

January 17, 2025

Howard Lutnick and Linda McMahon
Transition Co-Chairs
Mar-a-Lago
1100 S. Ocean Blvd.
Palm Beach, FL 33480

Dear Howard Lutnick and Linda McMahon:

Each of the last three Presidents has required incoming appointees to abide by an ethics pledge, in response to growing public concern about government officials' conflicts of interest. President Trump's own 2017 ethics pledge sought to restrict the ties between appointees and the lobbyists and foreign governments seeking to influence them and to profit from their relationships.¹ The pledges help fill the gaps in existing ethics law and hold officials to robust standards of public integrity.

These pledges have become expected because the American people have seen that, all too often, government officials use their positions to benefit their own pocketbooks, as well as the special interests, and even foreign governments, that have employed them before and after their government service. Even the appearance of such corruption is enough to damage Americans' trust in government — which has reached an all-time low and appears to be trending in the wrong direction.²

President Trump has the opportunity to boost Americans' trust in government by issuing a 2025 ethics pledge that goes beyond prior presidential ethics pledges, including those required by Presidents Biden and Obama. His 2017 pledge included unique strengths, such as a strong post-employment ban on lobbying activities and a permanent ban on former officials working as foreign agents.³ And while President Biden issued a strong ethics pledge, it still contained

¹ Trump White House Archives, "Executive Order: Ethics Commitments by Executive Branch Appointees," January 28, 2017, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-ethics-commitments-executive-branch-appointees/>.

² Gallup, "Trust in Government," <https://news.gallup.com/poll/5392/trust-government.aspx>; Pew Research Center, "Public Trust in Government: 1958-2024," June 24, 2024, <https://www.pewresearch.org/politics/2024/06/24/public-trust-in-government-1958-2024/>; Pew Research Center, "Americans' Dismal Views of the Nation's Politics," September 19, 2023, <https://www.pewresearch.org/politics/2023/09/19/americans-dismal-views-of-the-nations-politics/>; Partnership for Public Service, "The State of Public Trust in Government 2024," <https://ourpublicservice.org/publications/state-of-trust-in-government-2024/>.

³ Federal Register, "Ethics Commitments by Executive Branch Appointees," January 28, 2017, <https://www.federalregister.gov/documents/2017/02/03/2017-02450/ethics-commitments-by-executive-branch-appointees>.

troubling elements, such as narrowing President Trump’s ban on former officials engaging in shadow lobbying.⁴ Now, President Trump can and should top President Biden’s standard, and his own, with an ethics pledge that includes key improvements, such as the following:

1. ***Recusal from matters of former clients and employers:*** President Trump’s 2017 ethics pledge and the Biden pledge both required appointees to recuse for 2 years from party matters in which their former employer or client is a party or represents a party. However, this recusal requirement was not long enough: even after 2 years, relationships with former employers and clients often remain close enough to raise serious doubts about the official’s impartiality — as we saw during President Trump’s last Administration.⁵ To mitigate those concerns, his 2025 pledge should extend this former-client recusal period to 4 years.

Several appointees of President Biden voluntarily agreed to that 4-year cooling-off period, including FDA Commissioner Robert Califf, Secretary of the Air Force Frank Kendall, and multiple members of the Federal Reserve Board of Governors.⁶ President Trump’s ethics pledge should also expand this restriction to cover particular matters of general applicability that are likely to have a direct and predictable effect on the financial interests of a former employer or client — which can also bias officials’ decision-making.

2. ***Restrictions on former lobbyists entering government:*** President Trump’s 2017 ethics pledge required former lobbyists who enter government to recuse from particular matters they lobbied on within the prior 2 years.⁷ Still, his prior administration filled itself with former lobbyists, and the public questioned whether they were blurring the line between public servant and private agent.⁸ President Trump’s appointees for this Administration are already raising fresh concerns because many are former lobbyists, including “influential and long-time tax lobbyist” Ken Kies at

⁴ White House, “Executive Order on Ethics Commitments by Executive Branch Personnel,” January 20, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-ethics-commitments-by-executive-branch-personnel/>; Citizens for Responsible Ethics in Washington, “Biden, Trump and Obama ethics pledges, compared,” Virginia Canter, February 9, 2021, <https://www.citizensforethics.org/reports-investigations/crew-reports/biden-ethics-pledge-compared-obama-trump/>.

⁵ See, e.g., The Washington Post, “EPA chief Andrew Wheeler’s past lobbying ties attract scrutiny,” Juliet Eilperin, July 29, 2018, <https://www.washingtonpost.com/energy-environment/2018/07/29/epa-chief-andrew-wheelers-past-lobbying-ties-attract-scrutiny/>.

