

United States Senate

WASHINGTON, DC 20510

April 20, 2017

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We write to urge you to take immediate steps to reverse a number of decisions by your administration that create conditions for conflicts of interest and potential corruption throughout the federal government.

The *New York Times* reported this weekend that your administration is being filled with “former lobbyists, lawyers and consultants who in many cases are helping to craft new policies for the same industries in which they recently earned a paycheck.”¹ These do not appear to be isolated appointments. According to the *Times* and other media outlets, your administration includes lobbyists that have represented oil and gas interests, financial services companies, and the construction industry.² A March 2017 review by *ProPublica* found at least 36 former lobbyists among your administration’s earliest hires.³

In addition, several Senators have raised concerns to your staff about the role Carl Icahn is playing as a “special advisor” for regulations, a role that apparently allows him to skirt all conflict of interests laws, regulations and pledges while he advocates for policies that would directly benefit him and his companies.⁴ Others have raised concerns about the proliferation of former Goldman Sachs employees in your administration, and the conflicts of interest they bring to economic policy and financial oversight.⁵ There are now even reports that members of your administration are already getting secret waivers to return to the private sector and lobby the agencies they served, after only six months rather than the five-year ban required by your Ethics Pledge.⁶

Early in your term, you issued Executive Order 13770, “Ethics Commitments by Executive Branch Employees” that maintained, and in some cases extended, the conflict of interest restrictions put in place by the Obama administration. Those who took you at your word that

¹ Eric Lipton, Ben Protess, and Andrew W. Lehren, “With Trump Appointees, a Raft of Potential Conflicts and ‘No Transparency,’” *New York Times*, April 15, 2017.

² Justin Elliott, “Trump is Hiring Lobbyists and Top Ethics Official Says ‘There’s No Transparency,’” *ProPublica*, April 15, 2017.

³ Justin Elliott, Derek Kravitz and Al Shaw, “Meet the Hundreds of Officials Trump Has Quietly Installed Across the Government,” *ProPublica*, March 8, 2017.

⁴ <https://www.whitehouse.senate.gov/news/release/after-a-month-of-waiting-senators-want-answers-on-icahn>

⁵ https://www.warren.senate.gov/?p=press_release&id=1446

⁶ Ben Brody, “Senior White House Adviser Departs for Business Lobby Group,” *Bloomberg Politics*, April 12, 2017, https://www.bloomberg.com/politics/articles/2017-04-12/senior-white-house-adviser-departs-for-business-lobbying-group?wpsrc=nl_daily202&wpm=1

you would “drain the swamp” in Washington may have seen this as following through on your commitment, but that appears not to be the case. Since you issued this Executive Order, it appears you have undermined it by freely and secretly issuing waivers to allow former lobbyists to work on matters that could benefit their former clients.

The Obama administration released its waivers and the rationale supporting them to the public.⁷ You have not followed this precedent. The Director of the Office of Government Ethics has reportedly advised career government ethics officials that the process for getting waivers from your ethics rules lacks transparency and that they should not get involved in what has become a “political decision.”⁸ To compound this lack of transparency, you have chosen to keep these waivers secret and stonewall congressional inquiries into the conflicts your appointees bring to their positions.⁹ As of this writing, the White House website where the Obama administration disclosed this information is blank.¹⁰

Secrecy is becoming the hallmark of the Trump White House. Last week, your administration announced it would break with precedent and refuse to make public White House visitor logs. This announcement stressed, among other things, “grave national security risks” associated with disclosing these records.¹¹ We are not aware of any instance where the disclosure of the name of a visitor to the White House, as long as three months after that visit, created a national security risk. The American public is entitled to know who meets with the President and White House policy makers. There has been strong bipartisan support for releasing the visitor logs and congressional Republicans conducted vigorous oversight over the Obama administration’s implementation of its disclosures.¹²

Your decision to spend an unprecedented amount of time and conduct significant government business at the Mar-a-Lago resort, which you call the “Southern White House,” has compounded this lack of transparency. Despite repeated requests, your administration has refused to respond to congressional inquiries about security and screening at Mar-a-Lago. You have also refused to extend the Obama-era visitor log policy to that and other Trump properties at which you expect to regularly conduct government business.

