

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



March 14, 2018

The Honorable Richard Blumenthal
United States Senate
706 Hart Senate Office Building
Washington, DC 20510

Dear Senator Blumenthal:

This letter responds to your letter dated March 5, 2018, requesting that the U.S. Office of Government Ethics (OGE) investigate possible ethical violations in the conduct of Mr. Jared Kushner as Senior Advisor to the President.

As you know, Congress has not provided OGE with investigative authority or resources for hiring investigators. The responsibility for investigating alleged wrongdoing and taking disciplinary or other action against an executive branch employee rest with the management of the employing agency, the relevant inspector general's office, or in the case of alleged crimes, the Justice Department.¹ Similarly, unlike a congressional oversight committee, OGE cannot issue subpoenas, question witnesses, compel the production of documents, or take action against individuals who refuse to cooperate.²

With respect to the conduct of Mr. Kushner that you raise, the White House is in the best position to ascertain the relevant facts and is responsible for monitoring its appointees' compliance with ethics requirements, including those established under Executive Order 13770 and the Standards of Conduct. I have discussed this matter with the White House Counsel's Office in order to ensure that they have begun the process of ascertaining the facts necessary to determine whether any law or regulation has been violated and whether any additional procedures are necessary to avoid violations in the future. During that discussion, the White House informed me that they had already begun this process. I have asked the White House to inform me of the results of that process.

I am also forwarding this letter, as well as your letter to me, to the Counsel to the President for his review and a determination as to what action is warranted.

Sincerely,

David J. Apol
Acting Director and General Counsel

cc. The Honorable Donald F. McGahn II
Counsel to the President

Stefan C. Passantino
White House Designated Agency Ethics Official

¹ See 5 U.S.C. app. § 402.

² When questions arise as to an appointee's compliance, the law authorizes OGE only to make a recommendation that the employing agency look into the matter and consider taking appropriate action. If an agency were to decline the recommendation, OGE's only recourse would be to notify the President. See 5 U.S.C. app. § 402(f)(2)(A).