⁶ Office of Senator Elizabeth Warren, “In Response to Senator Warren, FDA Commissioner Nominee Dr. Robert Califf Makes Strongest Ethics Commitments of Any Senior Biden Administration Official,” January 31, 2022, <https://www.warren.senate.gov/newsroom/press-releases/-in-response-to-senator-warren-fda-commissioner-nominee-dr-robert-califf-makes-strongest-ethics-commitments-of-any-senior-biden-administration-official>; Military, “Warren Extracts Agreement for Nominees to Refuse Defense Industry Work for 4 Years,” Oriana Pawlyk, July 13, 2021, <https://www.military.com/daily-news/2021/07/13/warren-extracts-agreement-nominees-refuse-defense-industry-work-4-years.html>; Office of Senator Elizabeth Warren, “At Hearing, Senator Warren Announces Strong Ethics Commitments from Federal Reserve Vice Chair for Supervision Nominee Michael Barr,” May 19, 2022, <https://www.warren.senate.gov/newsroom/press-releases/at-hearing-senator-warren-announces-strong-ethics-commitments-from-federal-reserve-vice-chair-for-supervision-nominee-michael-barr>.

⁷ Trump White House Archives, “Executive Order: Ethics Commitments by Executive Branch Appointees,” January 28, 2017, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-ethics-commitments-executive-branch-appointees/>.

⁸ ProPublica, “Update: We Found a ‘Staggering’ 281 Lobbyists Who’ve Worked in the Trump Administration,” David Mora, October 15, 2019, <https://www.propublica.org/article/we-found-a-staggering-281-lobbyists-whove-worked-in-the-trump-administration>.

Treasury,⁹ BGR transportation lobbyist Sean Duffy to head the Transportation Department,¹⁰ and detention-industry lobbyist Pam Bondi to lead the Justice Department.¹¹

President Trump's 2025 pledge should expand his 2017 provision to at least impose a waiting period before former lobbyists can work at the agency they lobbied, as the Biden pledge did.¹² The Trump White House can even go beyond the Biden ethics pledge by requiring former lobbyists to wait before working at *any* government agency, not just the one they lobbied, and by applying this restriction to unregistered "shadow lobbyists," who can trigger the same concerns as registered lobbyists.¹³

3. ***Post-employment lobbying:*** The 2025 pledge should maintain the 2017 pledge's 5-year cooling off period before officials can engage in lobbying activities. President Trump's restriction was stronger than the Biden pledge's post-government lobbying restriction, which will only last for 2 years and only bans officials from working as registered lobbyists, rather than barring lobbying activities broadly (except for in the case of the most senior appointees).¹⁴ President Trump should continue to impose a 5-year ban on lobbying — including shadow lobbying — on all appointees. However, unlike in his 2017 pledge, his definition of lobbying activities should not exempt communications connected to agency rulemaking, adjudication, or licensing processes.
4. ***Lengthen the post-employment restrictions to limit abuse of the revolving door:*** President Trump's 2017 pledge only required appointees to abide by existing federal ethics law regarding contact with former agencies in which they served by requiring a one-year cooling-off period.¹⁵ President Biden imposed a 2-year cooling off period.¹⁶ The Trump White House's new pledge should go beyond existing law — and beyond the Biden pledge — to impose a 4-year cooling off period before former officials can engage in such communications. Several Biden appointees,

⁹ National Association of Plan Advisors, "Trump Taps Long-Time Tax Lobbyist for Key Treasury Role," Ted Godbout, January 3, 2025, <https://www.napa-net.org/news/2024/12/trump-taps-long-time-tax-lobbyist-for-key-treasury-role/>.

¹⁰ Politico, "Trump taps ex-lobbyist to lead DOT," Caitlin Oprysko, Dana Nickel, and Daniel Lippman, November 19, 2024, <https://www.politico.com/newsletters/politico-influence/2024/11/19/trump-taps-ex-lobbyist-to-lead-dot-00190505>.

¹¹ NY Times, "A 'Business-Friendly' Lawyer's Rise From Lobbyist to Attorney General Pick," <https://www.nytimes.com/2025/01/08/us/politics/pam-bondi-trump-attorney-general-lobbyist.html>.

¹² White House, "Executive Order on Ethics Commitments by Executive Branch Personnel," January 20, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-ethics-commitments-by-executive-branch-personnel/>.

¹³ The Washington Post, "A new Washington influence industry is making millions from sanctions," Jeff Stein, Federica Cocco and Peter Whoriskey, October 24, 2024, <https://www.washingtonpost.com/business/interactive/2024/us-sanctions-lobbying-money-washington-lebanon-venezuela/>; Forbes, "Unregistered Secret Agents — And Multinational Companies — Beware," Robert Anello, September 12, 2024, <https://www.forbes.com/sites/insider/2024/09/11/fara-unregistered-secret-agents-and-multinational-companies-beware/>.

¹⁴ Trump White House Archives, "Executive Order: Ethics Commitments by Executive Branch Appointees," January 28, 2017, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-ethics-commitments-executive-branch-appointees/>.

¹⁵ *Id.*; 18 U.S.C. § 207.

