

United States Senate

WASHINGTON, DC 20510

January 23, 2017

Timothy Horne
Acting Administrator
General Services Administration
1800 F. St., NW
Washington, D.C. 20405

Dear Administrator Horne,

President Donald Trump's refusal to eliminate his conflicts of interest before Inauguration Day and follow the advice of the non-partisan Office of Government Ethics has created an unprecedented situation for the office of the President and for our country. It will likely take some time to truly understand the consequences. We write today to request information regarding the steps the General Services Administration (GSA) will take to address the violation of the lease with the Trump Old Post Office, LLC to redevelop and manage the Old Post Office building in Washington, DC that began occurring at noon on Friday, January 20th, when President Trump took the oath of office.

GSA's contract with the Trump Old Post Office, LLC plainly states: "No...elected official of the Government of the United States...shall be admitted to any share or part of this Lease, or to any benefit that may arise therefrom..."¹ The lease, which was negotiated in 2013 between President Trump's company and GSA, contains no exceptions to this provision. Federal procurement officials include this clause in lease agreements to avoid the appearance of favoritism or preferential treatment toward federal officials.

We raised this concern with GSA in writing several times during then-President-elect Trump's transition.² In response, GSA stated that the violation of the terms of the lease was "hypothetical."³ GSA also stated that because then-President-elect Trump was

¹General Services Administration, "Old Post Office Ground Lease: Ground Lease Segment One, part 2" (online at [http://www.gsa.gov/portal/mediaId/233123/fileName/Part_Two_of_Segment_001_of_OPO_Ground_Lease_\(2013\)_RA.action](http://www.gsa.gov/portal/mediaId/233123/fileName/Part_Two_of_Segment_001_of_OPO_Ground_Lease_(2013)_RA.action)), p. 103.

² Letter to Administrator Denise Turner Roth, GENERAL SERVICES ADMINISTRATION, from Representatives Cummings, DeFazio, Connolly, and Carson (Nov. 30, 2016) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-11-30.EEC%20Defazio%20Connolly%20&%20Carson%20to%20GSA.pdf>); Letter to Administrator Denise Turner Roth, GENERAL SERVICES ADMINISTRATION, from Senators Warren and Carper (Dec. 1, 2016) (online at https://www.warren.senate.gov/?p=press_release&id=1311).

³ Briefing from GSA to the staffs of Senators Warren, Carper, McCaskill, and Chairman Johnson (Dec. 14, 2016).

“currently...upholding the terms and conditions of the lease,” it would be “premature” for GSA to “make [a] definitive statement...about what would constitute a breach of the agreement.”⁴

In a letter to Senators Warren and Carper on January 5, 2017, GSA explained that “no determination regarding the Old Post Office can be completed until the full circumstances surrounding the President-elect’s business arrangements have been finalized and he has assumed office.”⁵ These circumstances are now clear: Donald Trump is now President of the United States, and he has announced that he will not be divesting his interests in his company⁶

The violation of the terms of the lease is no longer hypothetical, as President Trump will soon oversee GSA and appoint a new GSA Administrator, effectively making him simultaneously landlord and tenant of the Old Post Office building. Terms of the agreement require annual disclosures of sensitive financial information and for GSA to renegotiate rent adjustments and other payments to the Trump Organization. This scenario is a breach of the plain language of the lease agreement and presents unmanageable conflicts of interest for career GSA officials and President Trump.

To better understand the specific steps that the GSA is taking to address this issue, please provide the following information no later than January 27, 2017:

1. What actions does GSA intend to take in response to the violation of the terms of the lease for the Old Post Office building?
2. What are the timelines for such actions?

We ask that you provide us a briefing on this matter no later than January 25, 2017. We also ask that you provide us with any and all communications related to this issue between GSA and the Trump Transition team, as well as the Trump Administration.

If you or members of your staff have any questions about this request, please feel free to ask your staff to contact [REDACTED] Senator Warren’s staff at 202-224-1345 and [REDACTED] Senator Carper’s staff at 202-224-2441. Thank you very much for your prompt attention to this matter.

With best personal regards, we are

Sincerely yours,

⁴ Letter from Associate Administrator Lisa Austin, GENERAL SERVICES ADMINISTRATION, to Senators Elizabeth Warren and Tom Carper (Jan. 5, 2017).

⁵ *Id.*

⁶ *Donald Trump’s News Conference: Full Transcript and Video*, NEW YORK TIMES (Jan. 11, 2017) (online at <https://www.nytimes.com/2017/01/11/us/politics/trump-press-conference-transcript.html>).



Elizabeth Warren
United States Senator



Tom Carper
United States Senator

cc: The Honorable Carol Fortine Ochoa
Inspector General
General Services Administration

The Honorable Claire McCaskill
Ranking Member
Senate Committee on Homeland Security and Governmental Affairs