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COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

November 20, 2018

Mr. Emmet T. Flood
Acting White House Counsel
The White House
Washington, DC 20500

Dear Mr. Flood:

The Committee on Homeland Security and Governmental Affairs has jurisdiction over federal records, and it is a responsibility we take very seriously. As a result, I respectfully write to request further information about the White House's compliance with federal record-keeping requirements.

During meetings with Administration nominees, I stress the importance of following the Federal Records Act and the Presidential Records Act to the letter of the law. On February 3, 2017, at the beginning of the Trump Administration, I wrote to then-White House Counsel Don McGahn about the importance of using official government email accounts for official business.¹ On September 26, 2017, following news reports that six White House staff members may have used personal email accounts for official business, I again wrote to Mr. McGahn.²

I appreciated the timely and detailed response from the White House Counsel's Office, which briefed Committee staff on October 5, 2017, and described the White House's compliance with federal record-keeping requirements.³ The White House Counsel's Office conveyed the following information during that briefing:

- The Trump Administration is the first Administration required to comply from the outset with record-keeping obligations under the Presidential and Federal Records Act Amendments of 2014;⁴
- For the first time, the White House had elevated its ethics compliance program to the level of a Deputy Counsel to the President;
- Training on Presidential Records Act compliance was a prerequisite for all White House employees who began on January 20, 2017;
- In February 2017, the White House Counsel's Office issued a memorandum reminding all White House staff about their Presidential Records Act compliance obligations;

¹ Letter from Ron Johnson, Chairman, S. Comm. on Homeland Security & Gov't Affairs, to Donald F. McGahn II, White House Counsel (Feb. 3, 2017).

² Letter from Ron Johnson, Chairman, S. Comm. on Homeland Security & Gov't Affairs, to Donald F. McGahn II, White House Counsel (Sept. 26, 2017).

³ Briefing by White House Counsel's Off. for S. Comm. on Homeland Security & Governmental Aff. (Oct. 5, 2017).

⁴ Pub. L. 113-187 (2014).

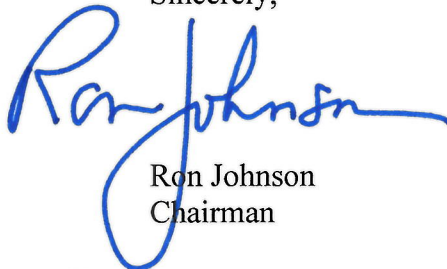
- In the first few weeks of the Administration, the White House Counsel's Office invited the National Archives to discuss federal record-keeping requirements;
- The White House's record-keeping compliance program is based on guidance from the National Archives; and
- The White House Counsel's Office tracks ethics training for all White House employees, and offers additional training on a monthly basis, including training on Presidential Records Act compliance.

In light of recent news reports about the White House's review of the personal email use of Ivanka Trump, Advisor to the President,⁵ and to help determine the extent to which Ms. Trump's use of personal email for official business was intentional and substantial versus inadvertent or de minimis, I respectfully request a written response and staff briefing on the following issues:

1. A timeline that includes Ms. Trump's employment history and status in the transition and the White House, the creation of her official and personal email accounts, and any training the White House or others provided her on her compliance obligations under the Presidential Records Act.
2. The extent and details of Ms. Trump's use of official and personal email accounts for official business, including:
 - a. How many official emails Ms. Trump sent or received from her official account;
 - b. How many official emails she sent or received from her personal account;
 - c. How many personal emails she sent or received from her personal account;
 - d. How many personal emails she sent or received from her official account; and
 - e. Whether Ms. Trump has properly preserved all official email records, including those sent or received from her personal account.

I ask that you provide a written response and arrange for a briefing to occur as soon as possible but no later than December 7, 2018. If you have any questions, please contact David Brewer of the Committee staff at (202) 224-4751. Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Member

⁵ Maggie Haberman, *Ivanka Trump repeatedly used personal email at White House, review finds*, N.Y. Times, Nov. 19, 2018.

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Mr. Abbe D. Lowell
Counsel to Ms. Trump