¹⁶ White House, "Executive Order on Ethics Commitments by Executive Branch Personnel," January 20, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-ethics-commitments-by-executive-branch-personnel/>.

including Treasury Assistant Secretary for Investment Security Paul Rosen and Chairman of the Joint Chiefs of Staff Charles Q. Brown, voluntarily agreed to this 4-year cooling off period.¹⁷ This restriction should also apply to communications with the White House and with other agencies to avoid foreseeable ethics abuses.¹⁸

5. **Require disclosure of any prior work for foreign governments:** At times, officials come into government without publicly disclosing prior work for foreign governments.¹⁹ For example, Jim Mattis never publicly revealed his work as a military advisor for the United Arab Emirates before he was confirmed as Secretary of Defense.²⁰ This leaves the Administration and Congress unaware of important — and often lucrative — connections between foreign powers and high-level U.S. officials. President Trump’s 2025 ethics pledge should require that appointees disclose, prior to entering office, any work performed for and financial compensation received from a foreign government within the prior 5 years.
6. **Waivers:** President Trump’s 2017 pledge had a waiver process — but said nothing about the standard for granting a waiver.²¹ The 2025 pledge should make clear that its requirements should only be waived when doing so is in the public interest. Like the Biden ethics pledge, President Trump’s pledge should also require that waivers be publicly disclosed to build the public’s trust in the waiver process.
7. **Rescission:** In 2021, as President Trump left the White House, he rescinded his ethics pledge, eliminating provisions like his lifetime ban on officials working as foreign agents after leaving government.²² The post-employment restrictions are only meaningful if the ethics pledge remain valid after President Trump’s term. The White House should plan to issue a 2025 ethics pledge that will remain in effect after he leaves office.

¹⁷ Office of Senator Elizabeth Warren, “At Hearing, Warren Secures Ethics Commitment Joint Chiefs of Staff Nominee General Brown; Reiterates Concern over Senior Military Holds,” press release, July 11, 2023, <https://www.warren.senate.gov/newsroom/press-releases/at-hearing-warren-secures-ethics-commitment-joint-chiefs-of-staff-nominee-general-brown-reiterates-concern-over-senior-military-holds>; Letter from Senator Elizabeth Warren to Mr. Paul M. Rosen, of California, to be Assistant Secretary of the Treasury for Investment Security, Department of the Treasury, April 6, 2022, on file with the Office of Senator Warren.

¹⁸ For example, a former Obama White House official technically complied with her post-employment communication restriction “by ignoring the White House and going straight to the department most closely involved with the policies she used to guide.” See Politico, “How Obama failed to shut Washington’s revolving door,” Josh Gerstein, December 31, 2015, <https://www.politico.com/story/2015/12/barack-obama-revolving-door-lobbying-217042>.

¹⁹ Washington Post, “Mattis secretly advised Arab monarch on Yemen war, records show,” Craig Whitlock and Nate Jones, February 6, 2024, <https://www.washingtonpost.com/investigations/2024/02/06/mattis-advised-uae-yemen-war/>.

²⁰ *Id.*

²¹ Project on Government Oversight, “Trump’s Ethics Pledge is Paper-Thin,” Daniel Van Schooten and Laura Peterson, June 6, 2017, <https://www.pogo.org/investigations/trumps-ethics-pledge-is-paper-thin>; Trump White House Archives, “Executive Order: Ethics Commitments by Executive Branch Appointees,” January 28, 2017, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-ethics-commitments-executive-branch-appointees/>.

²² Forbes, “Trump Revokes Lobbying Ban He Signed at the Beginning of His Presidency,” Andrew Solender, January 20, 2021, <https://www.forbes.com/sites/andrewsolender/2021/01/20/trump-revokes-lobbying-ban-he-signed-at-the-beginning-of-his-presidency/>.

These are just a few of the many ways you can improve upon President Trump’s 2017 ethics pledge. I encourage you to also consider adding new provisions to address some of the key corruption risks that arose during President Trump’s last administration — including restrictions on Special Government Employees who maintain dual private-sector employment and on former officials who engage in business deals with foreign governments.²³ Should you have questions about these recommendations or any others, I am available to speak about the ethics pledge in more detail.

Sincerely,



Elizabeth Warren
United States Senator

²³ See, e.g., Wall Street Journal, “Temporary Banking Regulator’s Job Status Raises Ethics Questions,” Ryan Tracy and Yuka Hayashi, October 26, 2017, <https://www.wsj.com/articles/temporary-banking-regulators-job-status-raises-ethics-questions-1509010205>; Politico, “Trump doling out plum adviser jobs to rich friends,” Josh Dawsey and Isaac Arnsdorf, January 22, 2017, <https://www.politico.com/story/2017/01/trump-jobs-rich-allies-233975>; New York Times, “Chief Vaccine Scientist Will Not Be Forced to Disclose Pharmaceutical Stocks,” Noah Weiland, July 15, 2020, <https://www.nytimes.com/2020/07/15/us/politics/vaccine-slaoui-coronavirus-trump.html>; New York Times, “Before Giving Billions to Jared Kushner, Saudi Investment Fund Had Big Doubts,” David D. Kirkpatrick and Kate Kelly, April 10, 2022, <https://www.nytimes.com/2022/04/10/us/jared-kushner-saudi-investment-fund.html>.