March 22, 2017

The Hon. Jason Chaffetz, Chairman
The Hon. Elijah Cummings, Ranking Member
House Oversight and Government Affairs Committee
2157 Rayburn House Office Building
Washington, D.C. 20515

RE: Support the Presidential Tax Transparency Act (H.R. 305)

Dear Chairman Chaffetz and Ranking Member Cummings:

Every president since Jimmy Carter has made their tax returns available for scrutiny by the American public. President Donald Trump is the first to refuse to do so over the last 40 years.

Breaking this precedent of transparency of the president's financial holdings is a cause of great concern and deep suspicion. Public Citizen, Every Voice, Democracy 21 and Center for American Progress urge the committee to address this issue.

The noble tradition began in the wake of the Watergate scandal as an important means for the White House to assure the American public that the actions of the administration are being done in the public's interest and not for self-dealing purposes. This tradition of transparency by the White House has never been more critical than today in the case of Donald Trump, whose vast business empire spills into hundreds of business interests. These business interests pose a wide array of financial conflicts of interest that could easily sway official actions by the White House for personal enrichment.[1]

Not only is the concern today just the possibility of self-dealing by the President and his family, but the concern now even extends into national security issues. Several recent foreign policy actions by the Trump administration have raised considerable suspicions that foreign interests, including foreign governments, may be attempting to manipulate American foreign policy by pandering to the global business interests of the Trump family.[2]

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[1] See attachment by Public Citizen and Every Voice, "Broken Promises," that discusses the problems posed by these conflicts of interests.

[2] See, for example, Craig Holman, "The president's conflicts of interest are not in America's interest," The Hill (Mar. 22, 2017), available at: http://thehill.com/blogs/pundits-blog/international-affairs/325036-the-presidents-business-interests-are-not-in. See also Liz Kennedy and Danielle Root, "Top 10 risks and remedies for Trump's conflicts of interest," Report issued by the Center for American Progress (Feb. 24, 2017), available at: https://www.americanprogress.org/issues/democracy/reports/2017/02/24/426939/top-10-risks-and-remedies-for-trumps-conflicts-of-interest/

President Trump does not seem to recognize the importance of full transparency of his family business interests as a means both for the public to keep a check on White House actions that pose serious conflicts of interest, and as a means for the public to have reasonable confidence in the integrity of official actions. If President Trump fails to understand the importance of transparency of his business interests, then it is imperative that Congress step up to the plate and mandate that every president from now on disclose their tax returns in the same tradition America has seen for the last 40 years.

Public Citizen, Every Voice, Democracy 21 and Center for American Progress strongly encourage the House Oversight and Government Reform Committee to approve the Presidential Tax Transparency Act championed by Rep. Anna Eshoo (D-Cal.) and co-sponsored by 73 other members of Congress.

Attachment.

Sincerely,

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Broken Promises

How Trump Is Profiting Off the Presidency and Empowering Lobbyists and Big Donors

EVERY VOICE

PUBLIC CITIZEN

By Every Voice and Public Citizen

A large portion of President Donald Trump's claim to mass support was built on his rhetorical rejection of insider politics during his campaign. On the campaign trail, in debates and through campaign ads, he made ongoing pledges to "drain the swamp" in Washington, and said he'd fight the power of big donors and lobbyists. However, since the start of his presidency he has embraced the opposite, turning control of his policymaking over to the wealthy special interests and their ethically conflicted representatives, and refusing to change his own business practices. He has received wide criticism for these choices.

In January, in part, in response to this criticism, Trump released a plan to at least *appear* to be trying to address the glaring conflicts of interest he faces. As the owner of businesses that face regulation by the agencies he now oversees, have ties to foreign governments that America engages with diplomatically, or could otherwise be used by those trying to buy access and favor with the most powerful man in the world, he is obviously in a position to reap massive benefits from his office.

At the press conference where he released his plan, Trump stated, "the President can't have a conflict of interest," while simultaneously offering a wholly insufficient plan to address his ethical issues. His plan did not address the many concerns of outside ethics experts—and even the head of the nonpartisan Office of Government Ethics, remained very concerned.

Two months into his presidency, from what we can assess (though the lack of transparency makes certainty about ethical transgressions impossible), Trump has so far failed to keep even the weak promises contained in his plan, according to analysis by Every Voice and Public Citizen.

