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April 20, 2017

Mr. Donald McGahn
White House Counsel
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. McGahn:

I write to follow up on my March 17th and April 11th letters regarding the national security and foreign policy implications of President Trump's potential conflicts of interest.

As I have said before, the President's ethics arrangement is wholly inadequate and does not take the steps needed to address, much less eliminate, significant conflicts of interest. As the President reportedly remains the sole beneficiary of The Trump Organization's ("the Organization") profits, foreign governments, individuals, and entities may try to curry favor, influence, or even coerce the Administration through financial benefits to the Organization.

The White Paper the President's attorneys published on January 11, 2017 (the White Paper)¹ states that the President will "donate all profits from foreign governments' patronage of his hotels and similar businesses during his presidential term to the U.S. Treasury."¹

However, the White Paper provides no explanation about how this arrangement will be executed and statements so far have been insufficient. Please identify and describe in detail how the Organization and the Administration is tracking profits from foreign governments at each hotel and similar businesses to ensure that the Organization is donating all profits to the U.S. Treasury. It has been reported that the Organization will donate such profits annually instead of immediately or monthly.² I would appreciate if you could explain the reasoning for this delay in donating and whether you believe it creates additional conflicts of interest. I also urge you to commit to providing public documentation each year that demonstrates all such profits received during President Trump's time in office have been donated to the Treasury.

¹ Morgan, Lewis & Bockius LLP, White Paper, January 11, 2017, <https://assets.documentcloud.org/documents/3280261/MLB-White-Paper-1-10-Pm.pdf>

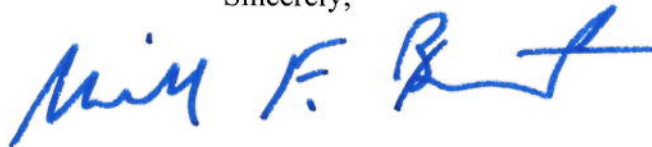
² Steve Reilly, "Trump hasn't donated hotel profits from foreign governments yet," USA Today, March 17, 2017, <https://www.usatoday.com/story/news/politics/2017/03/17/trump-wait-until-after-end-year-donate-profits-foreign-governments/99313784/>

In addition, the White Paper uses the phrase “hotels and similar businesses,” however, the definition of “similar businesses” is not clear. As you know, the Organization includes a range of interests including real estate, hotels, golf courses, restaurants, productions, merchandise, clothing, and other business assets. The same conflict of interest concerns that arise from a Trump hotel profiting from a foreign government would apply with equal force to every business and asset within the Trump Organization. It is extremely concerning that any of the Organization’s businesses would potentially be allowed to retain profits from a foreign government—regardless of whether it is a hotel or not.

Please clarify whether the White Paper’s language regarding profits from foreign governments applies to all aspects of the Trump Organization and to every asset and component of the Trust Agreement. If that is not the case, please provide a definition of “similar businesses” and delineate the specific businesses within the Organization to which this portion of the White Paper will apply. Please also identify which of the Organization’s businesses and assets will continue to retain profits from foreign governments. Finally, it would be helpful to explain the basis for these distinctions.

I look forward to your prompt response. It is imperative the Administration make clear that the interests of our country are the sole driving force for decision making in the White House.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael F. Bennet". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael F. Bennet
U.S. Senator