

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

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<http://oversight.house.gov>

February 9, 2017

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

Dear Mr. Shaub:

Counselor to the President Kellyanne Conway gave a public interview this morning that raised extremely serious concerns. During the interview, Conway advertised and endorsed a commercial line of products associated with President Trump's daughter, Ivanka Trump.<sup>1</sup> Conway was acting in her official capacity, was identified as "Counselor to President Trump," and gave the interview at the White House in front of the White House seal.<sup>2</sup> During the interview, Conway discussed the decision by some U.S. companies to cease sales of products from Ivanka's fashion line, which is named after Ivanka and in which she holds an ownership stake.<sup>3</sup>

In the course of the interview, Conway repeatedly and explicitly endorsed Ivanka Trump's products. She stated, "Go buy Ivanka's stuff is what I would tell you." Later, she said, "It's a wonderful line. I own some of it. I fully — I'm going to give a free commercial here. Go buy it today, everybody. You can find it online."<sup>4</sup> Conway's statements clearly violate the ethical principles for federal employees and are unacceptable. The White House's reported decision to counsel Conway supports this conclusion.<sup>5</sup>

Conway's statements appear to violate federal ethics regulations, which prohibit actions that imply a government endorsement of the "personal activities" of another person. Specifically, Office of Government Ethics (OGE) regulations state:

[A]n employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that

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<sup>1</sup> *Fox & Friends* (Fox News television broadcast Feb. 9, 2017).

<sup>2</sup> *Id.*

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

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

<sup>5</sup> *E.g.*, Louis Nelson, *White House: Conway Has Been 'Counseled' for Urging People to Buy Ivanka's Products*, POLITICO, Feb. 9, 2017, available at <http://www.politico.com/story/2017/02/kellyanne-conway-ivanka-nordstrom-white-house-react-234856>.

could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities or those of another.<sup>6</sup>

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An employee shall not use or permit the use of his Government position or title or any authority associated with his public office to endorse any product, service or enterprise . . . .<sup>7</sup>

In this case, Conway's statements from the White House using her official title could appear to constitute an explicit endorsement and advertisement for Ivanka Trump's personal business activities.

As the director of OGE, you have authority to review potential ethics violations and notify the employee's agency, which in this case is the White House. In this case, there is an additional challenge, which is that the President, as the ultimate disciplinary authority for White House employees, has an inherent conflict of interest since Conway's statements relate to his daughter's private business. For this reason, we request that you use authority Congress granted to you under the Ethics in Government Act of 1978, as amended, to "recommend to the head of the officer's or employee's agency that appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) be brought against the officer or employee."<sup>8</sup>

We request you review Conway's statements and act promptly on the basis of your findings. We also ask you to report back to the Committee with your recommendation for disciplinary action, if warranted.

Sincerely,



Jason Chaffetz  
Chairman



Elijah E. Cummings  
Ranking Minority Member

cc: The Honorable Donald F. McGahn II, Counsel to the President  
The White House

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<sup>6</sup> 5 C.F.R. § 2635.702(b) (2016).

<sup>7</sup> 5 C.F.R. § 2635.702(c) (2016).

<sup>8</sup> 5 U.S.C. Appendix—Ethics in Government Act of 1978, Title IV, § 402(f)(2).