

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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January 12, 2017

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

Dear Director Shaub:

On December 19, 2015, the Committee requested information related to the Office of Government Ethics' publicly-released guidance and other public interactions. The Committee's questions about blurring the line between public relations and official ethics guidance have resurfaced in the wake of OGE's communications with the incoming administration on ethics questions via Twitter and through the press.

On November 30, 2016, the OGE official Twitter account issued a series of tweets in response to the President-elect's announcement that he will address potential conflicts of interest related to his business interests and personal financial assets. The public OGE account tweeted:

.@realDonaldTrump OGE is delighted that you've decided to divest your businesses. Right decision!

.@realDonaldTrump [*sic*] As we discussed with your counsel, divestiture is the way to resolve these conflicts

.@realDonaldTrump this aligns with OGE opinion that POTUS should act as if 18 USC 208 applies. [bit.ly/2fRpIG0](http://bit.ly/2fRpIG0)

.@realDonaldTrump Bravo! Only way to resolve these conflicts is to divest. Good call!

.@realDonaldTrump this divestiture does what handing over control could never have done.

.@realDonaldTrump – we told your counsel we'd sing your praises if you divested, we meant it.

.@realDonaldTrump OGE applauds the "total" divestiture decision. Bravo!

.@realDonaldTrump Brilliant! Divestiture is good for you, very good for America!

.@realDonaldTrump We can't repeat enough how good this total divestiture will be.<sup>1</sup>

It was not clear whether the tweets constituted official OGE guidance or something less formal. It is clear, however, the tweets publicized private discussions with the President-elect's counsel. The tweets also created the appearance that OGE approved the President-elect's divestiture plan, which caused further confusion.

The line between official OGE policy and informal commentary was also blurred in May 2015. At that time, OGE offered public comments in response to former Secretary of State Hillary Clinton's failure to disclose honoraria paid to the Clinton Foundation in return for speeches made by her or her husband while she was Secretary of State. Specifically, OGE spokesman Vincent Salamone issued the following statement:

Disclosure of speaking fees is not required when a public filer or the filer's spouse is acting as an agent of an organization and payment is made directly to that organization. The rule is different when the speaking is done in a personal capacity and the fees are directed or donated to charity, in which case disclosure would be required.<sup>2</sup>

The commentary offered in response to the Clinton case created confusion. Your agency had not conducted any investigation of the circumstances of the speeches that would have allowed it to determine whether the Clintons were acting as agents of the Clinton Foundation. Ethics experts stated that there was little evidence the speeches had anything to do with the Clinton Foundation.<sup>3</sup> The Office of Government Ethics also declined to comment when asked by the press whether this exception has previously appeared in the agency's public guidance or regulations.<sup>4</sup>

Your agency's mission is to provide clear ethics guidance, not engage in public relations. The Committee is thus continuing its examination of OGE's operations. OGE's statutory authorization lapsed at the end of fiscal year 2007 and the Committee has jurisdiction in the House of Representatives for reauthorizing the office. To help the Committee understand how you perceive OGE's role, among other things, please make yourself available for a transcribed interview with Committee staff as soon as possible, but no later than January 31, 2017. The Committee may also need to interview additional witnesses pursuant to this review.

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<sup>1</sup> Office of Gov't Ethics (@OfficeGovEthics), Twitter (Nov. 30, 2016), <https://twitter.com/OfficeGovEthics/status/804020923800158209>.

<sup>2</sup> Josh Gerstein, *Hillary's speech disclosures come under fire*, POLITICO, May 20, 2015.

<sup>3</sup> *Id.*

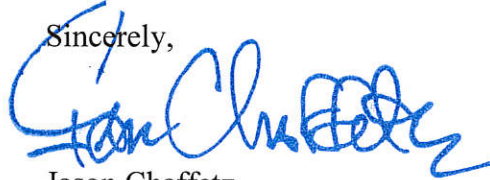
<sup>4</sup> *Id.*

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The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

Please contact Jack Thorlin of the Committee staff at (202) 226-4240 to schedule the transcribed interview requested herein or with any questions regarding this request. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Chaffetz", written in a cursive style.

Jason Chaffetz  
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member