



February 20, 2020

VIA EMAIL

FOIA Officer
Office of Management and Budget
725 17th Street NW, Suite 9204
Washington, DC 20503
OMBFOIA@omb.eop.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

President Trump has visited a “Trump-owned or branded property” on approximately 31 percent of the days he has been president, according to public reporting.¹ His adult children also frequently travel to family-affiliated properties.² These trips cost tax payers millions.³ For example, it cost the Secret Service and other federal agencies approximately \$13.6 million to secure the Mar-a-Lago property for just four of President Trump’s trips to

¹ Philip Bump, *Nearly a Third of the Days He’s Been President, Trump has Visited a Trump-Branded Property*, WASH. POST (Dec. 30, 2019, 3:59 PM), <https://www.washingtonpost.com/politics/2019/12/30/nearly-third-days-hes-been-president-trumps-visited-trump-branded-property/>.

² See, e.g. Anita Kumar, *Why the Secret Service Spent Thousands at a Trump Hotel*, POLITICO (Aug. 14, 2019, 5:22 AM), <https://www.politico.com/story/2019/08/14/secret-service-donald-trump-jr-canada-hotel-1459051>.

³ Brian Naylor, *Government Watchdog: Trump's Trips To Florida Costing Taxpayers Millions*, NPR (Feb. 5, 2019, 4:40 PM), <https://www.npr.org/2019/02/05/691684859/government-watchdog-trumps-trips-to-florida-costing-taxpayers-millions>; Liz Johnstone, *Tracking President Trump's Visits to Trump Properties*, NBC NEWS (Updated Oct. 22, 2019, 12:00 PM), <https://www.nbcnews.com/politics/donald-trump/how-much-time-trump-spending-trump-properties-n753366>.



his Florida golf resort.⁴ Members of Congress from both the U.S. Senate and U.S. House of Representatives have requested investigations into federal spending on these trips.⁵

American Oversight seeks records with the potential to shed light on whether, and to what extent, federal government funds are being directed to properties in which the president and his family hold a financial interest.

Requested Records

American Oversight requests that the Office of Management and Budget (“OMB”) produce the following records within twenty business days:

Records sufficient to show *any and all* government spending at any property owned by the Trump organization or where President Trump has an ownership interest, including but not limited to the list of properties included in Appendix A.

Please provide all responsive records from January 20, 2017, through the date of the search.

American Oversight considers records reflecting any and all spending at Trump-owned and affiliated properties (see Appendix A for a non-exhaustive list) to be responsive to this request. At a minimum, this includes (a) invoices submitted by government employees for expenses at the relevant properties; (b) records of direct payments for lodging, meals, conference fees, amenities fees, incidental expenses, any other payments at the relevant properties; (c) records of government charge cards used at the relevant properties.

To the extent that this information is compiled in an aggregated form, such as in a spreadsheet or within a database or other format that can be readily exported to a spreadsheet, American Oversight requests responsive data in such format.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the

⁴ *Id.*

⁵ Ltr. from Rep. Bennie G. Thompson, Chairman of Comm. on Homeland Security, to James M. Murray, U.S. Secret Service, Jan. 15, 2020, <https://homeland.house.gov/imo/media/doc/SecretServiceCostRequest.pdf>; Ltr. from Sens. Carper & Warren, & Rep. Cummings, to Acting Inspector Gen. John V. Kelly, U.S. Dep’t of Homeland Sec., July 31, 2018, https://www.carper.senate.gov/public/_cache/files/6/3/63bf8367-b346-42e1-a366-7ee56d0e0e8a/4FEE952FBA58E348DD5FCDF75C789F32.2018-07-31-carper-warren-cummings-letter-to-dhs-oig.pdf.

disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government.”⁶ The public has a significant interest in understanding the extent of government spending at properties where the president and his family have a financial interest.⁷ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including elucidating potential self-dealing by the president and his family. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.⁸ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁹

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.¹⁰ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers;¹¹ posting records received as part of American Oversight’s “Audit the Wall”

⁶ 5 U.S.C. § 552(a)(4)(A)(iii).

⁷ Johnstone, *supra* note 3; Kumar, *supra* note 2.

⁸ See 5 U.S.C. § 552(a)(4)(A)(iii).

⁹ American Oversight currently has approximately 15,000 page likes on Facebook and 94,100 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Jan. 16, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Jan. 16, 2020).

¹⁰ News, AMERICAN OVERSIGHT, <https://www.americanoversight.org/blog>.