"The President Can't Have a Conflict"

Trump offered a plan to deal with his business empire that fell far short of the standards set by other presidents and suggested by ethics experts. So far, he has not delivered on the promises offered by this already-weak plan.

Promise 1: Trump will "isolate" himself from the management of the company.

"We believe this structure and these steps will serve to accomplish the president-elect's desire to be isolated from his business interests and give the American people confidence that his sole business and interest is in making America great again."—Trump attorney Sheri Dillon

Instead of fully divesting from his businesses, as ethics experts, good government watchdogs, and the Office of Government Ethics (OGE) all called for, Trump promised to simply "isolate" himself from the management of the Trump Organization, putting his sons in charge of the day-to-day operations of the company. This was always a meaningless promise. Trump can't un-know what his businesses do or where his investments are. And since Inauguration Day, dozens of stories have highlighted that it's impossible to tell where Trump the businessman ends and Trump the president starts.

- **Trump's business partners were invited to his inauguration.** Days after Trump promised that he would be walled off from his business interests, Mother Jones reported that "at least two of his wealthy foreign business partners attended his inauguration as VIPs, where they watched the swearing-in from prime seats, partied with Trump insiders, and posed for pictures with Trump's children and grandchildren."

- **Trump mentioned his Scottish golf course in a press conference.** In a joint press conference with British Prime Minister Theresa May, his first such event as president with another world leader, Trump mentioned his Scottish golf course, Trump Turnberry. "And I happened to be in Scotland at Turnberry cutting a ribbon when Brexit happened and we had a vast amount of press there," he said. Back in November, he reportedly urged a prominent British politician to do something about the wind farms impacting the course.

- **Trump's Muslim ban excluded countries where he has business interests.** The night Trump announced his immoral seven-country Muslim ban, Bloomberg News noted something interesting: "His proposed list doesn't include Muslim-majority countries where his Trump Organization has done business or pursued potential deals." After courts ruled against his initial ban, the White House released a revised one that also omitted those countries.

- **Trump's business managers schmooze with Senators at Supreme Court announcement.** When Trump announced his choice for the Supreme Court, the Trump Organization's business managers–his sons–were in the audience at the White House talking with U.S. Senators, policymakers who could laws or roll back regulations that could directly benefit his companies. As Talking Points Memo pointed out, "Their appearance served as a reminder that the dividing line between the Trumps' political and financial interests is far from clear."

- **Trump used the National Prayer Breakfast to publicly pray for ratings for a show he has a financial stake in.** At the National Prayer Breakfast, a solemn annual event in Washington, D.C., Trump used his speech to pray for better ratings for the Apprentice, a show for which he has an executive producer credit, meaning he makes money off the show and may make more money if the show does better. "And I want to just pray for Arnold, if we can, for those ratings, OK," Trump said.

- **Trump's Wall Street policies could benefit his company's bottom line.** Trump announced his plans to roll back the Dodd-Frank reforms aimed at preventing a repeat of actions on Wall Street that led to the 2008 collapse. "I have so many people, friends of mine, that have nice businesses, they can't borrow money," he said when announcing the effort. But, it's not just his friends: deregulating Wall Street could also help him. Banks who'll benefit from deregulation hold a lot of Trump's debt and could look more kindly at him for repealing Dodd-Frank. But also, as George W. Bush's ethics czar Richard Painter points out, "Deregulation is likely to lead to a bubble in the real estate market, as it has in the past. That ups the value of his real estate holdings, which the Trump Organization could then sell at the top of the market."

- **Melania Trump's lawyer said her husband's presidency is a good opportunity to build her brand and make money**. In a lawsuit filed against a news organization, an attorney for Trump's wife Melania argued that defamation by the news outlet would prevent her from cashing in on the presidency.

Specifically, the lawsuit stated, "Plaintiff had the unique, once-in-a-lifetime opportunity, as an extremely famous and well-known person…to launch a broad-based commercial brand in multiple product categories, each of which could have garnered multi-million dollar business relationships for a multi-year term during which plaintiff is one of the most photographed women in the world." After this received attention, the lawsuit was updated to remove that line.

- **Trump bullied an American company for dropping his daughter's clothing line.** After retailer giant Nordstrom announced it would stop carrying Ivanka Trump merchandise due to poor sales, Trump tweeted an attack on the company: "My daughter Ivanka has been treated so unfairly by @Nordstrom. She is a great person—always pushing me to do the right thing! Terrible!" By doing so, Trump demonstrated that if you hurt his family's businesses he won't shy away from using his position as president to attack you in retribution. And, in case that wasn't clear enough, he retweeted the message from the official account of the president–@POTUS. Sales of Ivanka's clothing line hit record heights since this incident.

