# Trump Administration Oversight Precedents

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Executive Summary

President Donald Trump and his Administration refused to provide information sought by Congress in at 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 Administration, 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 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 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 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

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


3 The White House, Procedures Governing Responses to Congressional Requests for Information (November 4,
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, 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 hashed out in the ‘hurry-burly, the give-and-take of the political process between the legislative and the executive.’”

Co-Equal’s guide to congressional oversight precedent documents that this traditional accommodation process resulted in many senior White House officials testifying before Congress. Since the Nixon Administration, at least nine White House Counsels, six National Security Advisors, five White House Chiefs of Staff, and 78 other White House officials 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 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

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5 Co-Equal, Guide to Congressional Oversight Precedent.

6 Co-Equal, White House Counsels.

7 Co-Equal, National Security Advisor Testimony.

8 Co-Equal, White House Aides.

9 Co-Equal, White House Aides.

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

**Refusal to Comply with Congressional Requests for Documents and Witnesses**

As the Supreme Court recognized in *McGrain v. Daugherty* 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 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 Schumer, the Senate Majority Leader, had a request for information rejected under this opinion.

The Republican Chairman of the Senate Judiciary Committee, Senator Charles Grassley, called this policy “nonsense,” writing, “Every member of Congress is a Constitutional officer, duly elected to represent and cast votes in the interests of their

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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 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 in June 2019 that HHS 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 to produce the OACT analysis. Similarly, the Department of Interior repeatedly redacted 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 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 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 the House Natural Resources

Committee with “thousands of pages of wingdings 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 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 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 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 EPA responded to requests from the House Committee on Science, Space, and Technology for documents related the dangers of formaldehyde by producing 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 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

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26 House Natural Resources Committee, Twitter post (May 15, 2019).
https://twitter.com/NRDems/status/1128669761561346048?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed&r
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
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).
29 Letter from Chairwoman Eddie Bernice Johnston to Environmental Protection Agency Administrator Andrew Wheeler (October 29, 2019).
30 Letter from Chairman Robert C. “Bobby” Scott to Education Secretary Betsy DeVos (October 22, 2020).

Committee had to subpoena 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, 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, the policy stated, “By 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, a joint initiative which the four agencies had announced in June 2020. The agencies 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 on the same topic hosted by the American Enterprise Institute. Similarly, the Department of

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31 Washington Post, House committee subpoenas Education Dept. staff over handling of failing for-profit colleges (October 22, 2020).
33 ABC News, White House says officials will only testify before Congress in person (May 30, 2020).
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, “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 State Mike Pompeo repeatedly refused 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 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 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

37 House Natural Resources Committee, Dirty Deals: Four Years of the Trump Administration Putting Polluter Profits Over People (October 27, 2020), pg. 29.
39 Letter from Chairwoman Nita M. Lowey to Secretary of State Michael R. Pompeo (March 9, 2020).
40 Politico, Wilbur Ross rejects second invite to testify before Congress (April 3, 2019).
41 House Committee on Homeland Security, Hearing Statement of Chairman Bennie G. Thompson (D-MS) (September 17, 2020).
issued a subpoena\textsuperscript{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\textsuperscript{43} refused to appear.

### Blocking Communications with Federal Officials

Executive branch officials are an essential source of information for Congress. As a Co-Equal report\textsuperscript{44} documents,\textsuperscript{45} multiple laws protect the right of Congress to receive information from government officials, including the Whistleblower Protection Act (\textit{5 U.S.C. § 2302(b)(8)}),\textsuperscript{46} the Lloyd LaFollette Act (\textit{5 U.S.C. § 7211}),\textsuperscript{47} and annual appropriations riders (e.g., \textit{section 713}\textsuperscript{48} 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 (\textit{April 3, 2019, letter};\textsuperscript{49} \textit{July 18, 2019, letter};\textsuperscript{50} \textit{October 29, 2019, letter}). EPA did not allow the officials to speak with the Committee, forcing the Committee to...

\textsuperscript{42} House Committee on Homeland Security, \textit{Chairman Thompson Subpoenas Chad Wolf After Refusal to Testify} (September 11, 2020).\textsuperscript{43} Letter from Chairman Bennie G. Thompson to Chairman Ron Johnson and Ranking Member Gary C. Peters (September 22, 2020), page 5.\textsuperscript{44} Co-Equal, \textit{Career Official Testimony Precedent}.\textsuperscript{45} 5 U.S.C. § 2302, \textit{Prohibited personnel practices}.\textsuperscript{46} 5 U.S.C. § 7211, \textit{Employees’ right to petition Congress}.\textsuperscript{47} Consolidated Appropriations Act, 2022 (March 15, 2022), page 246.\textsuperscript{48} Letter from Chairwomen Eddie Bernice Johnson and Mikie Sherrill to Environmental Protection Agency Administrator Andrew Wheeler (April 3, 2019).\textsuperscript{49} Letter from Chairwoman Eddie Bernice Johnston to Environmental Protection Agency Administrator Andrew Wheeler (July 18, 2019).\textsuperscript{50} Letter from Chairwoman Eddie Bernice Johnston to Environmental Protection Agency Administrator Andrew Wheeler (October 29, 2019).
issue 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 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 typically depends on action by one of the other branches of government, either the executive branch 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 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 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 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

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Ketanji Brown Jackson reached the same conclusion in a case involving President Trump’s former White House Counsel, Donald McGahn. This case was settled 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, 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 absolute immunity for Mr. McGahn when the House Judiciary subpoenaed him to testify about former FBI Director Robert Mueller’s findings in the investigation into Russian interference in the 2016 election. He asserted 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 absolute immunity for acting White House Chief of Staff Mick Mulvaney in the Ukraine impeachment.

**Invoking Executive Privilege**

Traditionally, presidents have invoked executive privilege when refusing to comply to a congressional subpoena for documents. This is not an absolute privilege, but one that is weighed against Congress’ need for the information in determining whether information should be disclosed. President Trump invoked 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.

