

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051

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<http://oversight.house.gov>

June 21, 2019

The Honorable Patrick M. Shanahan  
Acting Secretary  
U.S. Department of Defense  
1400 Defense Pentagon  
Washington, D.C. 20301

Dear Acting Secretary Shanahan:

The Committee is investigating President Donald Trump's potential conflicts of interest stemming from his continued stake in foreign businesses, the accuracy of his federal financial reporting about those businesses, and his potential receipt of emoluments in violation of the U.S. Constitution.<sup>1</sup>

Two years before the 2016 election, President Trump spent hundreds of millions of dollars to purchase and renovate the Turnberry golf course in Scotland.<sup>2</sup> To date, the property has continued to suffer financial losses and has not turned a profit for the President or his companies.<sup>3</sup>

The airport closest to the Trump Turnberry golf course—Glasgow Prestwick Airport—has been viewed as integral to the golf course's financial success, yet it too has lost millions of dollars every year since its purchase by the Scottish government in 2013.<sup>4</sup> Just last week, on June 13, the Scottish government announced its intention to sell the debt-ridden airport.<sup>5</sup>

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<sup>1</sup> U.S. Const., art. II, § 1, cl. 7 (prohibiting the President from receiving "any other Emolument from the United States" other than an official salary); U.S. Const., art. I, § 9, cl. 8 (prohibiting the President from receiving, "without the Consent of Congress ... any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.").

<sup>2</sup> *Where Did Donald Trump Get Two Hundred Million Dollars to Buy His Money-Losing Scottish Golf Club?*, The New Yorker (July 13, 2018) (online at [www.newyorker.com/news/swamp-chronicles/where-did-donald-trump-get-200-million-dollars-to-buy-his-money-losing-scottish-golf-club](http://www.newyorker.com/news/swamp-chronicles/where-did-donald-trump-get-200-million-dollars-to-buy-his-money-losing-scottish-golf-club)).

<sup>3</sup> *Trump's Scotland Golf Course Lost \$4.5 Million in 2017, New Report Says*, Washington Post (Oct. 4, 2018) (online at [www.washingtonpost.com/politics/trumps-scotland-resort-lost-45-million-in-2017-new-report-says/2018/10/04/3821aa66-c71b-11e8-b2b5-79270f9cce17\\_story.html?utm\\_term=.0bf0d57b3642](http://www.washingtonpost.com/politics/trumps-scotland-resort-lost-45-million-in-2017-new-report-says/2018/10/04/3821aa66-c71b-11e8-b2b5-79270f9cce17_story.html?utm_term=.0bf0d57b3642)).

<sup>4</sup> *No Timescale for Prestwick Airport to Pay Back Government Loans*, The Scotsman (Jan. 16, 2019) (online at [www.scotsman.com/news-2-15012/transport/no-timescale-for-prestwick-airport-to-pay-back-government-loans-1-4857501](http://www.scotsman.com/news-2-15012/transport/no-timescale-for-prestwick-airport-to-pay-back-government-loans-1-4857501)).

<sup>5</sup> *Publicly-Owned Prestwick Airport Put Up for Sale*, British Broadcasting Corporation (June 13, 2019)

Despite Prestwick Airport's struggling operations, U.S. military expenditures at the airport appear to have increased substantially since the election. Since October 2017, the Defense Logistics Agency has entered into 629 separate purchase orders for fuel totaling \$11 million.<sup>6</sup> These jet fuel purchases appear to have supported various Defense Department missions.<sup>7</sup>

In addition, Prestwick Airport reportedly has provided "cut-price rooms for select passengers and crew" and "offered free rounds of golf at Turnberry to visiting U.S. military and civilian air crews."<sup>8</sup>

Given the President's continued financial stake in his Scotland golf courses, these reports raise questions about the President's potential receipt of U.S. or foreign government emoluments in violation of the U.S. Constitution and raise other serious conflict of interest concerns. In order to fulfill its responsibilities under the Constitution, the Committee is seeking information related to expenditures at both Prestwick Airport and the President's nearby Scotland golf resorts.

### Document Requests

To assist the Committee in its review, please provide the following documents and information by July 8, 2019, for the time period covering January 20, 2017, to the present:

1. All documents related to Defense Department expenditures at, or personnel billeted to, Trump Turnberry or Trump International Golf Links, including Defense Travel System records, other trip records and authorizations, and U.S. Government Travel Charge Card Statements reflecting overnight stays or other services;
2. All communications between Department of Defense personnel and any representative of Trump Turnberry, Trump International Golf Links, or any affiliated entities;
3. All documents related to Defense Department expenditures at the Glasgow Prestwick Airport, including communications related to Defense Department flights routed through Glasgow Prestwick Airport;
4. All pre-audit "flags" related to air crew travel through Prestwick Airport, Trump Turnberry, or Trump International Golf Links, including requests for

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(online at [www.bbc.com/news/uk-scotland-scotland-business-48627212](http://www.bbc.com/news/uk-scotland-scotland-business-48627212)).

<sup>6</sup> Federal Procurement Data System, *ezSearch* (online at [www.fpds.gov/ezsearch/fpdsportal?q=prestwick+airport&s=FPDS.GOV&templateName=1.5.1&indexName=awardfull&x=0&y=0&sortBy=SIGNED\\_DATE&desc=N](http://www.fpds.gov/ezsearch/fpdsportal?q=prestwick+airport&s=FPDS.GOV&templateName=1.5.1&indexName=awardfull&x=0&y=0&sortBy=SIGNED_DATE&desc=N)) (search for "Prestwick Airport") (accessed June 18, 2019).

<sup>7</sup> See, e.g., *Scottish Government Criticised Over US Military Use of Airport*, *The Guardian* (Feb. 7, 2018) (online at [www.theguardian.com/politics/2018/feb/07/scottish-government-criticised-over-us-military-use-of-airport](http://www.theguardian.com/politics/2018/feb/07/scottish-government-criticised-over-us-military-use-of-airport)).

<sup>8</sup> *Id.*

transportation, lodging, or travel allowances beyond the normal allocations in the Defense Travel System;

5. All communications between the Defense Department and any external entity, including but not limited to the White House and the White House Military Office, related to Prestwick Airport, Trump Turnberry, or Trump International Golf Links; and
6. All communications between the Defense Department and the State Department related to “per diem” allowances in Scotland (United Kingdom).

An attachment to this letter provides additional instructions for responding to the Committee’s request.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. In addition, House Rule X, clause 3(i) specifically charges the Committee with conducting oversight of “the operation of Government activities at all levels, including the Executive Office of the President.”

If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Elijah E. Cummings  
Chairman



Jamie Raskin  
Chairman  
Subcommittee on Civil Rights and  
Civil Liberties

Enclosure

cc: The Honorable Jim Jordan, Ranking Member

The Honorable Chip Roy, Ranking Member  
Subcommittee on Civil Rights and Civil Liberties

## Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and TIF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:  
  
BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.