- **A top adviser to the President violated ethics rules by promoting Ivanka Trump's clothing line.** White House employee Kellyanne Conway said during a Fox News interview in the White House Briefing room, "Go buy Ivanka's stuff, is what I would tell you"…"I'm going to give it a free commercial here, go buy it today." This led to letters of concern from both the Office of Government Ethics and the House Oversight Committee that Conway violated ethics rules by using her official position to promote the brand. After it was clear Conway would go unpunished, the OGE wrote another letter stating, "Not taking disciplinary action against a senior official under such circumstances risks undermining the ethics program." It harms the public's faith in elected officials and serves as a sign to other staff that violating the rules won't be cause for punishment.

- **Ivanka Trump joins her husband, Jared Kushner, as White House advisers while maintaining stakes in their vast business enterprises.** Both Ivanka Trump and Kushner have divested some of their financial conflicts of interest, but both have also decided to keep ownership of much of their business enterprises, and turn other business investments over to close family members to control rather than follow the model of placing these investments in a genuine blind trust run by independent executors. They claim as White House officials the conflicts of interest laws do not apply as they do to employees of government agencies.

- **Kuwaiti Embassy event raises questions about foreign bribery clause violations**. Late last year, the Kuwaiti Embassy announced it would move its annual National Day celebration to Trump's D.C. hotel–after canceling its reservation at another hotel in the city–raising questions as to whether it was a way for the country to curry favor with Trump's administration. Whether the move was designed to buy influence is just one question raised by the event. As ethics expert Norm Eisen tells NPR, it could also violate the foreign bribery clause of the constitution that prohibits presidents from accepting gifts from foreign governments.

- **Trump's rollback of environmental protections will benefit his golf courses**. The same day Trump delivered a speech before a joint session of Congress in which he pledged to "promote clean air and clean water," he issued an executive order to rescind and rewrite a clean water regulation that would also benefit his many golf courses. In fact, the golfing trade association that lobbied against the rule "includes more than 20 Trump employees."

- **Trump has visited his properties every weekend of his presidency, offering invaluable free advertising to these businesses.** Trump has spent five weekends at Mar-a-Lago, golfed at Trump International in Palm Beach, had dinner at the steakhouse at his hotel in D.C., and spent a Saturday at his Virginia golf course, holding a "cabinet meeting" in the club's dining room. One weekend at Mar-a-Lago, he rewarded long-time club members with access to Japanese Prime Minister Shinzo Abe. According to CNN, Trump made Abe talk with some newlyweds at the resort. He said, "They've been members of this club for a long time. They've paid me a fortune." One weekend, he crashed the wedding of a super PAC donor's son and on another, his Attorney General greeted guests at a fundraiser being hosted there. This past weekend, Vice President Mike Pence was spotted on Instagram at Mar-a-Lago with Trump donor Nick Loeb. Though Mar-a-Lago raised its membership rates to $200,000 this year, there's no disclosure of the lobbyists, corporate CEOs, or others who get access to the president and his team while at the resort. Trump's visit to his hotel in D.C. has already spurred a lawsuit by local wine bar owners, alleging his affiliation with the property puts other area restaurateurs at a disadvantage.

Promise 2: The Trump Organization will not pursue "new" foreign deals.

"The trust agreement as directed by President Trump imposes severe restrictions on new deals. No new foreign deals will be made whatsoever during the duration of President Trump's presidency."—Trump attorney Sheri Dillon.

By retaining an ownership stake in the Trump Organization, which has investments around the world, the president opened his administration up to opportunities for bribery by foreign governments. To address these concerns, Trump said that during his time in office, the Trump Organization would not pursue "new deals" in foreign countries.

This promise has already been broken.

- **After a decade of inaction, the Trump Organization quietly re-started a licensing project with a wealthy family in the Dominican Republic that could lead to new hotels or other Trump-branded projects in the country**. While the Trump Organization's defense is this was just the continuation of an old project, it shows just how meaningless the "no new deals" pledge is. There were no Trump Hotels in the Dominican Republic before Trump's presidency, but there will be after. They will involve negotiations with local government zoning officials, loans from banks, or investors who may have ties to the government.