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64 Letter from Stephen E. Boyd to Chairman Elijah E. Cummings (June 12, 2019). https://perma.cc/WWF3-CVAZ.
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 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 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 Administration’s broad ‘protective’ assertion of privilege over all remaining responsive documents” meant “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 a wide range of documents collected by Special Counsel Robert Mueller during his investigation. The Trump Administration similarly invoked a protective claim of executive privilege to justify withholding the documents from the Committee.

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A protective claim of executive privilege fundamentally alters the traditional relationship between Congress and the executive branch. As a commentator wrote, 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 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 to produce subpoenaed documents relating to the lease of federal property to the Trump International Hotel, arguing 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 Homeland Security refused to comply with a subpoena seeking information about the racist and sexist Facebook post of Customs and Border Protection agents due to the confidentiality of personnel matters. In another instance, it refused to comply with a subpoena seeking documents about children separated from their parents at the border due to administrative burden.

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72 House Committee on Transportation and Infrastructure, Problems on Pennsylvania Avenue: GSA’s Mishandling of the Old Post Office Lease to the Trump Organization – Selected Records (December 2021), page 31. [link]
73 Letter from Deputy Assistant Commissioner Stephanie A. Talton to Chairwoman Carolyn B. Maloney (November 13, 2020). [link]
74 Letter from Chairman Bennie G. Thompson to Acting Homeland Security Secretary Chad F. Wolf (November 9, 2020). [link]
Directing Officials Not to Comply with Congressional Subpoenas for Testimony

As described above, multiple laws project 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 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 – 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, this was the rule adopted in the campaign finance investigation led by House Oversight Committee Chair Dan Burton during 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 citizenship question to the 2020 Census, the House Oversight Committee sought to depose John Gore, the principal deputy attorney general for the Civil Rights Division, who had reportedly pressured the Commerce Department to add the citizenship question. The Trump Administration took the position that the congressional rule prohibiting agency counsel to attend

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80 U.S. Department of Justice, Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees (May 23, 2019).
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 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. 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, National Security Council Director of European Affairs Alexander Vindman, and special advisor to the Vice President Jennifer Williams. 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 as a National Security Council aide and escorted out of the White House. The President also fired 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. Several months later, he fired Michael Trump.

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81 Washington Post, *Justice Department refuses to comply with congressional subpoena for testimony on citizenship question and 2020 Census* (April 24, 2019).

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

83 Trump Twitter Archive, Yovanovitch.

84 Trump Twitter Archive, Vindman.

85 Trump Twitter Archive, Jennifer Williams.


Atkinson, the Intelligence Community Inspector General who first informed Congress of a whistleblower complaint regarding President Trump’s call with the President of Ukraine and also testified before the Committee.

Refusing to Cooperate with Impeachment Inquiry

As a Co-Equal precedent report demonstrates, 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 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

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88 CNN, Trump fires intelligence community watchdog who told Congress about whistleblower complaint that led to impeachment (April 4, 2020).
89 NBC News, Intelligence community watchdog testifies in impeachment probe (October 4, 2019).
90 Co-Equal, Impeachment Precedent.
91 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).
inquiry.” Consistent with this directive, the Trump Administration refused to provide documents to Congress and directed 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 for requiring officials to sign broadly worded nondisclosure agreements. As a private citizen, Mr. Trump had required employees to sign nondisclosure agreements. After his election, he brought this practice into the White House.

The legality of the nondisclosure agreements required by the Trump Administration is uncertain. The First Amendment limits 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)) 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

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92 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).  

93 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).  


95 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

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


98 5 U.S. Code § 2302, *Prohibited personnel practices*.  
demonstrates, there are several laws that prohibit the executive branch from preventing federal employees from communicating with Congress.

In October 2020, the Department of Justice brought a lawsuit 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 the lawsuit. A suit challenging the nondisclosure agreements that the Trump campaign had used in the 2016 election forced the campaign to agree 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 copies of the nondisclosure agreements. In 2019, this request was renewed 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 a letter to TeleTracking Technologies.

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105 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
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 (CDC). TeleTracking Technologies refused 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 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 Serviceman’s Fund,* 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 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

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subpoenaed\textsuperscript{110} 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\textsuperscript{111} Deutsche Bank for records 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,\textsuperscript{112} Deutsche Bank,\textsuperscript{113} and Capital One Bank.\textsuperscript{114} The cases reached the Supreme Court, which consolidated these cases and rejected\textsuperscript{115} 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\textsuperscript{116} the Oversight Committee’s subpoena. The parties subsequently settled\textsuperscript{117} the case, with document production starting\textsuperscript{118} in September 2022.

\textsuperscript{110} Supreme Court of the United States, \textit{Opposition to Emergency Application to Recall and Stay the Mandate}, page 11 (December 11, 2019).

\textsuperscript{111} Supreme Court of the United States, \textit{Opposition to Emergency Application to Recall and Stay the Mandate}, page 15 (December 11, 2019).

\textsuperscript{112} Politico, \textit{Trump sues to block House subpoena of financial records} (April 22, 2019).


\textsuperscript{114} Washington Post, \textit{Trump Organization and family sue Deutsche Bank and Capital One to block congressional subpoenas} (April 30, 2019).

\textsuperscript{115} Supreme Court of the United States, \textit{Trump v. Mazars USA, LLP}, p. 18 (July 9, 2020).

\textsuperscript{116} United States Court of Appeals District of Columbia Circuit, \textit{Trump v. Mazars, USA and Committee on Oversight and Reform} (July 8, 2022).

\textsuperscript{117} Washington Post, \textit{House deal for Trump records lets accounting firm decide what to release} (September 10, 2022).

