records Request Related to Trump Hotel Lease at the Old Post Office Building* (March 16, 2021).

<https://web.archive.org/web/20220826051631/https://transportation.house.gov/news/press-releases/chairs-defazio-and-titus-re-submit-records-request-related-to-trump-hotel-lease-at-the-old-post-office-building>

⁵⁶² 5 U.S. Code § 2954, *Information to committees of Congress on request*.

<https://web.archive.org/web/20220331234606/https://www.law.cornell.edu/uscode/text/5/2954>

⁵⁶³ U.S. Court of Appeals for the District of Columbia Circuit, *Carolyn Maloney et al. v. Emily W. Murphy, Administrator, General Services Administration* (December 29, 2020).

<https://web.archive.org/web/20221117215324/https://www.govinfo.gov/content/pkg/USCOURTS-caDC-18-05305/pdf/USCOURTS-caDC-18-05305-0.pdf>

⁵⁶⁴ U.S. Court of Appeals for the District of Columbia Circuit, *Carolyn Maloney et al. v. Robin Carnahan, Administrator, General Services Administration* (August 8, 2022).

[https://web.archive.org/web/20220809110123/https://www.cadc.uscourts.gov/internet/opinions.nsf/B13039A09845837085258898006E437E/\\$file/18-5305-1958322.pdf](https://web.archive.org/web/20220809110123/https://www.cadc.uscourts.gov/internet/opinions.nsf/B13039A09845837085258898006E437E/$file/18-5305-1958322.pdf)

⁵⁶⁵ Letter from Chairman Gerald E. Connolly to Acting Director of the Office of Personnel Management Margaret Weichert (March 22, 2019).

<https://web.archive.org/web/20221108224634/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-03-22.GEC%20to%20Weichert-OPM%20re%20Witness%20Invite%20for%205-1%20Gov%20Ops%20Hearing.pdf>

⁵⁶⁶ Letter from Chairmen Elijah E. Cummings and Gerald E. Connolly to Acting Director of the Office of Personnel Management Margaret Weichert (July 15, 2019).

<https://web.archive.org/web/20221108232735/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-07-15.%20EEC%20GEC%20to%20Weichert-OPM%20OMB%20re%20Follow%20up.pdf>

discussions redacted. President Trump ultimately [dropped](#)⁵⁶⁷ the plan after facing bipartisan pushback from Congress.

National Labor Relations Board

Conflicts of Interest

When President Trump appointed William Emanuel to the NLRB in 2017, labor advocates [argued](#)⁵⁶⁸ that Mr. Emanuel should recuse himself from a dispute the NLRB was reviewing between McDonald's and union workers because of his prior work for a law firm that had assisted McDonald's franchisees in handling worker complaints. The House Education and Labor Committee [launched an inquiry](#)⁵⁶⁹ into ethics compliance at NLRB, requesting relevant NLRB documents that included determinations by NLRB ethics officers. After a year of NLRB noncooperation, the Chair of the Committee [issued a subpoena](#)⁵⁷⁰ for these documents. The NLRB [refused](#)⁵⁷¹ to produce ethics officer memos, claiming they were deliberative and protected by attorney-client privilege.

Small Business Administration

Coronavirus Response

In July 2020, following reports that millions of small businesses seeking emergency loans faced long delays, poor service, and processing errors, the House Committee on Small Business and the House Select Subcommittee on the Coronavirus Crisis sent a [letter](#)⁵⁷² to the SBA requesting information on the award of a \$500 million contract to manage the emergency injury disaster loan program. The SBA

⁵⁶⁷ Washington Post, *After bipartisan pushback, Trump ditches effort to kill major federal agency* (December 11, 2019). https://web.archive.org/web/20220120173547/https://www.washingtonpost.com/politics/after-bipartisan-pushback-trump-ditches-effort-to-kill-major-federal-agency/2019/12/11/bbce1c10-16d8-11ea-a659-7d69641c6ff7_story.html

⁵⁶⁸ Bloomberg Law, *McDonald's Versus 'Fight for \$15': Documents Reveal Strategy* (September 11, 2018). <https://web.archive.org/web/20220904010659/https://news.bloomberglaw.com/daily-labor-report/mcdonalds-versus-fight-for-15-documents-reveal-strategy>

⁵⁶⁹ Letter from Chairman Robert C. "Bobby" Scott and Chairwoman Frederica S. Wilson to National Labor Relations Board Chairman John Ring (May 6, 2019). <https://web.archive.org/web/20220826074436/https://edlabor.house.gov/imo/media/doc/19.05.06%20RCS%20to%20NLRB%20re%20Ethics%20Documents.pdf>

