

# United States Senate

WASHINGTON, DC 20510

July 20, 2020

The Honorable Emory A. Rounds III  
Director  
U.S. Office of Government Ethics  
1201 New York Avenue, N.W., Suite 500  
Washington, D.C. 20005

Dear Director Rounds,

We write today to request your assistance with a review of a tweet by Ivanka Trump, who serves as Advisor to President Trump. On July 14, 2020, Ms. Trump sent a tweet from her personal Twitter account with an image of herself holding a can of black beans from Goya Foods, Inc.<sup>1</sup> The tweet also included the company's motto: "If it's Goya, it has to be good. Si es Goya, tiene que ser bueno."<sup>2</sup> At the time of this tweet, the profile for Ms. Trump's personal Twitter account stated that she was an "advisor to POTUS on job creation + economic empowerment, workforce development & entrepreneurship."<sup>3</sup>

As you know, the Office of Government Ethics ("OGE") promulgated the rule against misuse of position, which relates to the proper use of official time and authority.<sup>4</sup> This rule states, in part:

An employee shall not use his public office for his own private gain, *for the endorsement of any product, service or enterprise*, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity... and persons with whom the employee has or seeks employment or business relations.<sup>5</sup>

As former OGE director Walter Shaub has explained, these restrictions "serve to guard the federal service against ethical problems that could undermine public confidence in the integrity of the government's operations."<sup>6</sup> This concern is particularly pronounced here, given that Ms. Trump tweeted just five days after a White House event on July 9, 2020, in which Goya

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<sup>1</sup> @IvankaTrump, TWITTER (July 14, 2020, 10:05 PM), <https://twitter.com/IvankaTrump/status/1283221019684110337>.

<sup>2</sup> *Id.* See also Our Company History, GOYA, *available at* <https://www.goya.com/en/our-company/history>.

<sup>3</sup> @IvankaTrump, TWITTER (July 14, 2020, 10:05 PM),

<sup>4</sup> 5 C.F.R. § 2635.701 (2019).

<sup>5</sup> 5 C.F.R. § 2635.702 (2019) (emphasis added). The rule also enumerates specific exemptions, including for endorsements an official makes in furtherance of statutory authority. 5 C.F.R. § 2635.702(c)(1) (2019).

<sup>6</sup> A Refresher on Misuse of Position, U.S. OFF. OF GOV'T ETHICS, *available at* <https://www.oge.gov/web/oge.nsf/Resources/+A+Refresher+on+Misuse+of+Position>

CEO Robert Unanue praised the leadership of President Trump.<sup>7</sup> The timing of her remarks creates the appearance, at least, that praise for Trump Administration officials may elicit later endorsements from these same officials. In fact, on July 15, 2020, President Trump shared an image on Instagram of himself with several Goya products at the Resolute Desk.<sup>8</sup>

To better understand the application of federal ethics rules to these circumstances, we request that you provide us with answers to the following questions by August 10, 2020:

1. Did Ms. Trump's tweet represent an "endorsement of any product, service, or enterprise"?
2. If so, did this tweet violate the rule against misuse of position?
3. What disciplinary actions could OGE or the Designated Agency Ethics Official in the White House take in response to a violation of the rule against misuse of position by an official in the Executive Office of the President?
4. Under what circumstances, if any, has OGE disciplined a White House official for a violation of the rule against misuse of position?
5. Has OGE provided training to White House officials regarding the rule against misuse of position? If so, please provide the dates on which OGE provided this training and copies of any related written materials provided to attendees.
6. Has OGE conducted a review of the White House ethics program to ensure its compliance with program requirements and its effectiveness in advancing the mission of the executive branch-wide ethics program?<sup>9</sup> If so, please provide the results of that review. If not, we request that OGE conduct a review.

If you or members of your staff have any questions about this request, please contact [REDACTED] Senator Carper's staff at (202) 224-2441 or [REDACTED] Senator Warren's staff at (202) 224-4543.

Sincerely,



Tom Carper  
U.S. Senator



Elizabeth Warren  
U.S. Senator

<sup>7</sup> David Goldman, *Goya Foods Boycott Takes Off after its CEO Praises Trump*, CNN (July 10, 2020), available at <https://www.cnn.com/2020/07/10/business/goya-foods-boycott-trump/index.html>.

<sup>8</sup> @realdonaldtrump, Instagram (July 15, 2020), <https://www.instagram.com/p/CCrAzKiBFUQ>.

<sup>9</sup> 5 C.F.R. §2638.108(a)(9) (2019).