\textsuperscript{118} New York Times, \textit{Trump’s Former Accounting Firm Begins Turning Over Documents to Congress} (September 17, 2022).
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 he gave a former campaign aid, Corey Lewandowski, not to provide the 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)) in 1924 after questions arose whether Secretary of the Treasury Andrew Mellon had financial conflicts. Prior to the Trump Administration, the authority had been used many times without controversy. According to the Ways and Means Committee, the Treasury Department had never refused 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 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 to provide the returns, asserting that Congress had no legitimate legislative purpose in seeking the returns. The Committee

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then issued a subpoena for the returns, which the Treasury Secretary also rejected. The Committee filed a suit to obtain the returns in July 2019.

In December 2021, a Trump-appointed federal judge ruled that the tax returns must be provided to the committee. The D.C. Circuit affirmed the lower court decision.

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 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 by the Biden Administration in February 2021.

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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, ignoring congressional requests in 2019 and 2020 for the administration’s proposed refugee admissions report.

Violating the “Seven Member” Rule

The “Seven Member Rule” (5 U.S.C. § 2954) 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 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 on-going 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 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 topic. Despite

131 Niskanen Center, Congress Must Demand Robust Refugee Consultation Amid Record Low Admissions and COVID-19 (August 31, 2020).
134 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).
135 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).
136 5 U.S. Code § 2954, Information to committees of Congress on request.
138 House Committee on Oversight and Reform, Oversight Democrats Challenge New Trump Administration Policy on Refusing Democratic Inquiries (June 5, 2017).
the mandatory language used in the statute and the agency’s prior cooperation, GSA under the Trump Administration refused to comply.

The members sued\textsuperscript{139} GSA in 2017. The issues in the litigation have revolved around whether the requirements of the Seven Member Rule are judicially enforceable. A three-judge panel D.C. Circuit upheld\textsuperscript{140} the standing of the members to sue in 2020, a decision that was affirmed\textsuperscript{141} 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\textsuperscript{142} staff-level briefings for the House Foreign Relations 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\textsuperscript{143} 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\textsuperscript{144} before the Committee only after it issued a subpoena for his testimony. As the 2020 election approached and concerns about election security grew more

\textsuperscript{139} House Committee on Oversight and Reform, Oversight Committee Democrats File Federal Suit Against Trump Administration for Withholding Documents on Trump Hotel (November 2, 2017). 

\textsuperscript{140} 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). 

\textsuperscript{141} 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). 

\textsuperscript{142} House Foreign Affairs Committee, Engel Statement on State Department Temper Tantrum (August 18, 2020). 

\textsuperscript{143} House Foreign Affairs Committee, House Foreign Affairs Committee Democrats Demand State Department Transparency on Afghanistan (April 8, 2019). 

\textsuperscript{144} Reuters, U.S. House committee reaches deal for testimony by Trump Afghan envoy (September 18, 2019). 
urgent, the Director of National Intelligence John Ratcliffe halted 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 their access. The Postal Service claimed that the Hatch Act bars tour requests from anyone on a ballot within 45 days, notwithstanding an opinion 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 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). 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:

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148 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/

• The White House Counsel’s refusal to provide information about whether President Trump was personally benefiting from federally funded travel to Trump-owned properties and whether the White House ethics program was operating in compliance with the law;

• The withholding 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;

• The Environmental Protection Agency’s refusal 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, 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


152 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).


154 Co-Equal, Impeachment Precedent.
presentations, and provided a closing argument during the Judiciary Committee’s proceedings.

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 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 this action “a disgrace” and asserted that Congress “shouldn’t be allowed” to impeach him. In October 2019, his White House Counsel confirmed 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 in the inquiry. These officials were:

- Mick Mulvaney, the Acting White House Chief of Staff;

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

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

157 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).

158 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).
• 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;
• 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 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, National Security Council Director of European Affairs Alexander Vindman, and special advisor to the Vice President Jennifer Williams. 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 as a National Security Council aide and escorted out of the White House. The President also fired U.S. Ambassador to the European Union Gordon Sondland.

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

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

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


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 Michael Atkinson, the Intelligence Community Inspector General who first informed Congress of a whistleblower complaint regarding President’s Trump call with the President of Ukraine and also testified 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 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 to any of the nine categories of information in a congressional subpoena it received. The State Department likewise refused to produce 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 that the

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President believed the release would “embarrass his critics and political opponents.” As the transcript was released, President Trump tweeted, "You will see it was a very friendly and totally appropriate call."

Further, in contrast to previous presidents, President Trump refused to participate in the House Judiciary Committee’s hearings and deliberations. The President’s counsel declined 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 of President Trump did not conduct 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 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 to withhold the presidential records in January 2022, upholding the ruling of the D.C. Circuit that even if Mr. Trump were the sitting president, the congressional interest in obtaining the documents would outweigh his executive privilege claims.

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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 transfer sensitive nuclear technologies to Saudi Arabia. According to Rep. Elijah Cummings, 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 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 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 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

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counsel responded, “Not to my knowledge.” In 2021, the Biden Justice Department settled the litigation, allowing Mr. McGahn to testify before the Committee.

The White House also blocked 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 advisor Steve Bannon refused to answer questions 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 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 the full, unredacted version of the Mueller report, along with the documents referenced in the report and related investigative materials. President Trump responded 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 against the Administration, causing the Trump Administration to appeal to the Supreme Court. In 2021, the Supreme Court

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vacated the lower court ruling\textsuperscript{189} 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 \textit{requested}\textsuperscript{190} 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 have destroyed presidential records. The White House refused to comply with that request or with a \textit{follow-up request}\textsuperscript{191} from the Committees in March for related documents, \textit{citing}\textsuperscript{192} the President’s purported “exclusive” authority in foreign affairs. The White House also did not comply with a June 2019 request for a \textit{transcribed interview}\textsuperscript{193} 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 \textit{launched an inquiry}\textsuperscript{194} into deficiencies in the White House’s security clearance process. After a whistleblower

\textsuperscript{189} CNN, \textit{Supreme Court order ends congressional Democrats’ attempts to determine if Trump lied in Mueller probe} (July 2, 2021).

