



November 18, 2019

The Honorable Peter A. DeFazio  
Chairman  
Committee on Transportation and Infrastructure  
House of Representatives  
Washington, DC 20515

Dear Chairman DeFazio:

I write in response to the November 15, 2019, letter from your staff regarding the U.S. General Services Administration's (GSA) offer to provide the House Committee on Transportation and Infrastructure (Committee) an in-camera review of the confidential financial records provided to GSA by the tenant pursuant to the terms of the Old Post Office Building lease agreement. That offer, as you know, was explicitly conditioned on the Committee's agreement to not publicly disclose the information contained in those records without GSA's consent. As my letter to you dated November 12, 2019, explained, the condition on GSA's offer was meant to accommodate both the Executive Branch's interest in preserving the confidentiality of proprietary information provided to it by those who seek to do business with the government and the Committee's stated interest in obtaining that information. Balancing these competing interests is a constitutionally mandated component of the oversight process.

The Congress's implicit authority to obtain records from the Executive Branch is incident to its explicit authority to legislate. But the Committee's initial unwillingness to agree to not publicly disclose the tenant's confidential financial information without GSA's consent, as indicated by the November 15 letter from your staff,<sup>1</sup> suggests that its purpose in seeking that information is not legislative in nature.<sup>2</sup> We hope you will reconsider. If and when the Committee agrees to the single condition attached to our offer, GSA will remain prepared to make the records available for your review.

Please feel free to contact me at 202-501-2200 with any questions.

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<sup>1</sup> The letter stops well short of agreeing to the condition of GSA's offer and, instead, merely states that the Committee "has no current intention" of disclosing the confidential financial information to the public.

<sup>2</sup> *But see* *Watkins v. U.S.*, 354 U.S. 178 at 187 ("There is no general authority to expose the private affairs of individuals without justification in terms of the functions of Congress...No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress.").

Sincerely,



Jack St. John  
General Counsel

cc: The Honorable Sam Graves, Ranking Member