

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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May 19, 2017

The Honorable Walter M. Shaub, Jr.
Director
Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, D.C. 20005

Dear Director Shaub:

We are writing to underscore how important it is that the Office of Government Ethics (OGE) publicly release ethics waivers and authorizations issued under President Donald Trump as soon as practicable after your office receives them from the White House and agencies. We understand that your office recently requested these waivers and authorizations and that you have committed to posting them on your website.¹ We fully support this effort because the American people have a right to know which Trump Administration officials have been authorized to avoid ethics requirements.

On January 28, 2017, President Trump repealed the executive order issued by President Obama that had established robust ethics requirements for political appointees.² As a replacement, President Trump issued his own executive order. As you have noted, the new executive order “lacks a transparency provision” that was in President Obama’s executive order.³ Specifically, President Obama had required OGE to collect data on compliance with the ethics pledge requirements; President Trump eliminated this requirement and failed to include a

¹ Letter from Walter M. Shaub, Jr., Director, Office of Government Ethics, to Ranking Member Claire McCaskill, Senate Committee on Homeland Security and Governmental Affairs (Apr. 27, 2017) (online at [www.oge.gov/web/OGE.nsf/Congressional%20Correspondence/16631CA4E1823227852581130052BE5E/\\$FILE/Letter%20to%20Ranking%20Member%20McCaskill.pdf?open](http://www.oge.gov/web/OGE.nsf/Congressional%20Correspondence/16631CA4E1823227852581130052BE5E/$FILE/Letter%20to%20Ranking%20Member%20McCaskill.pdf?open)).

² Exec. Order No. 13770, 82 Fed. Reg. 9333 (Feb. 3, 2017) (online at www.whitehouse.gov/the-press-office/2017/01/28/executive-order-ethics-commitments-executive-branch-appointees).

³ Letter from Walter M. Shaub, Jr., Director, Office of Government Ethics, to Ranking Member Claire McCaskill, Senate Committee on Homeland Security and Governmental Affairs (Apr. 27, 2017) (online at [www.oge.gov/web/OGE.nsf/Congressional%20Correspondence/16631CA4E1823227852581130052BE5E/\\$FILE/Letter%20to%20Ranking%20Member%20McCaskill.pdf?open](http://www.oge.gov/web/OGE.nsf/Congressional%20Correspondence/16631CA4E1823227852581130052BE5E/$FILE/Letter%20to%20Ranking%20Member%20McCaskill.pdf?open)).

comparable system for tracking compliance by his appointees.

Despite the President's decision to remove this transparency requirement from his executive order, as the Director of the Office of Government Ethics, you have a statutory obligation to provide "overall direction of executive branch policies relating to preventing conflicts of interest on the part of officers and employees of any executive agency" and to require "such reports from executive agencies" as you deem necessary.⁴ It is critical that you and your office make transparent how the individuals serving in the Trump Administration are complying, or failing to comply, with President Trump's executive order and other ethics requirements. Your role is particularly important because the White House itself is keeping much of this information secret.

Under the Obama Administration, OGE posted on its website waivers of the ethics pledge issued to White House and agency appointees. On April 27, 2017, you noted in a letter to Senator Claire McCaskill that "the current Administration has not adopted the previous Administration's practice of automatically providing OGE with copies for contemporaneous posting on OGE's website."⁵ The page on the White House website for ethics pledge waivers also does not contain a single waiver.⁶

Members of Congress have sent numerous document requests to the White House and federal agencies requesting information about potential conflicts of interest of President Trump's appointees and whether those advisors have received waivers from President Trump's executive order or other conflict of interest laws or are recused from certain matters.⁷ These letters have

⁴ 5 U.S.C. § 402.

⁵ Letter from Walter M. Shaub, Jr., Director, Office of Government Ethics, to Ranking Member Claire McCaskill, Senate Committee on Homeland Security and Governmental Affairs (Apr. 27, 2017) (online at [www.oge.gov/web/OGE.nsf/Congressional%20Correspondence/16631CA4E1823227852581130052BE5E/\\$FILE/Letter%20to%20Ranking%20Member%20McCaskill.pdf?open](http://www.oge.gov/web/OGE.nsf/Congressional%20Correspondence/16631CA4E1823227852581130052BE5E/$FILE/Letter%20to%20Ranking%20Member%20McCaskill.pdf?open)).