\textsuperscript{190} Letter from Intelligence Committee Chairman Adam B. Schiff to Acting White House Chief of Staff Mick Mulvaney (February 21, 2019).

\textsuperscript{191} 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).

\textsuperscript{192} 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).
\url{https://web.archive.org/web/20221112128532/https://www.politico.com/f/?id=00000169-a165-d9c1-a7ef-f5efbf10001}

\textsuperscript{193} Letter from House Oversight and Reform Committee Chairman Elijah E. Cummings to Acting White House Chief of Staff Mick Mulvaney (June 24, 2019).

\textsuperscript{194} Letter from House Oversight and Reform Committee Chairman Elijah E. Cummings to White House Counsel Pat Cipollone (January 23, 2019).
testified\textsuperscript{195} about dozens of security clearances that were issued over the objections of career security officials and the press reported\textsuperscript{196} 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\textsuperscript{197} the official to defy the subpoena.

Eventually the official appeared before the Committee for a transcribed interview, but refused\textsuperscript{198} to answer questions about specific individuals. The White House also refused\textsuperscript{199} 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.\textsuperscript{200} They also placed their assets in blind trusts\textsuperscript{201} 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.

\textsuperscript{195} Washington Post, *White House whistleblower says 25 security clearance denials were reversed during Trump administration* (April 1, 2019).


\textsuperscript{197} Oversight and Reform Committee, *White House Orders Former Security Director to Defy Oversight Subpoena* (April 23, 2019).

\textsuperscript{198} CNN, *Kline takes responsibility for White House security clearance process, but Democrats vow to continue digging* (May 1, 2019).

\textsuperscript{199} CNN, *White House rejects House Oversight Committee request for security clearance documents* (May 1, 2019).


The House Oversight and Reform Committee investigation sought to examine President Trump’s financial disclosures. The investigation followed a determination by the Office of Government Ethics that President Trump filed an erroneous financial disclosure form and testimony by Michael Cohen, Mr. Trump’s former lawyer, that Mr. Trump routinely altered the values of his assets on financial statements. As part of this investigation, the House Oversight and Reform Committee subpoenaed Trump’s financial records from his accounting firm, Mazars USA.

The House Committee on Financial Services investigation examined questions raised by reports on the purchase of Trump properties by Russian oligarchs engaged in money laundering. As part of the investigation, the Committee issued subpoenas 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 from Deutsche Bank to evaluate leverage that foreign actors potentially had over President Trump, his family, and his businesses.

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


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

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

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

207 USA Today, Trump’s business network reached alleged Russian mobsters (March 28, 2017).

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

209 Supreme Court of the United States, Opposition to Emergency Application to Recall and Stay the Mandate, page 13 (December 11, 2019).
President Trump, in his personal capacity, sued to block compliance with the subpoenas to Mazars, Deutsche Bank, and Capital One Bank. The cases reached the Supreme Court, which consolidated these cases and rejected 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 the Oversight Committee’s subpoena, but narrowed its scope. The parties subsequently settled and in September 2022, Mazars started producing 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 since President Nixon, President Trump refused to publicly disclose his tax records. The House Ways and Means Committee in May 2019 issued a subpoena to Treasury Secretary Steven Mnuchin.
under its statutory authority (26 U.S.C. § 6103(f)) 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, 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 to seek enforcement of the subpoena. As the Committee explained in the complaint, it sought these records to evaluate the adequacy of 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 included in the legislation. In December 2021, a Trump-appointed federal judge ruled that the tax returns must be provided to the committee. The D.C. Circuit affirmed the lower court decision.

Three Inquiries into White House Travel

After news reports 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 travel records in several inquiries:


Committees requested a Government Accountability Office (GAO) audit of expenditures associated with four of the President’s trips. The White House failed 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 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 only 86 documents 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 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 information from the Secret Service on the cost of travel by President Trump and his family. The Committee renewed 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.

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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 information about Mr. Trump’s apparent violation of the lease. When this request was rejected, Mr. Cummings and other Committee members filed a request under the “Seven Member Rule” (5 U.S.C. § 2954), 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 members lacked standing, but this decision was reversed by the D.C. Circuit. The circuit court subsequently rejected 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 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 responsive materials. In 2021, under the Biden Administration, the GSA provided additional information.
production 2, production 3) 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 for GSA to consider terminating the Old Post Office Building lease held by Mr. Trump and the Trump Organization in early 2022.

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,
- profits from the decision of Saudi Arabia 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,

and

240 House Committee on Oversight and Reform, Selected Documents: Documents Related to GSA Lease for Old Post Office Building, Part 2 (October 8, 2021).

241 House Committee on Oversight and Reform, Selected Documents: Documents Related to GSA Lease for Old Post Office Building, Part 3 (October 8, 2021).

242 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).

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

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

- profits from attempts by other countries\textsuperscript{246} to curry favor by being conspicuous customers\textsuperscript{247} at Trump properties.

The House Committees on Oversight and Reform and Judiciary both opened investigations, with both the Oversight Committee\textsuperscript{248} and the Judiciary Committee\textsuperscript{249} sending document requests to the Trump Organization. President Trump's companies, however, stonewalled\textsuperscript{250} Congress' attempts to conduct oversight and refused\textsuperscript{251} to keep or structure the Trump Organization's business records in a manner that will make it possible to return these emoluments if necessary. Although the Trump Organization claimed it donated\textsuperscript{252} its profits from foreign governments to the U.S. Treasury, it has provided no accounting\textsuperscript{253} 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\textsuperscript{254} whether President Trump's advocacy for hosting the Group of Seven summit of world leaders at his Trump

\textsuperscript{246} CNBC, \textit{Here's the part of the US Constitution two attorneys general say Trump is violating} (June 12, 2017). \url{https://web.archive.org/web/20221116135155/https://www.cnbc.com/2017/06/12/emoluments-clause-trump-accused-of-violating-constitution.html}


National Doral Miami hotel was a potential violation of the emoluments clause. The Committee never received the information it requested.255

**Two Inquiries into Potential Domestic Emoluments Clause Violations**

After news reports that the State Department spent tens of thousands of taxpayer dollars256 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 requested257 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 Department produced fewer than 50 documents258 in response, many of which were undated and lacked context.

