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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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January 6, 2017

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

Dear Director Shaub:

I write to request information regarding the status of your ethics review of Elisabeth ("Betsy") DeVos, President-elect Trump's designee to be Secretary of the Department of Education. The Senate Health, Education, Labor, and Pensions ("HELP") Committee is scheduled to hold a confirmation hearing on Ms. DeVos on Wednesday, January 11th.

Only in rare instances has the Senate HELP Committee held a confirmation hearing without first receiving a letter from the Office of Government Ethics (OGE) explaining the steps the nominee will take under an ethics agreement to address financial conflicts as required by law, as well as a certified financial disclosure form (OGE-278). In fact, all of President Obama's Cabinet nominees in HELP's jurisdiction provided certified OGE-278s and ethics agreements prior to their hearings.

Given Ms. DeVos' very significant financial resources and the high position of public trust to which she will be nominated, it is essential that our Committee fully understand in advance of the hearing what are the potential conflicts of interest and the steps she will take in order to comply with federal ethics laws and regulations.

Earlier this week, the nominee provided answers to the questions posed on the HELP Committee questionnaire. While that document makes significant disclosures, it has made me further question the status of the OGE process. It is my understanding that a nominee submitting a financial disclosure form is the first step in an ethics review. The financial disclosure form then undergoes an ethics review by the agency to which the nominee is being nominated. The nominee must enter into a formal, signed agreement with the agency's ethics official to resolve any "actual or apparent" conflicts of interest, and have his or her disclosure and agreement certified by the OGE.

These ethics agreements are critically important, as they bind nominees to any necessary recusals, divestitures, resignations, waivers, qualified trusts, outside earned income limitations,

and resolve severance and other payments. It is the nominee's pledge to abide by the specific steps in the ethics agreement. OGE's certification that those steps will resolve any financial conflicts is critical in order for the Senate to fully consider a nomination.

Given the nominee's significant assets and potential conflicts, I am seeking a better understanding regarding where the nominee stands in the process and seeking answers to the following questions:

1. Have OGE and the Department of Education received all the necessary information from Mrs. DeVos?
2. Has the report been filed with OGE?
3. Has an ethics agreement been completed?
4. Has OGE reviewed and certified both Ms. DeVos' financial disclosure form (OGE-278) and ethics agreement?
5. Are there outstanding ethics issues that still need to be resolved?
6. Can you provide an estimate of how long it will take to reach and certify an agreement?

I would appreciate any information you can share about the timing and status of the DeVos review. Thank you for your immediate attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Patty Murray".

Patty Murray
United States Senator

Cc: The Honorable Lamar Alexander
United States Senator