- **A fight over trademarks of Trump's name in China was suddenly settled weeks after his inauguration.** The application to register Trump's name in China was finally approved just weeks after Trump took the oath of office, paving the way for the Trump Organization to develop branded businesses in the country. The news came just days after Trump asserted the U.S. government's support for the "One China policy," raising the question of whether the trademarks were approved as quid pro quo. As one intellectual property expert in Hong Kong noted, "For all these marks to sail through so quickly and cleanly, with no similar marks, no identical marks, no issues with specifications—boy, it's weird." The approval of these trademarks could also be seen as a violation of the emoluments clause of the constitution, which prohibits the president from receiving anything of value from foreign governments.

- **As the Trump administration backs off promise to have Mexico pay for the border wall, the country approves his trademarks.** The Mexican Institute of Industrial Property granted the trademarks to the Trump Organization as his administration backs off a major promise of his campaign to have the country pay for the proposed wall along the border. The approval of these Trump trademarks and the business deals now available to the Trump Organization, which Trump maintains an ownership stake in, could also violate the emoluments clause.

- **A businesswoman with ties to Chinese intelligence just bought a penthouse from Trump.** The "no new foreign deals" pledge shouldn't be limited to licensing agreements or hotel expansions abroad, but any time he profits off new arrangements with people who aren't American—especially if those people have ties to foreign intelligence agencies. Mother Jones reported recently that the woman who just paid $15.8 million for a penthouse in one of Trump's buildings in New York City doesn't just work for a consulting firm with the goal of linking U.S. businesses with Chinese powerbrokers, she also has ties to a front group for Chinese intelligence. He has another penthouse for sale too.

Promise 3: He will donate foreign profits from the Washington, D.C. hotel to the U.S. treasury.

"So, President-elect Trump has decided, and we are announcing today, that he is going to voluntarily donate all profits from foreign government payments made to his hotel to the United States Treasury. This way, it is the American people who will profit."—Trump attorney Sheri Dillon

The goal of this component of his conflicts plan was to address potential violations of the emoluments clause of the constitution, which was created to prevent bribery by foreign governments.

We know Trump's D.C. hotel has hosted foreign governments—the previously mentioned Kuwaiti embassy event for example. So far, he has not donated these profits and the Trump Organization said last Friday that the donation would be made at the end of the year.

Of course, it's not as simple as writing a check. As reported at the time of his conflicts announcement, this arrangement only further entangles his businesses with the U.S. government and *still* violates the emoluments clause.

First, we don't know what they mean by "profit," which can be calculated in a variety of ways. Secondly, luxury hotels like Trump's D.C. property generally have a profit margin of around six to 15 percent, meaning that his hotel could keep up to 85 percent of the money it receives from foreign governments for stays, conferences, or cocktails. And finally, he has properties around the world that could be hosting overnight stays or events by government officials. Members of Trump's clubs have reciprocity with others, offering any foreign members with ties to their country's government access to domestic properties like Mar-a-Lago, which Trump makes a profit from.

While we now know the Trump Organization plans to donate these profits at the end of the year, we don't know what disclosure of that will look like and, as USA Today noted, "how Trump hotels and similar businesses will separate profits from foreign governments' rentals of rooms and suites, conference rooms and banquet facilities, or payments for other services at its hotels."

Promise 4: Appoint independent ethics officer for Trump Organization.

"Because any new deal could—and I emphasize could—be perceived as causing a conflict or as exploiting the office of the presidency, new deals must be vetted with the ethics adviser, whose role will be to analyze any potential transactions for conflicts and ethics issues. The ethics adviser will be a recognized expert in the field of government experts."—Trump attorney Sheri Dillon

Trump announced that he would appoint an ethics officer at the Trump Organization to be in charge of approving "deals, actions, and transactions that could potentially raise ethics or conflicts of interest concerns." However, instead of appointing a truly independent outside official known as a recognized expert in the field, he appointed a loyal Republican election lawyer and a long-time attorney for the Trump Organization, men who have a vested interest in keeping the president happy and the company profitable.

Early reports indicate that if they are vetting these deals, the process isn't very thorough. Selling property to someone with ties to Chinese intelligence should have been a red flag, ethics experts agree, but that's just what happened in the first deal the Trump Organization completed after his inauguration, as mentioned above. The company refuses to explain its vetting process.