⁵⁷⁰ Letter from Chairman Robert C. "Bobby" Scott to National Labor Relations Board Chairman John Ring (September 15, 2020). <https://web.archive.org/web/20220825232419/https://edlabor.house.gov/imo/media/doc/NLRB%20Subpoena.pdf>

⁵⁷¹ Letter from Solicitor Fred B. Jacob to Chairman Robert C. Scott (September 29, 2020). <https://web.archive.org/web/20210322191825/https://www.nlr.gov/sites/default/files/attachments/pages/node-212/solicitors-letter-to-chairman-scott-regarding-committee-deliberative-interests-final-9-29-2020.pdf>

⁵⁷² Letter from Chairman James E. Clyburn and Chairwoman Nydia M. Velazquez to Small Business Administrator Jovita Carranza (July 30, 2020). <https://web.archive.org/web/20210828020547/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-07-30.Clyburn%20to%20SBA%20re%20Contracting%20.pdf>

[refused](#)⁵⁷³ to produce the requested documents and ignored the Committees' repeated request for a staff briefing on the management of the emergency loan program. A [report](#)⁵⁷⁴ by the Select Committee later found that SBA failed to implement basic fraud controls and that the company that received the no-bid contract for the administration of the program was paid \$340 million for the work of just six employees.

Paycheck Protection Program

The SBA withheld key information on the Paycheck Protection Program from GAO, preventing its investigation from informing Congress about issues with the program. Months after the launch of the program, the Comptroller General [testified](#)⁵⁷⁵ to the Select Subcommittee on the Coronavirus Crisis, "We still don't know what information [SBA] collected, versus what information the banks and other financial agents have at their offices and control. So we weren't able to do an analysis other than what the data was they provided publicly on their website. ... Secondly, we didn't have access to the key program people ... so while they did make some officials available, they weren't the ones we really wanted to talk to. ... But the data is essential for us. Otherwise we can't tell the Congress specifically what type of companies got this assistance and we can't carry out any potential risk analysis of what the potential may be for inflated applications or even people submitting false information to the government."

U.S. Agency for Global Media

Whistleblower Retaliation

In September 2020, reports emerged that the independent U.S. Agency for Global Media [retaliated](#)⁵⁷⁶ against several whistleblowers for raising concerns that CEO Michael Pack had inappropriately politicized the organization, including by withholding congressionally appropriated funds and firing a

⁵⁷³ Letter from Chairman James E. Clyburn and Chairwoman Nydia M. Velazquez to Small Business Administrator Jovita Carranza (May 11, 2021). <https://web.archive.org/web/20210831001414/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-05-11.Clyburn%20and%20NV%20to%20Guzman%20re%20SBA%20EIDL.pdf>

⁵⁷⁴ House Select Subcommittee on the Coronavirus Crisis, *Idle on EIDL Fraud: How the Trump Administration Wasted Taxpayer Dollars by Leaving the COVID-19 EIDL Program Vulnerable to Fraud* (June 2022). <https://web.archive.org/web/20220616093452/https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2022.06.14%20SSCC%20Staff%20Report%20Idle%20on%20EIDL%20Fraud.pdf>

⁵⁷⁵ House Select Subcommittee on the Coronavirus Crisis, *GAO Director Testifies Lack of Transparency and Accountability is Hurting Federal Response to Pandemic* (June 26, 2020). <https://web.archive.org/web/20220826003332/https://coronavirus.house.gov/news/press-releases/gao-director-testifies-lack-transparency-and-accountability-hurting-federal>

⁵⁷⁶ Politico, *6 whistleblowers allege misconduct by government media boss* (September 30, 2020). <https://web.archive.org/web/20220519163817/https://www.politico.com/news/2020/09/30/whistleblowers-allege-misconduct-agency-for-global-media-423758>

journalist for filing a favorable report on Joe Biden. The Office of Special Counsel [investigated](#)⁵⁷⁷ the complaints and found a “substantial likelihood” of wrongdoing during Mr. Pack’s tenure. The House Foreign Affairs Committee called a hearing to investigate these matters, but Mr. Pack refused to appear and [defied](#)⁵⁷⁸ the Committee subpoena for his testimony.

