

United States Senate

WASHINGTON, DC 20510

August 1, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Mick Mulvaney
Director
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Dear Director Mulvaney:

The business of government should be open, transparent, and accountable to the American people. We appreciate the commitments you have made in support of the executive branch ethics program, and we are writing to gain a better understanding of the future steps that will be taken to ensure that executive branch employees continue to adhere to the highest ethical standards.

Earlier this year, the U.S. Office of Government Ethics (OGE), which serves as the “supervising ethics office” for the executive branch,¹ invoked its clear authority to require “such reports from executive agencies as the Director deems necessary” through the issuance of a data call on April 28, 2017.² The data call requested various records from executive agencies in furtherance of this supervisory duty, including waivers issued under two Executive Orders signed by President Obama and President Trump, both of which require former lobbyists and other appointees to sign an ethics pledge restricting their participation in particular matters as a condition of their government employment.³

As of the date of this letter, 135 of 136 federal agencies have responded to OGE’s data call, including your own.⁴ Several of these agencies produced responsive records in compliance with OGE’s statutory role in overseeing the integrity of the ethics program and addressing conflicts of interest, a role you acknowledged in your May 26, 2017 letter to former OGE Director Walter Shaub.⁵

Public disclosure of these records, including ethics pledge waivers, is essential to ensuring that ethical commitments are maintained so that the American people can be confident that government employees are working in their interest. As such, compliance with the April 28 data call is necessary

¹ 5 U.S.C. app. § 109(18).

² 5 U.S.C. app. § 402(b)(10).

³ Office of Government Ethics, *Data Call for Certain Waivers and Authorizations* (PA-17-02) (April 28, 2017) (online <https://goo.gl/YuepDP>); *See also*, Executive Order 13490, Executive Order 13770.

⁴ Office of Government Ethics, *Certain Waivers and Authorizations issued between May 1, 2016 – April 30, 2017* (online <https://goo.gl/KVSx6q>).

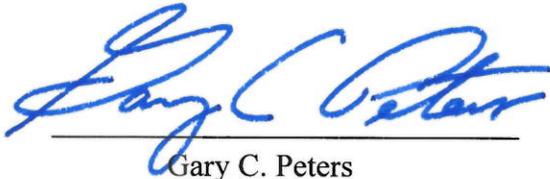
⁵ Letter from Director Mick Mulvaney, Office of Management and Budget, to Director Walter Shaub, Office of Government Ethics (May 26, 2017).

but not sufficient to meet this continuing obligation to provide the public with a full accounting of who is working in government on their behalf.

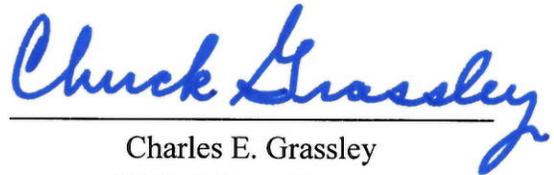
In response to previous congressional requests, OGE established a practice of publicly posting ethics pledge waivers on its website upon its receipt of these waivers from executive agencies. Please ensure that the practice of providing ethics pledge waivers and recusals to OGE contemporaneously upon their issuance is continued. We trust that you believe this standard is reasonable in that it allows the American people to better understand how those employed at the highest levels of our government are fully focused on the public interest and not a private interest.

We expect the Administration to continue to make these waivers publicly available as they are granted. Please confirm that any ethics pledge waivers granted in the future will be published on the White House website⁶ and provided to the Office of Government Ethics at the time of their issuance. Further, we ask that you clarify the Administration's waiver disclosure policy and explain how and when waivers will be made available to the public. We thank you for your attention to this matter and look forward to your prompt response.

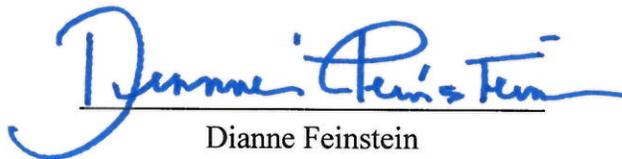
Sincerely,



Gary C. Peters
United States Senator



Charles E. Grassley
United States Senator



Dianne Feinstein
United States Senator

cc: David J. Apol, Acting Director, U.S. Office of Government Ethics

⁶ The White House, *Ethics Pledge Waivers Released by the White House* (online <https://www.whitehouse.gov/briefing-room/disclosures/ethics-pledge-waivers>).