¹¹ DOJ Records Relating to Solicitor General Noel Francisco’s Recusal, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco->

project to gather and analyze information related to the administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;¹² posting records regarding potential self-dealing at the Department of Housing & Urban Development and related analysis;¹³ posting records and analysis relating to the federal government’s efforts to sell nuclear technology to Saudi Arabia;¹⁴ and posting records and analysis regarding the Department of Justice’s decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President’s political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.¹⁵

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

[compliance](https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents); *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹² See generally *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

¹³ *Documents Reveal Ben Carson Jr.’s Attempts to Use His Influence at HUD to Help His Business*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>.

¹⁴ *Investigating the Trump Administration’s Efforts to Sell Nuclear Technology to Saudi Arabia*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.

¹⁵ *Sessions’ Letter Shows DOJ Acted on Trump’s Authoritarian Demand to Investigate Clinton*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/sessions-letter>.

- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.¹⁶ It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.¹⁷
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,¹⁸ and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools may capture that email under Capstone. At the same

¹⁶ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

¹⁷ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

¹⁸ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Megan Field at foia@americanoversight.org or

202.897.2465. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Austin R. Evers
Executive Director
American Oversight

Appendix A

The website of the Trump Organization indicates that a reasonable search should include, at a minimum, the following list of hotels and golf properties:

- i. Trump International Hotel, Washington D.C.
- ii. Trump National Doral, Miami, Florida
- iii. Trump International Hotel and Tower, Waikiki, Hawaii
- iv. Trump International Hotel and Tower, Chicago, Illinois
- v. Trump International Hotel and Tower, Las Vegas, Nevada
- vi. Trump International Hotel and Tower, New York, New York
- vii. Trump Turnberry, Turnberry, Scotland
- viii. Trump International Hotel and Tower, Vancouver, British Columbia
- ix. Trump International Golf Links and Hotel, Doonbeg, Ireland
- x. Macleod House and Lodge, Aberdeen Scotland
- xi. Albemarle Estate, Charlottesville, Virginia
- xii. Trump National Golf Club, Los Angeles, California
- xiii. Trump International Golf Club, Dubai, UAE
- xiv. Trump National Golf Club, Bedminster, New Jersey
- xv. Trump National Golf Club, Charlotte, North Carolina
- xvi. Trump National Golf Club, Colts Neck, New Jersey
- xvii. Trump National Golf Club, Hudson Valley, New York
- xviii. Trump National Golf Club, Jupiter, Florida
- xix. Trump International Golf Club, West Palm Beach, Florida
- xx. Trump National Golf Club Philadelphia, Pine Hill, New Jersey
- xxi. Trump International Golf Club, Washington, D.C.
- xxii. Trump National Golf Club, Westchester, New York
- xxiii. Trump World Golf Club, Dubai, UAE
- xxiv. Trump International Hotel, Lido City, Indonesia
- xxv. Trump International Golf Club and Resort, Bali Indonesia
- xxvi. Trump Tower, New York, New York
- xxvii. Trump Park Avenue, New York, New York
- xxviii. Trump World Tower, New York, New York
- xxix. Trump Parc, New York, New York
- xxx. Trump Parc East, New York, New York
- xxxi. 200 Riverside Boulevard, New York, New York
- xxxii. 220 Riverside Boulevard, New York, New York
- xxxiii. 240 Riverside Boulevard, New York, New York
- xxxiv. Trump Palace, New York, New York
- xxxv. Trump Plaza, New York, New York
- xxxvi. Trump Park Residences Yorktown, New York, New York
- xxxvii. Trump Tower City Center, New York, New York
- xxxviii. 610 Park Avenue, New York, New York
- xxxix. Trump Bay Street, New Jersey
- xl. Trump Plaza Residences, New Jersey

- xli. Trump Parc Stamford, Connecticut
- xlii. Trump Grande, Florida
- xlili. Trump Tower Sunny Isles, Florida
- xliv. Trump Hollywood, Florida
- xlv. Trump Towers, Pune, India
- xlvi. Trump Tower, Mumbai, India,
- xlvii. Trump Tower, Kolkata, India
- xlviii. Trump Tower, Delhi NCR, India
- xlix. Trump Tower at Century City Makati, Philippines
 - 1. Trump World Seoul, South Korea
 - li. Trump Towers Istanbul, Turkey
 - lii. Trump Residences Bali, Indonesia
 - liii. Trump Residences Lido, Indonesia
 - liv. Trump Tower Punta Del Este, Uruguay
 - lv. Seven Springs, Bedford New York
 - lvi. The Mar-a-Lago Club, Palm Beach, Florida
 - lvii. The Estates at Trump National, Los Angeles, California
 - lviii. Le Chateau des Palmiers, St. Martin