

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<http://oversight.house.gov>

July 15, 2019

Mr. Robert Borden
Chief of Staff
General Services Administration
1800 F Street, N.W.
Washington, D.C. 20405

Dear Mr. Borden:

Enclosed are post-hearing questions that have been directed to you and submitted to the official record for the hearing that was held on Thursday, June 27, 2019, "Document Production Status Update: OPM, FBI, and GSA."

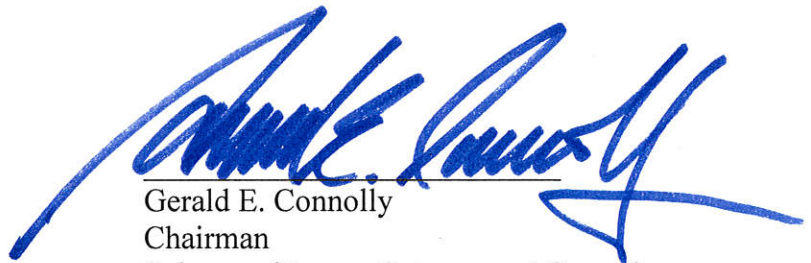
In order to ensure a complete hearing record, please return your written response to the Committee on or before close of business Monday, July 29, 2019, including each question in full as well as the name of the Member. Your response should be addressed to the Committee office at 2157 Rayburn House Office Building, Washington, D.C. 20515. Please also send an electronic version of your response by e-mail to Amy Stratton, Clerk, at Amy.Stratton@mail.house.gov.

Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Elisa LaNier, Chief Clerk, at (202) 225-5051.

Sincerely,



Elijah E. Cummings
Chairman
Committee on Oversight and Reform



Gerald E. Connolly
Chairman
Subcommittee on Government Operations

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

The Honorable Mark Meadows, Ranking Member
Subcommittee on Government Operations

Questions for Robert Borden
Chief of Staff
General Services Administration

June 27, 2019 Hearing: "Document Production Status Update: OPM, FBI, and GSA"

Questions from Chairman Elijah E. Cummings

1. As part of the Committee's April 12, 2019, letter to GSA requesting information about the Old Post Office Building lease with the Trump Organization, the Committee asked GSA to produce certain financial documents, including monthly reports submitted by the Trump Organization, documents relating to key provisions of the lease, and submissions in response to the GSA Request for Proposals.
 - a. In responding to the Committee's April 12 request, did GSA officials communicate with attorneys for the Trump Organization?
 - i. If so, please detail the contents of those communications and indicate whether those attorneys: (a) suggested in any way that GSA not comply with the Committee's request for financial information; or (b) raised questions about the Committee's legitimate legislative purpose.
 - b. Did GSA communicate with the President's personal attorneys?
 - i. If so, please detail the contents of those communications and indicate whether the attorneys: (a) suggested in any way that GSA not comply with the Committee's request for financial information; or (b) raised questions about the Committee's legitimate legislative purpose.
 - c. Has GSA communicated with attorneys representing the Trump Organization about any other document productions to Members on this Committee?
2. Mr. Borden testified that "there's a confidentiality provision [in the lease], and the confidentiality provision says that [the requested financial] documents aren't to be produced outside of GSA" unless GSA obtains "the consent of the tenant...or if it's required by law."
 - a. Which provision of the lease entitles GSA to withhold financial documents from Congress?
 - b. Does that provision expressly indicate that such documents cannot be disclosed to Congress?
 - c. Which GSA official makes the final decisions as to whether confidential documents may be released to Congress?

- d. Has GSA previously provided financial documents requested by Members on this Committee?
3. Does GSA currently occupy, or has GSA ever occupied, any rooms at the Trump International Hotel, D.C. for its own use or on behalf of any other agency?
4. With regard to the Committees' October 18, 2018, request letter concerning the FBI headquarters project, has GSA produced any documents in response to the Committees' request for communications between OMB and GSA (*i.e.*, Request No. 4)? If not, please explain GSA's basis for withholding these documents.
5. On June 26, 2019, the FBI and GSA jointly produced a set of drafts of a presentation made to the Senate Committee on Environment and Public Works on February 12, 2018, regarding the FBI headquarters project.
 - a. Were all of the draft presentations in the June 26, 2019, joint production also provided to the GSA Inspector General?
 - b. Are there any draft presentations that GSA provided to the GSA Inspector General but withheld from its June 26 production? If so, please indicate the number of withheld documents and confirm whether GSA will provide those drafts to the Committees.
 - c. Will GSA produce the underlying communications surrounding the draft Senate presentations as requested by the Committees?
 - d. Which agency or entity generated the costs and shortfall comparison included in the "funding gap analysis" section of the Senate presentation?
6. Based on our understanding, there was a Google Drive that was used to share documents related to the FBI headquarters project both within and outside of GSA.
 - a. How was this Google Drive used in connection with the headquarters project?
 - b. Is the Google Drive part of GSA's federal record-keeping system?
 - c. Has GSA produced any documents from the Google Drive to the Committees?
 - d. Has GSA searched for responsive documents from the Google Drive in response to the Committees' requests?
 - e. How many documents are in the shared project Google Drive folder for the FBI headquarters project?
 - f. Will GSA be producing those documents to the Committees? If so, please indicate when that production will occur.
 - g. Does GSA believe that there are documents in the Google Drive project folder that are not responsive to the Committees' request?

- h. Did the GSA and FBI project teams use any other shared project spaces aside from Google Drive, including, but not limited to, Dropbox and SharePoint?
 - i. Will GSA produce all responsive documents from any of those shared project spaces?
- 7. On June 10, 2019, GSA's production contained, for the first time, redactions of the names of email senders and recipients.
 - a. Why did GSA begin redacting the names of the senders and recipients in its productions?
 - b. Did GSA receive direction from the FBI to apply these redactions?
- 8. The Committees can only assess the relevance of any privileges asserted by GSA if GSA provides a record of all documents that are responsive, and the reason for withholding.
 - a. Has GSA asserted a privilege over any documents in response to the Committees' requests?
 - b. Has GSA invoked the deliberative process privilege?
 - c. Is it GSA's view that any decision-making documents related to the FBI headquarters project are deliberative in nature?
 - d. When will GSA produce a detailed privilege log to the Committees for any documents withheld?