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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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June 15, 2017

The Honorable Thomas E. Price
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Price:

Earlier this month, the Director of the Office of Government Ethics (OGE) released ethics waivers collected in response to a data call issued to all Executive Branch agencies and offices.¹ The data call revealed that two dozen political appointees received ethics waivers during the first three months of the Trump Administration, including you, your chief of staff, and Centers for Medicare and Medicaid Administrator Seema Verma.²

I am requesting that you provide the Committee on Finance copies of any subsequent ethics waivers, within the categories covered by the OGE data call, issued to employees of the Department of Health and Human Services ("Department") within seven days of their issuance.

The OGE data call, issued on April 28, 2017,³ sought information pertaining to the issuance of ethics waivers and authorizations pursuant to various Executive Orders, Federal ethics regulations, and Federal law between May 1, 2016 and April 30, 2017.⁴ On May 17, 2017, Office of Management and Budget (OMB) Director Mulvaney asked OGE to stay the data call.

On May 26, 2017, following an exchange of letters, Director Mulvaney stated that OMB "never sought to impede OGE nor to prevent others, including agencies, from acting as required by law."⁵ Subsequently, the White House released copies of these waivers for its staff,⁶ and records for other agencies were released shortly thereafter.

When such waivers are granted subject to 18 U.S.C. §208(b) or 5 C.F.R. §2635.502(d), they allow federal employees to work on issues where there might be a real or perceived conflict of

¹ Office of Government Ethics, "Certain waivers and Authorizations issued between May 1, 2016, and April 30, 2017," <https://www.oge.gov/Web/OGEL.nsf/Resources/Certain+Waivers+and+Authorizations+issued+between+May+1,+2016+-+April+30,+2017>, accessed on June 12, 2017

² Bill Allison, "Trump Administration Waived Ethics Rules for 10 Appointees," *Bloomberg News*, June 12, 2017, <https://www.bloomberg.com/politics/articles/2017-06-07/trump-administration-waived-ethics-rules-for-10-appointees>.

³ Program Advisory -- "Data Call for Certain Waivers and Authorizations," PA-17-02, April 28, 2017.

⁴ Executive Order 13770, Executive Order 13490, 18 U.S.C. §208(b)(1), 5 C.F.R. § 2635.502(d), and 5 C.F.R. § 2635.503(c)

⁵ Letter from Mick Mulvaney to Walter Shaub, May 26, 2017.

⁶ Matea Gold, "White House grants ethics waivers to 17 appointees, including four former lobbyists," *Washington Post*, May 31, 2017, https://www.washingtonpost.com/news/post-politics/wp/2017/05/31/white-house-grants-ethics-waivers-to-17-appointees-including-four-former-lobbyists/?utm_term=.8383c084ad0b.

interest. Review of these waivers is critical to the Committee's understanding as to whether the Department's political appointees are appropriately recused from issues that former clients or employers may bring before the Department.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Ron Wyden". The signature is written in a cursive, flowing style.

Ron Wyden
Ranking Member

Cc: Hon. Orrin G. Hatch
Chairman