Also in 2019, the House Oversight and Reform Committee investigated259 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 documents260 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 in a "direction from the White House," as well as a report from the GSA 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 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 developers could have on the nearby Trump hotel. The Trump Administration refused to comply with this request.

**Hatch Act Violations**

In March 2017, March 2018, and June 2019, 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 House Oversight and

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Reform Committee hearing on these violations, the Committee issued a subpoena for her testimony. The White House instructed Ms. Conway to defy the subpoena, relying on an Office of Legal Counsel opinion asserting that Ms. Conway enjoyed “absolute[ly]” 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 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 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 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 that President Trump had required White House officials to sign broad nondisclosure agreements, following a practice the Trump Organization had employed when Mr. Trump was a private citizen. This prompted the ranking members

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of the House Oversight Committee and the House Judiciary Committee to request 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 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 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 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 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 the House Oversight Committee that the Trump White House was considering transferring sensitive U.S. nuclear technologies to Saudi Arabia, in potential violation of

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the Atomic Energy Act. The Committee requested specific emails and documents related to these plans, but the White House refused to comply.

**Failure to Preserve White House Records**

In 2017 and 2018, the House Committee on Oversight and Reform issued three separate bipartisan requests for information about White House officials’ use of personal accounts to conduct official business. News reports indicated 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 issue subpoenas 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 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

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


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


284 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).

Retrieve 15 boxes of records, but it took a subpoena and an FBI search to obtain additional presidential records, some of which were top secret.

Additionally, after President Trump left office, reports emerged that he regularly tore up documents and even flushed them down the toilet 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 into President Trump’s mishandling of presidential records.

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

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


289 Axios, Exclusive photos: Trump’s telltale toilet (August 8, 2022).

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


After the Department produced documents that were extensively redacted or already public, the Committee [issued subpoenas](https://web.archive.org/web/20220921051058/https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-02-12.EEC%20to%20Whitaker-DOJ%20-%20Census_0.pdf)297 for the documents in April 2019. The Departments continued to resist providing the documents, leading Chairman

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Cummings to write to Secretary Ross that the Committee would vote to hold him in contempt unless he produced 11 key documents and to write 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 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 voted to hold Secretary Ross and Attorney General Barr in contempt in June 2019, which the full House approved in July 2019.

In June 2019, in a separate suit, the Supreme Court held 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 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 with the Committee to produce key documents in January 2022. The Biden Administration

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ultimately provided the documents to Congress, which confirmed 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 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 after President Trump left office, the House Committee on Oversight and Reform requested 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 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 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.

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“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. The National Oceanic and Atmospheric Administration posted a public statement to clarify that Alabama was not at risk, drawing a public rebuke 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 investigation into the incident, requesting documents and briefings. Despite repeated requests, 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 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 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 of agency heads appearing before appropriations subcommittees to justify their annual budget requests.

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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 with Subcommittee requests to provide briefings or appear at hearings on these issues. DOD officials agreed to testify only after the Committee threatened to issue subpoenas.

Department of Education

Dream Center

In July 2019, the House Committee on Education and Labor publicly announced 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 a subpoena. After months of negotiation, the Department insisted that Committee staff review the responsive documents in camera on departmental

319 Letter from Chairwoman Carolyn B. Maloney et al to Defense Secretary Mark T. Esper and Secretary of State Michael R. Pompeo (August 31, 2020).
320 House Committee on Oversight and Reform, Special Representative Khalilzad to Testify on U.S. Strategy in Afghanistan (September 18, 2020).
321 Letter from Chairwoman Carolyn B. Maloney et al to Defense Secretary Mark T. Esper and Secretary of State Michael R. Pompeo (August 31, 2020).
322 Letter from Chairman Robert C. “Bobby” Scott to Education Secretary Betsy DeVos (July 16, 2019).
323 Letter from Chairman Robert C. “Bobby” Scott to Education Secretary Betsy DeVos (October 22, 2019).
premises where agency officials could, in their sole discretion, review and take the Committee staff’s notes on the documents. In its response, 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 that it would “continue to pursue its long-standing document request with the incoming administration.” A June 2021 report 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 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 for documents related to alleged misconduct. As the Committee wrote in one letter, 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 report.

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policy\textsuperscript{331} to offer partial relief, Congress voted on a bipartisan basis\textsuperscript{332} to overturn the Department’s rule, but President Trump’s veto\textsuperscript{333} kept it in place. The Biden Administration reversed course and approved\textsuperscript{334} broad debt cancellation for defrauded borrowers.

### Title IX

In 2018, Education Secretary Betsy DeVos released\textsuperscript{335} 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\textsuperscript{336} documents and information about the proposed rule. In February 2020, Oversight Committee Chairwoman Maloney made another request\textsuperscript{337} for the documents, but Secretary DeVos refused\textsuperscript{338} to provide this information, citing the ongoing rulemaking process. After the rule was finalized in May 2020, Chairwoman Maloney renewed\textsuperscript{339} the request, but the Department of Education still refused to provide the requested documents.


Use of Personal Email

The Education Department refused\(^ {340} \) 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.

Department of Homeland Security

Two Inquiries into Child Separation

In April 2018, the Trump Administration announced a “zero tolerance” policy\(^ {341} \) 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, requesting\(^ {342} \) relevant documents in January 2019. The Committee obtained only incomplete responses; it detailed\(^ {343} \) 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 subpoena\(^ {344} \) for the withheld documents. DHS refused\(^ {345} \) to comply with the subpoena.

