

United States Senate

WASHINGTON, DC 20510

March 5, 2018

The Honorable Suzanne I. Tufts
Assistant Secretary for Administration
U.S. Department of Housing and Urban Development
451 7th Street, SW
Washington, DC 20410

Dear Ms. Tufts:

We write to express our serious concern about alleged improper expenditures at the Department of Housing and Urban Development (HUD) and retaliation by the Department against the career civil servant who tried to prevent those expenditures. These actions are among the latest in a troubling pattern of senior Trump Administration officials wasting taxpayer money on extravagant goods and services while simultaneously undermining the systems and processes intended to prevent such waste.

Most recently, federal procurement records and media reports show that HUD may have sought to violate federal law by spending more than \$31,000 on expensive, custom-made dining room furniture for Secretary Ben Carson's office without properly notifying Congress. Our most fundamental responsibility as public servants is to use tax dollars prudently and efficiently, and approving the purchase of expensive furniture at a cost that exceeds the median wage American workers take home in a year is an inappropriate use of taxpayer funds.¹ After the Department initially defended the purchase, the latest reports indicate that Secretary Carson has requested a cancellation of the furniture order.² However, we note that this cancellation came about only after a whistleblower sounded the alarm and Congress started to ask questions, and HUD may not be able to recoup the full cost even after the order is cancelled.³

Federal law prohibits agencies from spending more than \$5,000 on furnishing or redecorating the executive offices of agency heads without first notifying Congress.⁴ This provision is routinely included in appropriations legislation and reflects the belief that public officials should carefully consider the expenses they incur while serving the American people. In December 2017, however, federal procurement records indicate that HUD approved the \$31,561 purchase of

¹ Social Security Administration, "Measures of Central Tendency for Wage Data." (<https://www.ssa.gov/oact/cola/central.html>) (accessed Mar. 1, 2018).

² *Ben Carson says he wants to cancel \$31,000 dining room furniture order*, CNN (Mar. 1, 2018) (<https://www.cnn.com/2018/03/01/politics/carson-dining-room-canceled/index.html>).

³ *Ben Carson Tries to Cancel \$31,000 Dining Set Purchase for HUD Office*, New York Times (Mar. 1, 2018) (<https://www.nytimes.com/2018/03/01/us/ben-carson-dining-table-hud.html>).

⁴ P.L. 115-31, Division E, Title VII, Sec. 710.

furniture for Secretary Carson's office, including a custom hardwood table, dining chairs, and hutch,⁵ without notifying Congress in advance.⁶

Despite initial suggestions from a HUD spokesperson that this dining set intended for the Secretary's office apparently served a "building-wide need," federal law makes clear that Congress must be made aware of all furniture purchases above this \$5,000 cap for "the entire suite of offices assigned" to an agency head.⁷ Such an expenditure of funds contrary to the intent of Congress, whether deliberate or otherwise, may constitute a violation of the Antideficiency Act. Helen Foster, a civil servant, allegedly attempted to enforce compliance with the law and stay within the redecoration budget and was removed from her job in an act of illegal retaliation.⁸

In order to better understand the process by which these expenditures were initially approved and the Department's actions against the civil servant who objected to them, we request that you provide responsive records and answers to the following questions as soon as possible but no later than March 23, 2018:

1. Please provide a copy of any and all contracts and records related to the procurement of furnishings or other items used to redecorate the suite of offices assigned to, used primarily by, or directly controlled by Secretary Carson, including the contract and receipts associated with the December 21, 2017 purchase of \$31,561 of dining room furniture for the Secretary's office from Sebree and Associates, LLC.
 - a. Please provide the name of the HUD Salaries and Expenses account or other account from which appropriated funds were used to purchase each item responsive to this request.
 - b. Please identify any individuals not employed by HUD who played any role in selecting, procuring, or ordering the procurement of these furnishings.
2. Who is responsible for approving expenses for redecorating, furnishing, or equipping the HUD Executive Offices? What is the internal process for approving these expenditures?
3. When did Secretary Carson first become aware that HUD intended to purchase this furniture for his office and what role did he play in selecting it?

⁵ *Ben Carson's HUD Spends \$31,000 on Dining set for His Office*, New York Times (Feb. 27, 2018) (<https://www.nytimes.com/2018/02/27/us/ben-carson-hud-furniture.html>).

⁶ USA Spending, *Award Summary for Sebree and Associates, LLC* (<https://www.usaspending.gov/Transparency/Pages/AwardSummary.aspx?AwardID=60139699>) (accessed Feb. 28, 2018).


⁷ P.L. 115-31, Division E, Title VII, Sec. 710.

⁸ *Ibid*, New York Times (Feb. 27, 2018) (<https://www.nytimes.com/2018/02/27/us/ben-carson-hud-furniture.html>).


4. How much of the purchase cost does HUD expect to be able to recoup once the order is cancelled?
5. Please provide a copy of any and all written communications between HUD employees regarding the expenditure of funds used to furnish or redecorate Secretary Carson's office, including, but not limited to, all correspondence referring to the "\$5,000 limit" and the requirement to notify Congress about the expenditure of such funds.
 - a. Please provide a copy of any and all documents and communications between HUD employees regarding Helen Foster's involvement in approving these expenditures.
 - b. Please provide a copy of any and all documents and communications related to Ms. Foster's change of employment.
6. Please explain HUD's justification for the September 27, 2017 purchase of \$165,057 of "lounge furniture" for use in the HUD headquarters and provide a copy of the contract associated with this purchase.⁹

We appreciate your attention to this request and look forward to your full and prompt response.

Sincerely,



Gary C. Peters
United States Senator



Elizabeth Warren
United States Senator



Catherine Cortez Masto
United States Senator

⁹ USA Spending, *Award Summary for OFS Brands Holdings Inc.* (<https://www.usaspending.gov/Transparency/Pages/AwardSummary.aspx?AwardID=59142227>) (accessed Feb. 28, 2018).