U.S. Postal Service

Selection of Postmaster DeJoy

After President Trump selected major political donor Louis DeJoy to serve as the Postmaster General despite his lack of any Postal Service experience, Senate Minority Leader Charles Schumer [requested](#)⁵⁷⁹ documents in June 2020 from the Board of Governors of the USPS regarding its selection of Mr. DeJoy. In July 2020, the Board [withheld](#)⁵⁸⁰ documents that it deemed confidential, concluding that the Freedom of Information Act prohibits the disclosure of confidential information to a member of Congress who is not the chair of a committee. In the Board’s view, individual members of Congress are no different from unelected members of the public. Senator Schumer also requested information from the executive search firm, Russell Reynolds Associates, regarding its role in the selection of DeJoy. Russell Reynolds [refused](#)⁵⁸¹ to produce this information, claiming it was barred from doing so by a nondisclosure agreement with the Board of Governors of the USPS.

Mail Delays

In August 2020, the House Oversight Committee held an [emergency hearing](#)⁵⁸² on mail delays that threatened the timely delivery of mail-in ballots, medicines, and other essential mail. During the hearing, the Committee requested documents regarding the nationwide delay. When the Postmaster

⁵⁷⁷ Government Executive, *OSC Finds ‘Substantial Likelihood’ of Wrongdoing at Global Media Agency* (December 3, 2020). <https://web.archive.org/web/20220823202454/https://www.govexec.com/oversight/2020/12/osc-finds-substantial-likelihood-wrongdoing-global-media-agency/170467/>

⁵⁷⁸ Washington Post, *Head of government media agency flouts subpoena, angering Democrats and Republicans* (September 24, 2020). https://web.archive.org/web/20220824232732/https://www.washingtonpost.com/national-security/head-of-government-media-agency-flouts-subpoena-angering-democrats-and-republicans/2020/09/24/d5aa8296-fe76-11ea-b555-4d71a9254f4b_story.html

⁵⁷⁹ Letter from Senator Charles E. Schumer to Chairman Robert M. Duncan (June 14, 2020). <https://web.archive.org/web/20220827034053/https://www.democrats.senate.gov/imo/media/doc/CES%20to%20USPS%20Board%20of%20Govs%20FINAL.pdf>

⁵⁸⁰ Letter from Michael J. Elston to Senator Charles E. Schumer (July 2, 2020). <https://web.archive.org/web/20221110195510/https://www.democrats.senate.gov/imo/media/doc/2020-07-02%20Sen%20Schumer%20re%20PMG%20Selection.pdf>

⁵⁸¹ Politico, *Schumer presses postal board on selection of Louis DeJoy as postmaster general* (August 19, 2020). <https://web.archive.org/web/20221106072018/https://www.politico.com/news/2020/08/19/chuck-schumer-louis-dejoy-postmaster-general-selection-398518>

⁵⁸² House Committee on Oversight and Reform, *Full Committee Hearing on “Protecting the Timely Delivery of Mail, Medicine, and Mail-in Ballots* (August 24, 2020). <https://www.youtube.com/watch?v=Tbg6sjRnF-8>

General failed to produce the documents, the Committee [issued a subpoena](#)⁵⁸³ for the documents. The Committee never received many of the subpoenaed documents. At the end of the Trump Administration, the Committee was still [seeking](#)⁵⁸⁴ full compliance from the Postal Service with the subpoena.

Blocking Member Access to Postal Facilities

Members of Congress sought to visit local postal facilities to investigate the mail delays in the fall of 2020, but the U.S. Postal Service [blocked](#)⁵⁸⁵ their access, claiming that the Hatch Act bars tour requests from anyone on a ballot within 45 days of an election. However, this argument had been [rejected](#)⁵⁸⁶ two years earlier by the Office of Special Counsel, the nonpartisan agency responsible for enforcing the Act, which stated that the Act does not prohibit members of Congress from visiting federal facilities for an official purpose.

⁵⁸³ House Committee on Oversight and Reform, *Notice of Intent to Issue a Subpoena to Postmaster General* (August 31, 2020).

<https://web.archive.org/web/20220824191032/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Subpoena%20Memo%20for%20Postal%20Service.pdf>

⁵⁸⁴ U.S. House of Representatives, *Activities of the Committee on Oversight and Reform, One Hundred Sixteenth Congress* (December 31, 2020), page 74.

<https://web.archive.org/web/20220705201845/https://www.congress.gov/116/crpt/hrpt710/CRPT-116hrpt710.pdf>

⁵⁸⁵ Washington Post, *USPS says it's too close to the election for most of Congress to inspect facilities* (October 6, 2020).

<https://web.archive.org/web/20221109225614/https://www.washingtonpost.com/business/2020/10/06/usps-congress-tours-blocked-vote-mail/>

⁵⁸⁶ U.S. Office of Special Counsel, *Federal Hatch Act Advisory: Candidate Visits to Federal Agencies* (February 15, 2018).

<https://web.archive.org/web/20220516150619/https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Candidate%20Visits%20to%20Federal%20Agencies.pdf>