

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 9, 2017

The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to request that the Committee refer for review and potential disciplinary action statements made on national television by Kellyanne Conway, the Counselor to President Donald Trump, that directly promoted and endorsed the President's daughter's private business. This appears to be a textbook violation of government ethics laws and regulations enacted to prevent the abuse of an employee's government position.

During an interview on Fox News this morning, Ms. Conway appeared in her official capacity in front of the official White House seal. She stated that Ivanka Trump had "developed another fully, unbelievably, entrepreneurial, wildly successful business that bears her name." She added: "Go buy Ivanka's stuff is what I would tell you. I hate shopping, I'm going to go get some myself today." She continued: "It's a wonderful line. I own some of it. I fully, I'm going to just give a free commercial here. Go buy it today everybody. You can find it online."<sup>1</sup>

In 1966, Congress passed and the President signed a federal ethics law, set forth in 5 U.S.C. §7301, which states: "The President may prescribe regulations for the conduct of employees in the executive branch." In 1989, President George H.W. Bush issued Executive Order 12674 setting forth "Principles of Ethical Conduct for Government Officers and Employees." One of the key principles in that Executive Order is that employees "shall not use public office for private gain."<sup>2</sup>

In addition, federal regulations implementing the law provide as follows:

An employee shall not use his public office for his own private gain, for the endorsement

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<sup>1</sup> *Fox & Friends*, Fox News (Feb. 9, 2017) (online at <http://insider.foxnews.com/2017/02/09/kellyanne-conway-ivanka-trump-retailers-go-buy-her-stuff>).

<sup>2</sup> Executive Order No. 12674, Principles of Ethical Conduct for Government Officers and Employees (Apr. 12, 1989).

of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.<sup>3</sup>

Under the section of these regulations entitled “Corrective Action Involving Individual Employees,” the Office of Government Ethics (OGE) has authority to review potential violations and recommend discipline ranging from suspension to loss of pay to removal.<sup>4</sup>

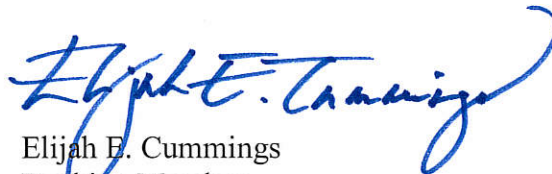
Don W. Fox, the former General Counsel and Acting Director of OGE, stated during an interview with the Washington Post: “Conway’s encouragement to buy Ivanka’s stuff would seem to be a clear violation of rules prohibiting misuse of public office for anyone’s private gain.” He also warned:

This is jaw-dropping to me. This rule has been promulgated by the federal Office of Government Ethics as part of the Standards of Conduct for all executive branch employees and it applies to all members of the armed forces as well.<sup>5</sup>

Since the Committee has direct jurisdiction over the ethics laws applicable to White House employees, I request that the Committee make an official referral of this matter to the Office of Government Ethics and request that it report back to the Committee as soon as possible with its findings.

I would appreciate a response to this request by the close of business on February 10, 2017. Thank you for your prompt consideration.

Sincerely,



Elijah E. Cummings  
Ranking Member

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<sup>3</sup> 5 C.F.R. § 2635.702.

<sup>4</sup> 5 C.F.R. § 2638 (E).

<sup>5</sup> *Conway May Have Broken Key Ethics Rule by Touting Ivanka Trump’s Products, Experts Say*, Washington Post (Feb. 9, 2017) (online at [www.washingtonpost.com/politics/conway-may-have-broken-key-ethics-rule-by-touting-ivanka-trumps-products-experts-say/2017/02/09/fd1cc64a-eeda-11e6-b4ff-ac2cf509efe5\\_story.html?utm\\_term=.3b031d5e42ee](http://www.washingtonpost.com/politics/conway-may-have-broken-key-ethics-rule-by-touting-ivanka-trumps-products-experts-say/2017/02/09/fd1cc64a-eeda-11e6-b4ff-ac2cf509efe5_story.html?utm_term=.3b031d5e42ee)).