March 22, 2017

Dear Senators:

I am in receipt of your March 15, 2017, letter requesting the interpretation and advice of the U.S. Office of Government Ethics (OGE) regarding the applicability of the bribery statute to China’s recent award of certain trademarks to the President. OGE was not consulted in connection with this matter, but OGE does not render opinions on the bribery statute, 18 U.S.C. § 201.1 Pursuant to a Memorandum of Understanding with the Department of Justice (DOJ), OGE may render opinions on 18 U.S.C. §§ 202-209; however, within the executive branch, 18 U.S.C. § 201 remains exclusively within the purview of DOJ.

Sincerely,

Walter M. Shaub, Jr.
Director

cc: Mr. Raymond Hulser
Chief, Public Integrity Section
U.S. Department of Justice

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1 OGE is also not authorized “to make any finding that a provision of title 18, United States Code, or any criminal law of the United States outside of such title, has been or is being violated.” 5 U.S.C. app. § 402(f)(5).