

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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June 6, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Dear Ms. Steidel Wall:

The Oversight Committee is investigating former President Trump’s apparent failure to account for gifts from foreign government officials while in office, as required by law. Information provided to the Committee by the Department of State indicates the Trump Administration “did not prioritize this obligation” and failed to comply with the law governing foreign gift reporting during President Trump’s final year in office. As a result, the foreign sources and monetary value of gifts President Trump received remain unknown. The Committee has also learned that the Trump Administration mismanaged gifts from foreign sources during President Trump’s term and left the State Department’s gift vault in “complete disarray.”¹

These revelations raise concerns about the potential for undue influence over former President Trump by foreign governments, which may have put the national security and foreign policy interests of the United States at risk, and about possible violations of the Constitution’s Emoluments Clause, which prohibits the president from obtaining benefits from foreign entities while in office.²

The Foreign Gifts and Decorations Act authorizes U.S. officials to accept certain foreign gifts on behalf of the federal government without violating the Emoluments Clause, subject to certain requirements and limitations.³ Under this law, a gift from a foreign government to a U.S. official of more than minimal value, currently set at \$415, may not be kept as a personal gift.

¹ Briefing by Staff, Office of the Chief of Protocol, Department of State, to Staff, Committee on Oversight and Reform (May 9, 2022).

² U.S. Const. art. I, § 9; see Committee on Oversight and Reform, *Press Release: Chairwoman Maloney Issues Statement After Trump Hotel Sale Is Completed Despite Lack of Complete Transparency* (May 11, 2022) (online at <https://oversight.house.gov/news/press-releases/chairwoman-maloney-issues-statement-after-trump-hotel-sale-is-completed-despite>).

³ 5 U.S.C. § 7342. The Constitution provides that foreign emoluments shall not be accepted by U.S. officials “without the consent of Congress.” U.S. Const. art. I, § 9; see also Congressional Research Service, *The Emoluments Clauses and the Presidency: Background and Recent Developments* (Nov. 5, 2019) (R45992) (online at <https://crsreports.congress.gov/product/pdf/R/R45992>).

Rather, it becomes property of the United States. Gifts for the president or the president's family are turned over to the National Archives and Records Administration.⁴ The Department of State is required to publish annually a comprehensive list of gifts from foreign governments to government employees and their families, including the president and vice president.⁵ The Executive Office of the President compiles and submits to the Department of State a list of gifts received by the president and the president's family. Violations of the Foreign Gifts and Decorations Act may constitute a violation of the Emoluments Clause.⁶

On April 11, 2022, the Department of State revealed that it could not fully account for the foreign gifts Trump Administration officials received during the final year of the Trump Administration. The Department of State noted that during the Trump Administration, the Office of the Chief of Protocol failed to request a listing of foreign gifts received in 2020 from the White House. The Department is no longer able to obtain the required records. The Department explained in the Federal Register:

The Office of the Chief of Protocol has since made attempts to collect the required data from the current authoritative sources, the National Archives and Records Administration (as to gifts for the President and the First Family) and the General Services Administration (as to gifts for the Vice President and Family and for White House staff), but it has confirmed that potentially relevant records are not available to the State Department's Office of the Chief of Protocol under applicable access rules for retired records of the Executive Office of the President and the Office of the Vice President.⁷

The Department of State also stated that it was unable to determine the identities of some government officials who received foreign gifts during the Trump Administration, as well as the sources of those foreign gifts.⁸

On May 9, 2022, the Department of State Office of the Chief of Protocol briefed Committee staff on the process for tracking and reporting White House gifts and the serious deficiencies in that process during the Trump Administration. The Office told Committee staff that the Trump Administration "did not prioritize this obligation, which led to delays" in statutory requirements to report foreign gifts.⁹

Public reporting indicates that President Trump accepted multiple gifts from foreign sources in 2020, yet these gifts do not appear on the Department of State's public list as required

⁴ 5 U.S.C. § 7342(c)(1)(B)(i); note 41 C.F.R. §§ 102-42-15, 102-42.70.

⁵ 5 U.S.C. § 7342.

⁶ Congressional Research Service, *Gifts to the President of the United States* (Aug. 16, 2012) (R42662) (online at <https://sgp.fas.org/crs/misc/R42662.pdf>).

⁷ Department of State, *Office of the Chief of Protocol; Gifts to Federal Employees from Foreign Government Sources Reported to Employing Agencies in Calendar Year 2020*, 87 Fed. Reg. 69 (Apr. 11, 2022).

