

United States Senate  
WASHINGTON, DC 20510

March 29, 2017

The Honorable Walter M. Shaub, Jr.  
Director  
U.S. Office of Government Ethics  
1201 New York Avenue, N.W., Suite 500  
Washington, DC 20005

Dear Director Shaub,

We write today to request information about the ethics rules that President Trump's daughter, Ivanka Trump, will be required to comply with, or has indicated she will voluntarily comply with, in her role as an advisor to the President. We also request your assistance with understanding the role your office will play in ensuring Ms. Trump's compliance with these rules.

According to recent reports, Ivanka Trump, could soon begin serving as an advisor to the President.<sup>1</sup> As of March 20, 2017, Ms. Trump had already attended several meetings with high level political figures, including German Chancellor Angela Merkel<sup>2</sup>, and has taken steps to begin working in the White House:

"The powerful first daughter has secured her own office on the West Wing's second floor ...She is also in the process of obtaining a security clearance and is set to receive government-issued communications devices this week. In everything but name, [Ms.] Trump is settling in as what appears to be a full-time staffer in her father's administration, with a broad and growing portfolio."<sup>3</sup>

Ms. Trump will be, according to her attorney, "the president's 'eyes and ears' ... providing broad-ranging advice."<sup>4</sup>

Ms. Trump and the White House have suggested that she will not be an official government employee – a different approach than that taken by her husband, who is formally serving as a Senior Advisor to the President. Despite this assertion, Ms. Trump stated in

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<sup>1</sup> Annie Karni, "Ivanka Trump set to get West Wing office as role expands," *Politico*, March 20, 2017 (online at <http://www.politico.com/story/2017/03/ivanka-trump-white-house-236273>).

<sup>2</sup> "Ivanka Trump's influence in White House on show at job training session with Angela Merkel," *The Telegraph* (March 18, 2017) (online at <http://www.telegraph.co.uk/news/2017/03/18/ivanka-trumps-influence-white-house-show-job-training-session/>).

<sup>3</sup> Annie Karni, "Ivanka Trump set to get West Wing office as role expands," *Politico*, March 20, 2017 (online at <http://www.politico.com/story/2017/03/ivanka-trump-white-house-236273>).

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

December 2016 that she would “voluntarily follow all of the ethics rules placed on government employees.”<sup>5</sup> Her attorney earlier confirmed that she “plans to adhere to the same ethics and records retention rules that apply to government employees.” It is therefore important to determine which ethics rules apply to Ms. Trump, which disclosures she will be required to make to demonstrate her compliance, and whether her compliance with these rules will be monitored and enforced.

Ethics rules are important. Federal conflict of interest laws prohibit an “officer or employee of the executive branch” – including those with positions at the White House – from participating in matters that have a direct impact on their personal and their family members’ financial interests.<sup>6</sup> Ms. Trump has substantial interests at stake: for example, she has retained ownership of Ivanka Trump Marks LLC, a retail clothing brand.<sup>7</sup>

Ms. Trump’s increasing, albeit unspecified, White House role, her potential conflicts of interest, and her commitment to voluntarily comply with relevant ethics and conflicts of interest laws have resulted in substantial confusion. To better understand the relevant rules and precedents, we ask that you provide the following information no later than April 13, 2017:

1. Has the White House sought OGE guidance or has OGE provided guidance to the White House regarding Ms. Trump’s White House role? Should Ms. Trump violate this guidance, what disciplinary actions could OGE or the Designated Agency Ethics Official in the White House Office of Legal Counsel take?
2. Do you have any knowledge of which government officials made the determination that Ms. Trump would take on an increasingly significant White House role without becoming an official White House employee? What was the basis of that decision? Were these individuals in the White House, in OGE, or in another federal government agency?
3. Please provide an overview of relevant laws, precedents, and legal opinions regarding Ms. Trump’s White House role.
  - a. Is Ms. Trump’s White House role consistent with these laws, precedents, and legal opinions?
  - b. If Ms. Trump is not following relevant laws, precedents, and legal opinions, what are the consequences for her? Which government officials are responsible for determining and enforcing these consequences?

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<sup>5</sup> *Id.*

<sup>6</sup> 18 U.S.C. § 208.

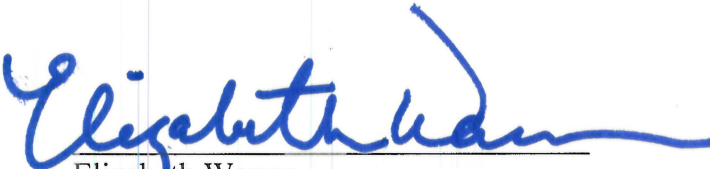
<sup>7</sup> Caleb Melby, Lindsey Rupp, and Bill Allison, “Documents Show Jared Kushner, Ivanka Trump to Divest Some Assets,” *Bloomberg Politics* (March 17, 2017) (online at <https://www.bloomberg.com/politics/articles/2017-03-17/documents-show-jared-kushner-ivanka-trump-to-divest-some-assets>).

4. If Ms. Trump was an official government employee in the White House, what financial disclosures would be required of her? When and how would this information be disclosed?
5. If Ms. Trump was an official government employee in the White House, what divestments would be required of her?
  - a. When and how would these requirements be disclosed?
  - b. How would your office or other relevant officials determine whether she had complied with these divestment requirements?
  - c. What would the consequences be if she did not do so, and which government officials would be responsible for determining and enforcing these consequences?
6. If Ms. Trump was an official government employee in the White House, from what issues would she be required to recuse herself in advising the President or otherwise acting in an official capacity?
  - a. When and how would these recusal requirements be disclosed?
  - b. How would your office or other relevant officials determine whether she had complied with these required recusals?
  - c. What would the consequences be if she did not do so, and which government officials would be responsible for determining and enforcing these consequences?
7. If Ms. Trump was an official government employee in the White House, what other relevant ethics rules would apply, and how would they be enforced?

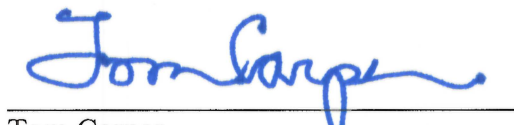
If you or members of your staff have any questions about this request, please do not hesitate to ask your staff to contact Susannah Savage with Senator Warren's staff at 202-224-4543 or Roberto Berrios with Senator Carper's staff at 202-224-2627.

With best personal regards, we are

Sincerely yours,



Elizabeth Warren  
U.S. Senator



Tom Carper  
U.S. Senator