Scandal follows conflict of interest like night follows day. Your decisions permit industry lobbyists to advance their agendas in your administration, confer with former clients and employers to craft government policy behind closed doors, and cash out by returning to their high-paying lobbying jobs to take advantage of those new policies, all thanks to secret waivers

⁷ <https://obamawhitehouse.archives.gov/21stcenturygov/tools/ethics-waivers>

⁸ Lipton et al., “With Trump Appointees, a Raft of Potential Conflicts and ‘No Transparency,’” *New York Times*, April 15, 2017.

⁹ On March, 15, 2017, Senate Democrats released a list of over 100 unanswered letters to your Administration, many of which raised questions about these burgeoning conflicts of interest. To our knowledge, your Administration has yet to answer those letters and others sent since then. <https://www.whitehouse.senate.gov/news/release/senate-democrats-release-list-of-over-100-oversight-letters-president-trump-refuses-to-answer>

¹⁰ <https://www.whitehouse.gov/briefing-room/disclosures/ethics-pledge-waivers> (accessed April 18, 2017)

¹¹ Zeke J. Miller, “The White House Will Keep Its Visitor Logs Secret,” *Time*, April 14, 2017.

¹² See, e.g., “White House Transparency, Visitor Logs, and Lobbyists,” House Energy and Commerce Subcommittee on Oversight and Investigations, May 6, 2011.

that are never made public. When industry captures its regulators, the American people rarely benefit.

We hope our assessment of your administration is wrong. We hope that it does not take a tragedy like a public health emergency or financial collapse caused by policies crafted by lobbyists to benefit their industry for you to begin to take seriously your pledge to “drain the swamp.” We urge you to take these two steps to start to address these concerns:

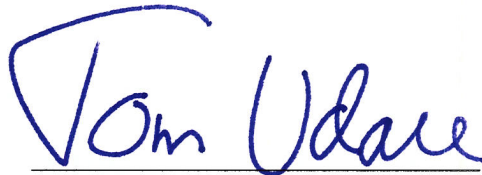
1. Make public all waivers to your ethics pledge as soon as they are granted.
2. Release White House visitor records. If “grave national security risks” are a legitimate concern, provide us the specific basis for your decision and work with us to develop a policy that addresses those concerns.

Ultimately, no one benefits from a government riddled with conflict, scandal, and corruption. Should you take these initial steps, we stand ready to work with your administration to ensure the federal government meets the highest ethical standards. We are prepared to press for legislation to address these issues if you do not.

Sincerely,



Sheldon Whitehouse
United States Senator



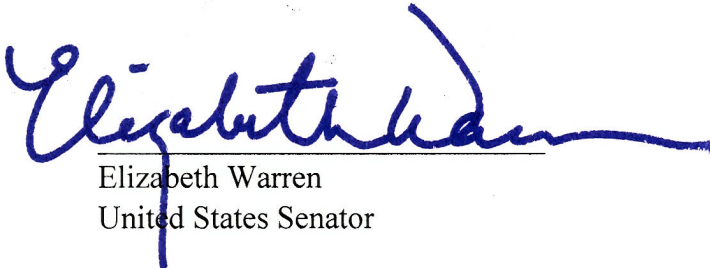
Tom Udall
United States Senator



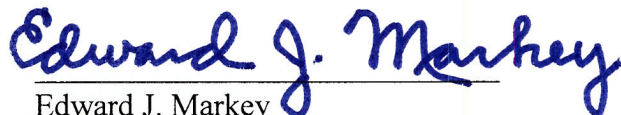
Thomas R. Carper
United States Senator



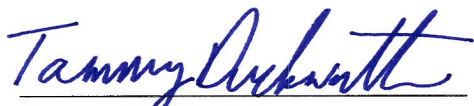
Martin Heinrich
United States Senator



Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator



Tammy Duckworth
United States Senator