"The Trump Organization, in deals that I've seen so far, they either never do due diligence, or they do due diligence and they don't care," said Jessica Tillipman, a George Washington University law professor and expert on ethics and corruption.

His sons don't seem too worried about it either. According to an article in Forbes, in which they interviewed Eric Trump, "The Trump fils took an informal approach to vetting potential partners, relying, like their dad, as much on gut as numbers and analyses"

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In response to Trump's failure to divest and disclose his interests, several lawmakers have introduced resolutions and legislation encouraging or requiring such action. Sen. Ben Cardin (D-Md.) has introduced a resolution urging Trump to completely divest from his businesses. Sen. Elizabeth Warren (D-Mass.) and Rep. Katherine Clark (D-Mass.) have introduced legislation requiring presidents and vice presidents to divest and disclose their assets. Sen. Ron Wyden (D-Oregon) has a bill that would require Trump to disclose his interests in a foreign country before beginning new trade negotiations. Rep. Jerry Nadler (D-N.Y.) introduced a resolution of inquiry—buried by a vote in the House Judiciary Committee—requiring the Attorney General to release all materials related to investigations into his conflicts of interest, especially those related to payments from foreign countries.

Senate and House Democrats have also sent more than two-dozen letters of oversight and concern on these issues to the White House, Office of Government Ethics, the General Services Administration, the FBI, and House and Senate committee chairs.

"Draining the swamp of government corruption."

On the campaign trail, Trump presented himself as the candidate who would eliminate government corruption, claiming in speeches and social media posts that he would make government "honest" again, close loopholes that allow people to influence public policy without registering as a lobbyist, and "drain the swamp" of wealthy special interests. After Trump became president, his actions and personnel choices have disappointed government reform advocates and delighted the wealthy and corporate interests whose influence candidate Trump seemed determined to quash.

In the final weeks of the presidential campaign, candidate Trump presented himself as a reformer by releasing a "five-point plan for ethics reform."

The ethics executive order that Trump eventually signed is a half-hearted attempt to fulfill some of the pledges made in the five-point plan. In a reference to the executive order during his speech to the joint session of Congress, Trump said "We have begun to drain the swamp of government corruption." Nevertheless, the order scales back the ambitions of this plan and, compared to the Obama administration's ethics executive order, significantly weakens ethics oversight in the executive branch. And as for the points of the plan that require congressional movement, even less progress has been made on that front. Far from being drained, the swamp is rather, as a result of President Trump's actions, deeper than ever.

The promise made in the five-point ethics plan and analyses of how the Trump administration followed through on it follows.

Promise 1: Re-institute five-year ban on executive branch officials lobbying the government and asking Congress to pass legislation that does the same.

First: I am going to re-institute a 5-year ban on all executive branch officials lobbying the government for 5 years after they leave government service. I am going to ask Congress to pass this ban into law so that it cannot be lifted by executive order.

In some ways, the revolving door restrictions on agency staff leaving the federal government to become lobbyists seem stronger than the Obama restrictions. Where Obama's executive order prohibited outgoing executive branch employees from lobbying for two years, Trump's extends the prohibition to five years. More importantly, Trump's five-year ban on lobbying includes "lobbying activities" rather than just "lobbying contacts," which should include all the strategic planning and research behind a lobbying campaign.

This provision of the executive order appears partially to fulfill the promise made in the first point of the five-point ethics plan Trump made on the campaign trail. However, this apparent effort to strengthen lobbying restrictions comes with major caveats.

Trump's ethics executive order includes a new definition of "lobbying activities" that excludes "rulemaking, adjudication and licensing" from the five-year ban on any appointee who leaves an agency returning to lobby the agency where he or she served. The exclusion of rulemaking is particularly concerning, as rulemaking is the main activity that executive branch agencies perform. It is possible that a narrow definition of the term rulemaking could avoid opening loopholes for lobbyists, and would simply refer to the process through which federal agencies receive comments from the general public. If, however, rulemaking is broadly defined to include agencies' entire process of promulgating rules, then Trump's executive order exempts nearly everything the executive branch does, and the lobbying ban is virtually meaningless. In effect, these former officials would not even have to become unregistered "shadow lobbyists" to skirt Trump's ethics executive order; they could do so as registered lobbyists and begin immediately lobbying the executive branch by focusing on rulemaking rather than legislation.

Promise 2: Ask Congress to pass a five-year lobbying ban.