⁶ The White House, *Ethics Pledge Waivers Released by the White House* (online at www.whitehouse.gov/briefing-room/disclosures/ethics-pledge-waivers) (accessed May 13, 2017).

⁷ See, e.g., Letter from Senators Elizabeth Warren, Sheldon Whitehouse, Thomas R. Carper, Patrick Leahy, and Ranking Member Elijah Cummings to Stefan C. Passantino, Deputy Counsel to the President (Apr. 21, 2017) (online at www.warren.senate.gov/files/documents/2017_04_21_%20Passantino_Letter_on_Icahn.pdf); Letter from Senator Elizabeth Warren, Senator Tom Carper, and Ranking Member Elijah E. Cummings to Stefan C. Passantino, Deputy Counsel to the President (Mar. 8, 2017) (online at https://www.warren.senate.gov/files/documents/2017_03_08_Letter_on_Kushner_Recusals.pdf); Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Dr. Huban Gowadia, Acting Administrator, Transportation Security Administration (May 3, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-05->


received no response. The White House has also never responded to a letter from Ranking Member Cummings requesting an explanation for the strange assertion made to you by Stefan Passantino, the Designated Agency Ethics Official for the White House, that "many regulations promulgated by the Office of Government Ethics (OGE) do not apply to the employees of the Executive Office of the President."⁸

If the Trump Administration's compliance or lack of compliance with ethics requirements is shrouded in secrecy, the American people cannot hold to account the Administration officials who participate in matters in which they have conflicts of interest. The role of the Office of Government Ethics is more vital than ever. Thank you for your commitment to oversight and transparency in the Executive Branch.

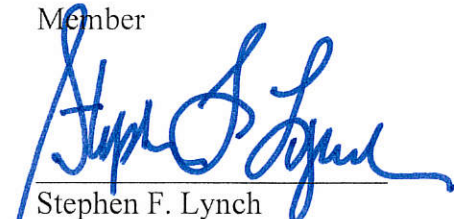
Sincerely,



Elijah E. Cummings
Ranking Member


Carolyn B. Maloney
Member

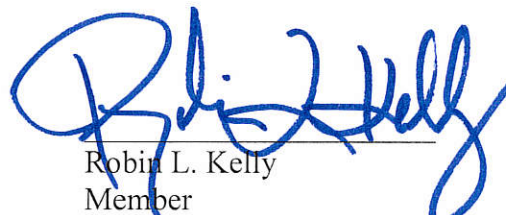

Eleanor Holmes Norton
Member


Wm. Lacy Clay
Member


Stephen F. Lynch
Member


Jim Cooper
Member


Gerald E. Connolly
Vice Ranking Member


Robin L. Kelly
Member

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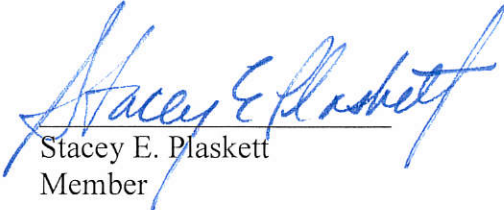
⁸ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform to Donald F. McGahn II, White House Counsel (Mar. 9, 2017) (https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-03-09.EEC%20to%20WH%20Counsel%20re.OGE__0.pdf).



Brenda L. Lawrence
Member



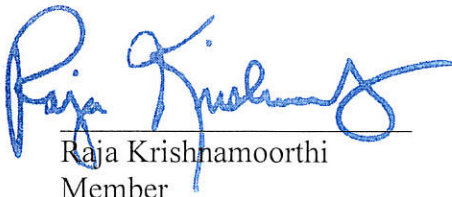
Bonnie Watson Coleman
Member



Stacey E. Plaskett
Member



Val Butler Demings
Member



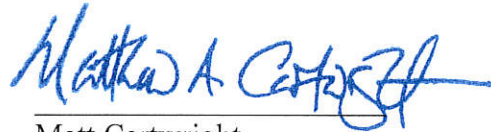
Raja Krishnamoorthi
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Peter Welch
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Matt Cartwright
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Mark DeSaulnier
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John Sarbanes
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