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\(^ {343} \) Letter from Chairman Bennie G. Thompson to Acting Homeland Security Secretary Kevin K. McAleenan (October 18, 2019). https://drive.google.com/drive/u/3/folders/1RM2bZIA_8ySb2oQpVFEnUeIrS3O9j8yT


In July 2018, the House Oversight and Reform Committee wrote a bipartisan letter 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 subpoenas to the Departments in February 2019. In response, the Departments produced incomplete records 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 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.

Custom and Border Protection Abuses

After reports 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 documents identifying the

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349 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/
350 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/
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. After more than a year of CBP resistance to the Committee requests, the Committee issued a subpoena in November 2020, yet CBP still refused 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 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, 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 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, following another written request. 

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353 Letter from Chairman Elijah E. Cummings to Mark Morgan, Chief Operating Office, U.S. Customs and Border Protection (September 23, 2019).

354 House Committee on Oversight and Reform, Memorandum Re: Notice of Intent to Issue Subpoena to Customs and Border Protection (October 30, 2020).


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

357 NPR, Trump Administration Ends Protection for Migrants’ Medical Care (August 27, 2019).

358 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).
leading Chairman Cummings to issue subpoenas for documents in October 2019, his last official act in Congress before his death.

**Treatment of Asylum Seekers**

In April 2018, the Customs and Border Protection began consistently utilizing a practice known as "metering" 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 a January 2019 request and multiple follow-up requests, which ultimately led to a subpoena issued in November 2019. DHS’s response to the subpoena did not include all relevant documents, and those that it produced had “extensive and improper redactions.”

**Invasive Medical Procedures**

In September 2020, the House Committee on Oversight and Reform and Committee on Homeland Security investigated reports 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\textsuperscript{366} that it was withholding responsive documents based on the fact that the DHS Inspector General was also investigating this issue. The Biden Administration ultimately provided\textsuperscript{367} the documents the Committee requested.

**Pardons for Illegal Activities**

The New York Times\textsuperscript{368} and Washington Post\textsuperscript{369} 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\textsuperscript{370} 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\textsuperscript{371} information from DHS on supplies and distribution of personal protective equipment

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\textsuperscript{366} 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).  

\textsuperscript{367} Letter from Chairs Bennie G. Thompson, Carolyn B. Maloney, Nanette Barragán, and Jamie Raskin to Homeland Security Secretary Alejandro Mayorkas (December 3, 2021).  


\textsuperscript{369} 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).  

\textsuperscript{370} House Committee on the Judiciary, House Judiciary Committee Subpoenas Homeland Security Over Trump Pardons (September 4, 2019).  

\textsuperscript{371} 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).  
(PPE) in response to the COVID-19 pandemic, which was largely being coordinated by 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 to follow-up requests in April and May 2020 regarding PPE distribution among the states and territories.

**Trusted Traveler Programs**

In February 2020, the Trump Administration barred 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 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 a subpoena to DHS for relevant documents following three unsuccessful requests for DHS’s cooperation. DHS refused 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

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cooperated 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 for his testimony, after pointing out in a letter that Mr. Wolf had served as “Acting Secretary’ for nearly 10 months” and was in no way prevented from appearing before the committee by his nomination, yet Mr. Wolf still refused to appear.

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 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 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\(^3\) and ignored committee requests in 2019\(^4\) and 2020\(^5\) for the administration’s proposed refugee admissions report.

**Department of Health and Human Services**

**ACA Implementation**

In 2019, the House Energy and Commerce Committee and House Ways and Means Committee investigated\(^6\) the Trump Administration’s implementation of the Affordable Care Act (ACA). As part of this inquiry, the Committees requested\(^7\) that HHS 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 Administration refused\(^8\) 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

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\(^1\) Niskanen Center, *Congress Must Demand Robust Refugee Consultation Amid Record Low Admissions and COVID-19* (August 31, 2020).

\(^2\) 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).

\(^3\) 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).

\(^4\) 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).

\(^5\) 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).
least $341,000 in taxpayer dollars. In response to multiple bipartisan requests, 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 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 (CDC). TeleTracking Technologies refused 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 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 relevant

389 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).


392 House Select Subcommittee on the Coronavirus Crisis, Select Subcommittee Investigates Coronavirus Data Collection Contract (July 28, 2020).

393 Letter from Chairmen Frank Pallone, Jr. and Elijah Cummings and Ranking Members Ron Wyden and Patty Murray to Center for Medicare and Medicaid Services Administrator Seema Verma (March 29, 2019).
documents and communications. After repeated follow-up requests, 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 detailing the abuse of nearly $6 million in taxpayer funds by Administrator Verma. The Committees never received a complete production of Administrator Verma’s emails.

**GAO Report on COVID Vaccine Development**

The House Select Subcommittee on the Coronavirus Crisis submitted a bipartisan request for a GAO report on COVID vaccine deployment efforts in July 2020. However, HHS and the Department of Defense withheld 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 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

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394 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).

395 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).

396 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).

397 Letter from Chairman James E. Clyburn and Representatives Mark E. Green and Bill Foster to Comptroller Gene L. Dodaro (July 24, 2020).

398 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).

399 House Select Subcommittee on the Coronavirus Crisis, Select Subcommittee Launches Investigation Into Political Interference in CDC Scientific Reports on Coronavirus (September 14, 2020).
cancelled scheduled interviews with agency officials. 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 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 after President Biden took office. The Subcommittee ultimately made public significant evidence documenting multiple instances of political interference in June 2022, August 2022, and October 2022.

Department of the Interior

Bears Ears Monument

In December 2017, President Trump ordered 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

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400 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).

401 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).

402 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).


404 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).

405 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).

nonresponsive documents. At a [full committee hearing](https://www.youtube.com/watch?v=oDSiCD4poHE) led by Chair Grijalva, the Committee reported that the agency’s initial document production included 100 pages of unintelligible symbols called “wingdings.” In a subsequent hearing in September 2019, the Department’s compliance with oversight requests was again questioned. Rep. Deb Haaland disclosed that the Department provided the Committee nearly 18,000 pages of emails that were not responsive to any of the Committee’s monument requests.