⁸ *Id.*

⁹ Briefing by Staff, Office of the Chief of Protocol, Department of State, to Staff, Committee on Oversight and Reform (May 9, 2022).

by law. For example, during President Trump's visit to India in February 2020, he received a bust of Mahatma Gandhi, a marble replica of Gandhi's "Three Monkeys" statue, and a spinning wheel, among other gifts.¹⁰ In previous years, President Trump reported receiving dozens of lavish gifts from world leaders, including a Louis Vuitton golf bag and photographs, allegedly valued at over \$8,200, from French President Emmanuel Macron, and a gold-framed portrait of President Trump, valued at over \$3,000, from the Prime Minister of Vietnam.¹¹

The Trump Administration's apparent failure to comply with federal records and ethics laws appears to have occurred well before 2020. According to *The New York Times*, following President Trump's first foreign trip to Saudi Arabia in May 2017, at least 82 gifts were given to Trump Administration officials. According to the reporting, "Nine of the most expensive presents—the three furs, three swords and three daggers—were sent to the White House gifts unit to be assessed and appraised but never appeared on any of the Trump State Department's legally required annual filings for foreign gifts."¹² This included gifts received by Jared Kushner, for which Mr. Kushner paid \$47,920 in 2021, after Mr. Trump had already left office.¹³

In addition to failing to report gifts as required, the Trump Administration poorly managed and tracked foreign gifts it received. The Department of State Office of Inspector General (OIG) issued a report in November 2021 finding that a "lack of accurate recordkeeping and appropriate physical security controls contributed to the loss" of foreign gifts by the Trump Administration.¹⁴ For example, the OIG was unable to determine what happened to a rare whiskey, valued at \$5,800, given to Secretary of State Mike Pompeo in 2019 and a 22-karat gold commemorative coin given to a Department of State official.¹⁵ The Department's required annual report stated the disposition or location of the whisky given to Secretary Pompeo was "[u]nknown."¹⁶

¹⁰ *Trump Officials Failed to Provide Accounting of Foreign Gifts*, New York Times (Apr. 8, 2022) (online at www.nytimes.com/2022/04/08/us/politics/trump-foreign-gifts.html).

¹¹ *From Louis Vuitton Golf Bags to Bed Covers, Foreign Dignitaries Shower Trumps with Expensive Gifts*, USA Today (Feb. 24, 2020) (online at www.usatoday.com/story/news/politics/2020/02/24/foreign-dignitaries-shower-trump-white-house-expensive-gifts/4860752002/). The Foreign Gifts and Decorations Act requires each agency to "establish a procedure for obtaining an appraisal, when necessary, of the value of gifts." 5 U.S.C. §7342(g)(2)(B).

¹² *White Tiger and Cheetah Furs: A Mess of Trump Gift Exchanges*, New York Times (Oct. 11, 2021) (online at www.nytimes.com/2021/10/11/us/politics/trump-gifts.html).

¹³ *Id.*; *The Saudi Royal Family Gave Jared Kushner Gifts Worth over \$47,000 Including 2 Swords and a Dagger, Report Says*, Business Insider (Oct. 11, 2021) (online at www.businessinsider.com/saudi-royal-family-gave-jared-kushner-over-47k-in-gifts-report-2021-10).

¹⁴ Office of Inspector General, Department of State, *Management Assistance Report: Office of the Chief of Protocol Gift Vault Access Controls* (Nov. 2021) (ESP-22-01) (online at www.stateoig.gov/system/files/esp-22-01.pdf).

¹⁵ *Id.*

¹⁶ Department of State, *Office of the Chief of Protocol; Gifts to Federal Employees from Foreign Government Sources Reported to Employing Agencies in Calendar Year 2019*, 86 Fed. Reg. 148 (Aug. 5, 2021).

A senior career protocol officer, who has been involved in multiple presidential transitions, told Committee staff that the Department of State's gift vault was in "complete disarray" at the end of the Trump Administration.¹⁷

The Oversight Committee has jurisdiction over federal records requirements and government ethics and has a long record of investigating presidential gifts, including presidents' compliance with federal gift laws. In 2002, under then-Chairman Dan Burton, the Committee released a report on the presidential gifts system.¹⁸

The Committee's investigation into the Trump Administration's apparent violation of gift disclosure requirements will assist the Committee in assessing whether legislative reforms are needed to ensure records of foreign gifts to the president are preserved and made available to the public, and to prevent violations of the Emoluments Clause.

For all these reasons, please provide the following documents and information by June 20, 2022, covering the period of January 1, 2020, to January 20, 2021:

1. All documents and communications, including, but not limited to, official statements filed pursuant to 5 U.S.C. § 7342(c)(3), related to foreign gifts received by President Trump or his family members, including, but not limited to, information on each gift's value, its location or disposition, the identity of the donor, payment, and reporting; and
2. All communications between the National Archives and Records Administration and former President Trump, his family members, or White House staff related to foreign gifts.

This request is made pursuant to the Presidential Records Act. The requested records are necessary for the Committee to conduct this investigation and are not otherwise available.¹⁹

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 states that the Committee on Oversight and Reform has jurisdiction to "study on a continuing basis the operation of Government activities at all levels, including the Executive Office of the President."

Thank you for your prompt attention to this request.

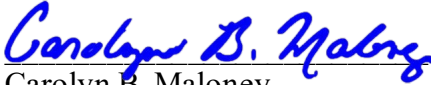
¹⁷ Briefing by Staff, Office of the Chief of Protocol, Department of State, to Staff, Committee on Oversight and Reform (May 9, 2022).

¹⁸ Committee on Government Reform, *Problems with the Presidential Gifts System*, 107th Cong. (Oct. 28, 2002) (H. Rept. 107-768).

¹⁹ 44 U.S.C. § 2205(2)(C).

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Sincerely,


Carolyn B. Maloney
Chairwoman

Enclosure

cc: The Honorable James Comer, Ranking Member