

June 1, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Ave., NW
Washington, DC

Dear President Biden:

As good government advocates, we applaud your Administration's first steps to address ethics as a core value. Initial progress has been meaningful and important, from your Executive Order establishing a new standard to ensure appointees to your Administration serve the public free from conflicts of interest, to the resumption of White House visitor log disclosures, to the release of your own tax returns at [WhiteHouse.gov/disclosures](https://whitehouse.gov/disclosures).

Nevertheless, significant opportunities for progress remain, such as relaunching [Ethics.gov](https://ethics.gov),¹ modernizing FARA reporting, strengthening conflicts-of-interest policies, and releasing visitor logs of the virtual meetings that have largely replaced in-person forums in this pandemic.

To continue and improve the progress underway, **we urge you to appoint a single, senior official in the White House to oversee, enforce, and communicate about your ethics program.** Recent reports about potential conflicts of interest have highlighted this gap, leaving unanswered questions that undermine the faith in government your reforms are designed to promote.²

On May 18, the White House announced an agreement with rideshare companies Uber and Lyft to provide free transportation to vaccine sites.³ According to public disclosures, several senior officials in your Administration have recent financial ties with these companies.

¹ Letter to Amb. Susan Rice from Government Accountability Project, et al., Apr. 15, 2021, *available at* <https://whistleblower.org/letter/letter-to-ambassador-rice-on-relaunch-of-ethics-gov/>.

² See, e.g., Lachlan Markay, Biden's ethics end-around for labor, *Axios*, May 7, 2021, <https://www.axios.com/bidens-ethics-union-labor-69aa2550-495e-422c-afce-07a80be0893e.html>; Naomi Lim, Joe Biden sparks ethics questions by hiring relatives of senior staffers, *Wash. Examiner*, May 18, 2021, <https://www.washingtonexaminer.com/politics/biden-staff-family-members>;

³ Soo Rin Kim & Lucien Bruggeman, Biden administration's deep ties to Uber, Lyft in spotlight after vaccine-assistance partnership announced, *ABC News*, May 18, 2021, <https://abcnews.go.com/Politics/biden-administrations-deep-ties-uber-lyft-spotlight-vaccine/story?id=77694264>.

Therefore, as laudable as the goal of the rideshare program may be, it has raised questions about conflicts of interest, including whether senior officials have recused themselves from the program, have received waivers to participate, or what other steps have been taken to ensure ethical guardrails are preserved. Assuming these conflicts can be answered satisfactorily, these open questions unnecessarily undermine the program.

These reports highlight an accountability gap on ethics that could be filled quickly and effectively. In your Executive Order on ethics, you embraced the Office of Government Ethics (OGE) as the primary entity overseeing the implementation of ethics rules.⁴ OGE does not, however, have investigative or enforcement authority over the White House. Under existing rules, the President is responsible for enforcing ethical standards in the White House, with the Counsel to the President having primary responsibility for compliance. The Counsel to the President has an expansive slate of responsibilities and traditionally does not have a “public diplomacy” role to communicate on day-to-day ethics matters. The result is that questions about ethics involving some of the most senior members of your Administration are the most difficult to address.

We urge you to center leadership in the White House through the appointment of a senior official to oversee, enforce, and communicate about ethics, accountability, and transparency matters.⁵ There is bipartisan precedent for doing so: both President George W. Bush and President Barack Obama appointed such officials. President Donald Trump notably did not.

The senior official would be responsible for implementing ethics and transparency rules and your Executive Order on ethics, including educating administration officials and staff about the ethics rules and overseeing the issuance of any waivers of conflicts of interest provisions. Critically, the senior official would be available to explain the basis of waivers, including a conclusion that a waiver is unnecessary, when and where potential conflicts of interest arise, and to ensure the timely public disclosure of waivers and other key ethics information. Without “public diplomacy” on these matters, the public is more likely to draw negative inferences about the interests guiding public decision making.

Open questions or uncertainty about conflicts of interest have a significant cost, particularly coming in the wake of the most corrupt administration in American history. At present, fewer than 20% of Americans trust their federal government to do the right thing.⁶ Any perceived

⁴ Executive Order on Ethics Commitments by Executive Branch Personnel § 4, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-ethics-commitments-by-executive-branch-personnel/>.

⁵ Several of our organizations previously supported the appointment of such a senior official. *See, e.g.*, Accountability 2021, Ethics, *available at* <https://www.accountability2021.org/principle-3/>.

⁶ Michael Dimock, *How Americans View Trust, Facts, and Democracy Today*, Pew Research Center, Feb. 19, 2020, *available at* <https://www.pewtrusts.org/en/trust/archive/winter-2020/how-americans-view-trust-facts-and-democracy-today>;

conflicts of interest unquestionably contribute to this trust deficit. You have taken steps already to rebuild public trust. We urge you to take another. Your ethics program will be stronger for it, and the public will have greater confidence that our democracy is serving their interest over private interests.

Sincerely,

American Oversight

Anne Weismann

Campaign Legal Center

Citizens for Responsibility and Ethics in Washington (CREW)

Common Cause

Democracy 21

Demand Progress

Good Government Now

Government Accountability Project

International Corporate Accountability Roundtable (ICAR)

Issue One

Open The Government

Project On Government Oversight (POGO)

Public Citizen

Distinguished University Professor James A. Thurber