Second: I am going to ask Congress to institute its own 5-year ban on lobbying by former members of Congress and their staffs.

Trump has not yet asked Congress to pass legislation preventing members of Congress from becoming lobbyists after leaving government service.

Promise 3: Expand the definition of lobbyist to strengthen lobbying regulations and limit shadow lobbying.

Third: I am going to expand the definition of lobbyist so we close all the loopholes that former government officials' use by labeling themselves consultants and advisors when we all know they are lobbyists.

Trump's ethics executive order makes it easier for lobbyists to work in the White House and executive branch agencies. Specifically, the Trump executive order loosens the Obama administration's restrictions on lobbyists being appointed to work for federal agencies they recently lobbied. While Obama's ethics executive order included a prohibition against lobbyists joining the staff of an agency they lobbied within the last two years (and was subsequently seen as mostly effective in diminishing lobbyist influence), Trump's executive order allows lobbyists to join the staff of an agency they lobbied immediately upon de-registering as a lobbyist. Literally, a lobbyist may deregister on Monday and serve in the Trump administration on Tuesday—and many are doing precisely that.

As a result of this loosening of restrictions, lobbyists are taking the reins of federal agencies they once sought to influence from the outside. A lobbyist for for-profit colleges has joined the Department of Education. A lobbyist for the construction industry who lobbied against worker wage and safety regulations is helping lead the Department of Labor. Among the dozens of lobbyists ProPublica identified as part of the administration's "beachhead teams"—temporary political appointees deployed to agencies at the start of a new administration—are lobbyists for the pharmaceutical industry and health insurance companies who joined the Department of Health and Human Services.

However, Trump's ethics executive order preserved one element of Obama's lobbying restrictions, at least in words. Former lobbyists appointed to the administration will have to recuse themselves from "particular matters" they lobbied within the last two years, including any "specific issue area" in which they lobbied. This language is borrowed straight from Obama's ethics executive order. The problem is that Trump's White House Counsel, charged with interpreting and enforcing the executive order, either has not defined "specific issue area" or is not enforcing the order. Several new hires into the Trump administration are in fact working in the same specific issue areas that they previously lobbied. Shahira Knight, for example, lobbied on tax and retirement issues for the financial services giant Fidelity. She has now been appointed as Trump's special assistant on tax and retirement policy.

Like Obama's ethics executive order, Trump's also makes it possible for individuals to be granted waivers from these restrictions, thus allowing lobbyists to join the administration and work on the specific issue area in which they lobbied. Obama's ethics executive order stated that waivers would be granted by the director of the White House Office of Management and Budget in consultation with the White House Counsel in circumstances when "the literal application was inconsistent with the purposes of the restriction" or if it was determined to be "in the public interest." Trump's executive order, on the other hand, states that granting waivers is a responsibility of the president or his designee and provides no legal standard for granting waivers.

For Trump, the standard for granting waivers is simply political. He can decide to let a former lobbyist work on issues they lobbied on whenever he wishes and whenever it's convenient for him. And while Obama's waivers were regularly disclosed via an annual public report, this transparency measure has been omitted from Trump's executive order, and the web page where such waivers should appear remains blank. Sen. Jon Tester (D-Mt.) has sent a letter to the administration asking if these disclosures will indeed cease, as seems likely.

Additionally, there is a significant provision in Trump's ethics executive order that conceivably could be useful in managing the financial conflicts of interest rampant among his administration appointees. The Trump order borrows directly from Obama's ethics executive order a key provision to manage conflicts: all appointees, whether or not a former lobbyist, pledge to recuse themselves from official actions that affect their former employers or clients of the last two years. Zealously enforced by Obama, this provision helped make the Obama administration virtually scandal free in terms of conflicts of interest. But again there is no indication that any Trump administration appointees are being informed of this conflict of interest provision and no indication that the White House Counsel is enforcing this restriction. George David Banks, a Trump appointee, reported that no one in the White House Counsel's office has ever talked to him about the ethics restrictions. And without any disclosure of waivers to the ethics rules, implementation and enforcement of this conflict of interest restriction is entirely at the whim of White House Counsel Don McGahn, who has a history of shunning such rules.

Promise 4: Permanently ban executive branch officials from representing a foreign government as a lobbying client.

Fourth: I am going to issue a lifetime ban against senior executive branch officials lobbying on behalf of a foreign government.