In 2021, President Biden reversed 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 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. A few weeks after the hearing, in September 2019, Natural Resources Committee Chair Raul Grijalva requested relevant documents, including a cost-benefit analysis, formal documentation of tribal consultation, an analysis of the effect on staff, and a disparate

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impact analysis. After receiving only high-level, duplicative, and irrelevant documents in response, Chair Grijalva sent four follow-up letters reiterating his requests. 

In February 2020, a day before a Committee vote to authorize the chair to issue subpoenas, Interior provided more than a thousand hard copy documents, but these did not include 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 refused to provide some key personnel data. A GAO report later found that the process had not followed best practices for agency reform and resulted in a high level of staff attrition. In 2021, the Biden Administration announced 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, 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

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protestors to clear the area. The Committee wrote to the Interior Department seeking additional information and requesting documents, most of which the Trump Administration failed to produce.

Development Project at Villages of Vigneto

In July 2019, the House Committee on Natural Resources requested documents related to Interior’s decision to approve a Clean Water Act permit for the Villages at Vigneto development in Benson, Arizona, after reports 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. The Committee subsequently received additional documents and conducted an in-camera review of other documents at the Department, leading to a criminal referral 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 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

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meetings. After Mr. Bernhardt claimed that he did not personally maintain a calendar, the House Natural Resources Committee and the House Oversight Committee wrote 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 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 contradictions and conflicting information. The calendars also failed to disclose a meeting between Mr. Bernhardt and the developer of the Villages at Vigneto (see above), which suggests that the calendars produced were incomplete.

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 Mr. Angelle’s phone records. After the ranking member became the committee chairman in 2019, he renewed the request 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

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430 CNN, Interior has 5 versions of the secretary’s schedule – but they don’t always match (June 5, 2019). [Link](https://web.archive.org/web/20220826041040/https://naturalresources.house.gov/imo/media/doc/2022.05.11%20Vigneto_DOJ%20Referral_FINAL_REDACTED.pdf)


the disparity at a Committee hearing, 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 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 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, 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-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 canceled them in January 2022.

**Cancellation of Study of Human Health Effects of Coal Mining**

In early 2019, the Department of Interior abruptly canceled 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

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434 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](https://www.youtube.com/watch?v=SVANPZkSN64)


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, 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 requests for public information requests, the House Natural Resources and Oversight and Reform Committees requested 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 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. The Interior Inspector General found 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 to GAO on whether tens of millions of dollars were improperly spent by the Bureau of Reclamation.

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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\(^{445}\) 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\(^{446}\) 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\(^{447}\) 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\(^{448}\) to appear at Committee hearings because the hearings were conducted virtually.

**Department of Justice**

**Political Interference in Criminal Cases**

In February 2020, the House Judiciary Committee wrote\(^{449}\) 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\(^{450}\) 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. The Committee Chairman subsequently introduced legislation 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 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 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 committees authority to designate counsel for witness questioning at hearings, so this refusal established new precedent.

Role in Citizenship Question

In 2018, the Census Bureau announced plans 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 a 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 emerged that John Gore, the

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principal deputy attorney general for the Civil Rights Division, had pressured the Commerce Department to add the citizenship question. After Mr. Gore refused 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 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 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 Mr. Gore’s deposition testimony failed for the same reason.

A related dispute over document productions is discussed in the section on the Commerce Department.

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 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 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 and its investigation of auto industry support for California’s vehicle emission standards. 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 as a whistleblower about these actions.

**Rebuffing Individual Member Requests**

In May 2017, the Office of Legal Counsel issued a letter opinion that concluded 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.

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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 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 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 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 for Brian Bulatao to serve as Undersecretary of State for Management. Subsequently, the Inspector General found in one report 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 in a second report that Brian Hook, then the Special...
Representative for Iran, inappropriately retaliated against a senior career official. Nonetheless, the State Department continued to withhold 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 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 on an emergency arms sales to Saudi Arabia and the United Arab Emirates and was in the process of investigating 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 and the House Foreign Affairs Committee, which was joined by Senator Menendez, the ranking member of the Senate Foreign Relations Committee. The State Department refused to provide any of the records requested by the Committees and blocked the Office of the Inspector General from sharing with the Committee an unredacted version of the classified addendum to the Inspector General’s emergency investigation report.

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arms sales report. The State Department also refused to make key witnesses available voluntarily for testimony, forcing the Committees to issue subpoenas.481

An investigation into the firing by the Council of the Inspectors General on Integrity and Efficiency – an independent executive branch oversight panel – found482 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 found483 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 cancelling484 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.

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 requested485 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 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 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 while on an official trip to Jerusalem and using taxpayer funds to travel the country 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 in November 2020. The Biden Administration later provided documents pursuant to this inquiry.

**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

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Committees on Foreign Affairs, Armed Services, and Intelligence wrote to insist that Congress be fully briefed and that the Administration submit a report to Congress 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 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 Ambassador Khalilzad to obtain the briefing it sought.

Use of Force in Iran

Days after President Trump ordered and then quickly reversed military strikes against Iran in retaliation for shooting down an American surveillance drone, the House Foreign Affairs Committee requested 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 tension. In response, the State Department provided a briefing, but refused to produce documents that existed prior to the date of the letter.

491 House Foreign Affairs Committee, Engel, Smith, & Schiff to Trump: Stop Withholding Information on North Korea from Congress (February 21, 2019).

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

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

494 New York Times, Strikes on Iran Approved by Trump, Then Abruptly Pulled Back (June 20, 2019).

495 House Foreign Affairs Committee, Engel & Deutch Demand State Department’s Legal Opinions on Use of Force against Iran (June 26, 2019).
Sideline 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 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 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 administrations’ 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 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 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 of agency heads appearing before appropriations subcommittees to justify their annual budget requests.

