

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

February 21, 2019

The Honorable Emory A. Rounds III  
Director  
Office of Government Ethics  
1201 New York Avenue N.W.  
Washington, D.C. 20005

Dear Director Rounds:

On January 22, 2019, Chairman Cummings wrote to you requesting documents in the possession of the Office of Government Ethics (OGE) related to the reporting of liabilities or payments made by the President to his personal attorney.<sup>1</sup> The letter requested the following broad categories of documents:

1. All communications with any White House employee or any nongovernment representative for the filer related to the determination made by OGE and regarding Note 3 to Part 8 of President Trump's May 2018 OGE form 278e, as referenced in the May 16, 2018, letter to the Department of Justice; and
2. All OGE materials related to the reporting of liabilities or payments made to or by Michael Cohen on President Trump's June 2017 OGE Form 278e and May 2018 OGE Form 278e.<sup>2</sup>

The letter asked for a response by February 1, 2019. In a remarkable turnaround, OGE produced 282 pages of documents to Chairman Cummings on January 31, 2019—a mere nine days after his letter. This means that within just over a week, OGE received and processed the Chairman's requests, identified the relevant employees who had documents potentially responsive to the requests, instructed the employees to search for both electronic and hard-copy documents, collected the documents from the employees, reviewed the documents for responsiveness and privilege, completed the interagency review process, and processed and finalized the documents for production to the Chairman.

The production includes the President's financial disclosure form and a collection of handwritten and typed notes taken by OGE employees. The production gives the impression that OGE carefully collected, imaged, and sorted the material of several OGE custodians. Given the swift delivery of these documents to the Chairman, one could suspect that OGE may have known the request was coming.

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<sup>1</sup> Letter from Rep. Elijah Cummings, Chairman, H. Comm. on Oversight & Reform, to The Hon. Emory A. Rounds III, Dir., Office of Gov't Ethics (Jan. 22, 2019) (on file with Committee).

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

Beyond the process of responding to the Chairman's request, OGE's response could have a chilling effect on Executive Branch officials seeking ethics guidance in the future. The handwritten notes that you produced detailed discussions between the President's representatives and OGE officials. An ethics program only works if there is a free flow of information between executive branch employees and ethics officials and confidence in the confidentiality of the discussions. If individuals seeking advice from OGE believe that information from their discussions with OGE officials will be released publicly for partisan political purposes, OGE's provision of ethics advice will suffer.

When you allow OGE to be used for partisan purposes—whether knowingly or not—you risk undermining the credibility of the agency. To assist us with understanding these matters, please provide the following documents and information:

1. All documents and communications regarding how custodians of the handwritten and typed notes included in the January 31, 2019, production were identified and notified about the requests;
2. All documents and communications regarding how the handwritten and typed notes were collected and reviewed, including but not limited to the date when OGE started collecting this material from the custodians;
3. Whether OGE officials in the normal course of their duties retain notes from conversations with Executive Branch officials, including but not limited to any relevant OGE policies on the topic; and
4. Whether the OGE production of January 31, 2019, includes all responsive documents and information requested in Chairman Cummings's letter dated January 22, 2019.

Please provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on March 1, 2019. Please contact the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan  
Ranking Member



Mark Meadows  
Ranking Member  
Subcommittee on Government Operations

cc: The Honorable Elijah E. Cummings, Chairman, Comm. on Oversight and Reform  
The Honorable Gerry Connolly, Chairman, Subcommittee on Government Operations,  
Comm. on Oversight and Reform