The lifetime ban for executive branch appointees from lobbying on behalf of foreign governments or foreign political parties in Trump's ethics executive order would seem to impose stronger restrictions than Obama's executive order.

This provision of the executive order appears to fulfill the promise made in the fourth point of the five-point ethics plan Trump made on the campaign trail. However, this is another apparent reform that comes with major caveats.

The lifetime ban on lobbying on behalf of foreign entities prevents a relatively unlikely scenario that was already tightly restricted, as demonstrated by Trump's former national security advisor, Michael Flynn, belatedly registering with the Justice Department for his lobbying activities on behalf of a Turkish company. (Rep. Bill Pascrell, D-N.J., has asked the White House if the ban will in fact actually apply to Flynn.) At the same time, as a CREW analysis points out, the provision does nothing to prevent outgoing appointees from capitalizing on their White House experience via business dealings with foreign governments, a situation that is not unlikely considering Trump's cabinet of corporate CEOs.

Promise 5: Ask Congress to pass reform legislation to block lobbyists for foreign governments from spending in U.S. elections.

Fifth: I am going to ask Congress to pass a campaign finance reform that prevents registered foreign lobbyists from raising money in American elections.

Trump also has failed to press Congress to pass campaign finance reform legislation to place limits on the influence of registered foreign lobbyists.

Until the provisions of Trump's ethics executive order are actually enforced, questions about the efficacy of Trump's ethics pledge will remain. There are signs, however, that the repeated pledge to "drain the swamp" and restore ethics to the executive branch are more rhetoric than substance. For starters, Don McGahn, Trump's appointee for White House Counsel, is the official who is primarily responsible for interpreting and enforcing the ethics executive order. As an enforcer of ethics rules, McGahn, a Republican Party lawyer who has dedicated his career to undermining campaign finance laws and increasing the influence of big money in politics, inspires little confidence. Sen. Claire McCaskill (D-Mo.) has sent a letter to the administration requesting more information about how the order will be enforced. ProPublica, meanwhile, has already identified three instances where former lobbyists are working in the Trump administration on issues they lobbied on, in apparent contravention of Trump's already weakened ethics rules. And finally, the administration seems to be willfully turning a blind eye to precisely the kinds of conflicts of interest the ethics executive order is intended to prevent. Just look at the case of billionaire investor and Trump advisor Carl Icahn, for example, who is pushing for the adoption of self-dealing policies that will bloat his business' profits by more than $100 million.

So, in terms of executive actions that fulfill the five-point pledge, only the lifetime ban on lobbying for foreign governments appears to address the campaign promises made by candidate Trump, and even that may be misleading. For the items in the five-point pledge that require congressional action, even less can be said. Where he has changed the scope of the lobbyist revolving door restrictions, it has had the impact of weakening, rather than strengthening, these restrictions.

Conclusion

These broken promises on his businesses and the influence of lobbyists are part of the bigger picture of an administration clouded by corruption and conflicts. Trump has filled his administration with the same major donors, Wall Street executives, and special interest "puppets" he said he'd fight if elected.

In just the first couple months of the Trump administration, the number of conflicts of interest scandals separate from Trump's own business dealings has been exhausting. Trump's "special adviser" on regulations, Carl Icahn, is in the middle of engineering regulatory changes that'll benefit his bottom line. The president's sons who manage the vast Trump Organization have announced plans to expand the business, perhaps doubling the number of markets in which Trump's hotels reach—putting local governments in fear of retribution for simple zoning decisions and possibly creating run-ins with federal agencies.

The financial conflicts of interest pervasive in the Trump family and throughout the administration not only raise concerns of self-dealing, but also concerns about the opportunities for manipulation by others, including foreign governments. In addition to the Chinese trademarks issue mentioned above, the family of his top adviser, his son-in-law, is negotiating a $400 million real estate deal with a Chinese company tied to the country's leading Communist Party families. Similarly, Trump has about $300 million in business deals with Deutsche Bank, the German bank that has been under investigation by the Department of Justice for laundering money for very wealthy Russian clients.

As the administration enters its third month, Trump and members of his administration have shown no interest in fulfilling his pledge to “drain the swamp” and instead have pursued policies that boost the financial interests of contributors, friends, and family at the expense of millions of people who voted for Trump. With the conflicts of interest unchecked, the Trump administration is well on its way to becoming the most scandal-ridden administration in history.