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. The announcement occurred a few months into the COVID-19 pandemic, when House and Senate committees were regularly conducting hearings remotely. The Administration refused 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 on the same topic hosted by the American Enterprise Institute.

Department of Transportation

Use of Official Resources for Personal Purposes

After news reports emerged that Transportation Secretary Elaine Chao used public resources to promote her family’s shipping company, the House Oversight Committee requested documents about Secretary Chao’s compliance with ethics agreements. The Department of Transportation provided 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 that Secretary 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 by Saudi agents when he entered the Saudi consulate in Istanbul, Turkey. After President Trump refused 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, § 5714) 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 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 by the Biden Administration in February 2021.

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507 House Committee on Oversight and Reform, *Committee Leaders Release DOT Inspector General’s Ethics Report on Former Secretary Elaine Chao* (March 3, 2021).  


509 *Washington Post, Trump brushes off calls to investigate Jamal Khashoggi’s death* (June 23, 2019).  


512 *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).  

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 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 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 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; April 3, 2019, letter; July 15, 2019, letter; July 8, 2019, letter)
In response to the document requests, EPA primarily produced 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, 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 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 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 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 only irrelevant materials, and withheld its emails and other relevant documents.

Rollback of Climate Regulations

In 2018, the ranking member of the House Energy and Commerce Committee and two subcommittee ranking members requested information 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 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 seeking specific information about the roll back 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 information from EPA on the agency’s efforts to rollback regulations limiting emissions of mercury and other air toxics. EPA provided only a partial response that failed to address the breadth

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of the requested information and refused\textsuperscript{532} to send a witness when the Committee held a hearing on the rollbacks.

**PFAS in Drinking Water**

Following reports\textsuperscript{533} 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 water, the House Energy and Commerce Committee minority requested\textsuperscript{534} 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\textsuperscript{535} in 2019. EPA provided a partial response,\textsuperscript{536} 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,\textsuperscript{537} which the EPA stonewalled.\textsuperscript{538}


\textsuperscript{533} Politico, White House, EPA headed off chemical pollution study (May 14, 2018).

\textsuperscript{534} 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).

\textsuperscript{535} 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).

\textsuperscript{536} House Committee on Energy and Commerce, Memorandum re Legislative Hearing on “Protecting Americans at Risk of PFAS Contamination and Exposure (May 13, 2019).

\textsuperscript{537} Letter from Ranking Members Frank Pallone, Jr., Paul D. Tonko, and Diana Degette to Comptroller General Gene L. Dodaro (April 24, 2018).

\textsuperscript{538} House Committee on Energy and Commerce, Committee Leaders Condemn EPA’s Stonewalling of GAO Enforcement Investigation (March 3, 2020).
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 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 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, 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), 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 the standing of the members to sue in 2020, a decision that was affirmed by the full court in 2022 after a rehearing en banc.


540 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).

541 5 U.S. Code § 2954, Information to committees of Congress on request.


542 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).


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 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 to provide these analyses, and materials that were provided to the committee had substantive legal discussions redacted. President Trump ultimately dropped 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 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 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

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544 Letter from Chairman Gerald E. Connolly to Acting Director of the Office of Personnel Management Margaret Weichert (March 22, 2019).

545 Letter from Chairmen Elijah E. Cummings and Gerald E. Connolly to Acting Director of the Office of Personnel Management Margaret Weichert (July 15, 2019).

546 Washington Post, After bipartisan pushback, Trump ditches effort to kill major federal agency (December 11, 2019).

547 Bloomberg Law, McDonald’s Versus ‘Fight for $15’: Documents Reveal Strategy (September 11, 2018).

548 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%20Ethics%20Documents.pdf
subpoena for these documents. The NLRB refused 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 to the SBA requesting information on the award of a $500 million contract to manage the emergency injury disaster loan program. The SBA refused 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 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 to the Select Subcommittee on the Coronavirus Crisis, “We still don’t know what information

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549 Letter from Chairman Robert C. “Bobby” Scott to National Labor Relations Board Chairman John Ring (September 15, 2020).

550 Letter from Solicitor Fred B. Jacob to Chairman Robert C. Scott (September 29, 2020).

551 Letter from Chairman James E. Clyburn and Chairwoman Nydia M. Velazquez to Small Business Administrator Jovita Carranza (July 30, 2020).


553 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).

554 House Select Subcommittee on the Coronavirus Crisis, GAO Director Testifies Lack of Transparency and Accountability is Hurting Federal Response to Pandemic (June 26, 2020).
[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 against several whistleblowers for raising concerns that CEO Michael Pack had inappropriately politicized the organization, including by withholding congressionally appropriated funds and firing a journalist for filing a favorable report on Joe Biden. The Office of Special Counsel investigated 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 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 documents in June 2020 from the Board of Governors of the USPS regarding its selection of Mr. DeJoy. In July 2020, the Board

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555 Politico, 6 whistleblowers allege misconduct by government media boss (September 30, 2020).
556 Government Executive, OSC Finds ‘Substantial Likelihood’ of Wrongdoing at Global Media Agency (December 3, 2020).
557 Washington Post, Head of government media agency flouts subpoena, angering Democrats and Republicans (September 24, 2020).
558 Letter from Senator Charles E. Schumer to Chairman Robert M. Duncan (June 14, 2020).
withheld 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 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 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 General failed to produce the documents, the Committee issued a subpoena for the documents. The Committee never received many of the subpoenaed documents. At the end of the Trump Administration, the Committee was still seeking 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 their access, claiming that the Hatch Act bars tour requests from anyone on a ballot within 45 days of an election.

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561 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
However, this argument had been rejected\textsuperscript{565} 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.

\textsuperscript{565} U.S. Office of Special Counsel, \textit{Federal Hatch Act Advisory: Candidate Visits to Federal Agencies} (February 15, 2018).