

December 21, 2022

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**Re: Referral for Debarment of Trump Organization Entities and Senior Officers
from Federal Contracts and Programs**

Dear Suspension and Debarment Officials:

More than a year ago, we requested that the government suspend the Trump Organization and affiliated parties from federal contracts and programs.¹ We cited the Trump Organization's indictment on several counts of criminal tax fraud and falsifying business records as part of an alleged 15-year scheme orchestrated by the company's top executives. We explained that these criminal charges expressly qualify as "adequate evidence" for suspension under governing regulations and that the government routinely suspends contractors facing such charges. Nevertheless, your agencies failed to suspend the Trump Organization while it was under indictment.²

¹ Letter from Noah Bookbinder, Steven L. Schooner, and Danielle Brian to Suspension and Debarment Officials, Oct. 12, 2021, <https://perma.cc/C7NW-F8FL>.

² A search query for "Trump" in the federal government's excluded entities database returned no results relating to the Trump Organization. See Search Query for "Trump," Exclusions, SAM.gov, https://sam.gov/search/?index=ex&page=1&pageSize=25&sort=-relevance&sfm%5Bstatus%5D%5Bis_active%5D=true&sfm%5BsimpleSearch%5D%5BkeywordRadio%5D=ALL&sfm%5BsimpleSearch%5D%5BkeywordTags%5D%5B0%5D%5Bkey%5D=Trump&sfm%5BsimpleSearch%5D%5BkeywordTags%5D%5B0%5D%5Bvalue%5D=Trump (last accessed Dec. 20, 2022).

On December 6, 2022, the Trump Organization was found guilty on all counts.³ Months earlier, the company's former Chief Financial Officer Allen Weisselberg pled guilty to 15 felony counts, including several counts of tax fraud and falsifying business records.⁴ A recently unsealed court order further shows that the judge presiding over the Trump Organization criminal trial held the company in criminal contempt and fined it \$4,000 on December 8, 2021, for "willfully disobeying four Grand Jury subpoenas *duces tecum* and three Court orders."⁵

Just as the Trump Organization indictment provided sufficient grounds for suspension, its conviction all but compels debarment. The governing regulations list as "causes for debarment" any "conviction" for "[c]ommission of ... falsification or destruction of records, ... tax evasion, violating Federal criminal tax laws," or "any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a Government contractor."⁶ The Trump Organization stands convicted of not just one but 17 such offenses, as well as related contempt charges. Other contractors convicted of such crimes are debarred as a matter of course.⁷ And the conviction adds to the already-overwhelming evidence of the Trump Organization's lack of business integrity and honesty. That the company has not even been *proposed* for debarment is as inexplicable as it is indefensible.⁸

While the company's conviction is itself compelling grounds for debarment, there is more. On November 3, 2022, a New York Supreme Court Justice granted the New York Attorney General's motion for a preliminary injunction and appointment of an independent monitor to oversee the Trump Organization's financial disclosures and transactions.⁹ In granting that extraordinary relief, the court held that the attorney general was likely to succeed on its claims that the Trump Organization and its senior officers are *presently* "engaged in ongoing and extensive acts of fraud in the preparation and submission of [Donald J.] Trump's annual Statements of Financial Condition, ... violating New York Executive Law § 63(12) and a multitude of state criminal laws."¹⁰

You are obligated as federal employees to apply the law fairly and evenly, without giving "preferential treatment to any private organization or individual."¹¹ And as suspension and debarment officials, you are entrusted with protecting taxpayer funds from fraud, waste, and abuse by contractors lacking business integrity and honesty. We urge you to fulfill those duties

³ Press Release, *District Attorney Bragg Announces All-Count Trial Convictions of The Trump Corporation and The Trump Payroll Corp.*, Manhattan District Attorney's Office, Dec. 6, 2022, <https://www.manhattanda.org/district-attorney-bragg-announces-all-count-trial-convictions-of-the-trump-corporation-and-the-trump-payroll-corp/>.

⁴ Ilya Marritz and Andrea Bernstein, *Allen Weisselberg, a Trump Org employee for decades, pleads guilty to felony charges*, NPR, Aug. 18, 2022, <https://perma.cc/94Y3-THGF>.

⁵ Decision and Order (N.Y. Sup. Ct. Dec. 8, 2021), <https://perma.cc/AN3G-PCE6>.

⁶ 48 C.F.R. § 9.406-2(a)(3), (5); 2 C.F.R. § 180.800(a)(3), (4).

⁷ See Letter from Bookbinder, Schooner, Brian, at 9-10 (citing examples).

⁸ See 48 C.F.R. § 9.406-3(c).

⁹ *People of New York v. Trump*, Index No. 452564/2022, NYSCEF No. 183 (N.Y. Sup. Ct. Oct. 13, 2022), <https://perma.cc/D2PA-4BUN>.

¹⁰ *Id.*

¹¹ 5 C.F.R. § 2635.101(b)(8).

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now by debaring the criminally-convicted Trump Organization and affiliated parties—including Donald J. Trump, Allen H. Weisselberg, Donald J. Trump Jr., and Eric F. Trump¹²—from federal contracts and programs. The law demands it.

Respectfully submitted,



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President
Citizens for Responsibility and Ethics in
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*Title listed for identification purposes only



Danielle Brian
Executive Director
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¹² See Letter from Bookbinder, Schooner, Brian, at 11-12 (listing corporate entities and individuals affiliated with Trump Organization).