

From: [Elizabeth D. Horton](#)
To: [Agency Wide: News Clippings](#)
Subject: Legislative Update for Monday, March 27, 2017
Date: Monday, March 27, 2017 10:39:35 AM

The Senate reconvenes at 3:00 p.m.

According to *CQ*, the Senate reconvenes at 3 p.m.

The House reconvenes at 2:00 p.m.

According to *CQ*, the House reconvenes at 2 p.m. for legislative business and is expected to consider measures under suspension of the rules. Roll call votes will be postponed until 6:30 p.m.

Executive Branch Ethics and Related News

Multiple outlets report that Treasury Secretary Steven Mnuchin may have violated ethics rules prohibiting the promotion of products by making a comment about one of the movies he produced at an event held by an online news outlet. [Steven Mnuchin Wants You to See The LEGO Batman Movie \(Government Executive\)](#); [Treasury Secretary Mnuchin Pumps 'Lego Batman,' and Might Have Violated Ethics Rules \(The Daily Beast\)](#); [Treasury Secretary Steven Mnuchin's 'Lego Batman' Mention Raises Ethics Concerns \(Variety\)](#); [In Possible Ethics Violation, Mnuchin Plugs Batman Film He Produced \(Fast Forward\)](#)

Multiple outlets discuss the President's alleged conflicts of interest. [Eric Trump says he will keep father updated on business despite 'pact' \(The Guardian\)](#); [New Trump hotels face political fights, ethics questions \(The Record\)](#); [Trump's conflict-of-interest troubles come roaring back \(MSNBC\)](#); [Trump should come clean on foreign interests \(The Clarion-Ledger\)](#); [Mar-a-Lago doesn't hide its presidential seal \(Politico\)](#)

Multiple outlets discuss ethics concerns regarding Ivanka Trump. [White House Ethics Loophole for Ivanka 'Doesn't Work,' Say Watchdogs \(Common Dreams\)](#); [Ivanka Trump Has a New Book. The Question Is Who Gets the Money \(Bloomberg\)](#); [Government watchdogs: Give Ivanka Trump official title \(The Hill\)](#)

The New York Times reports that Carl Icahn's roles as the president's special adviser on regulatory matters and a majority investor in CVR Energy, an oil refiner that would have saved \$205.9 million last year had the regulatory fix he is pushing been in place, raise conflict of interest concerns. [Icahn Raises Ethics Flags With Dual Roles as Investor and Trump Adviser](#)

Death and Taxes reports that the Office of Government Ethics has not raised any flags regarding Jared Kushner's conducting foreign policy on behalf of the United States in December while he was part of the transition team and suggests that Mr. Kushner's alleged business conflicts aren't the only thing that OGE should look into. [Anyone looking into whether Jared Kushner violated the Logan Act?](#)

The Hill reports that some lawmakers are raising conflicts-of-interest questions over a real estate project between a Chinese firm and the family of President Trump's son-in-law and adviser Jared Kushner. [Dems question potential Kushner real estate deal with Chinese firm](#)

High Plains/Midwest Ag Journal reports that one of the reasons for the delay in Gov. Sonny Perdue's confirmation to be the next secretary of agriculture could be prior conflicts of interest leveled against him while he was governor. [Documents filed on Perdue amid ethics questions](#)

Salon reports on conflict of interest concerns about Wilbur Ross' part ownership of one of the world's largest owners and operators of medium-range tanker vessels. [Wilbur Ross will shepherd Trump's trade policy: Should he also own a shipping firm?](#)

Newsmax reports that Jay Clayton, President Donald Trump's nominee to lead the U.S. Securities and Exchange Commission, sought to assure lawmakers that he'll show no favoritism and act only in the public interest, as his Wall Street connections were scrutinized at his Senate confirmation hearing. [Trump SEC Pick Says His Wall Street Clients Won't Get Favoritism](#)

Slate reports that more than two months since starting work at the White House, Kellyanne Conway still hasn't sold the D.C. consulting firm she founded that boasts of such high-profile past clients as Boeing, the National Rifle Association, and even the federal government. The article notes that if Conway is taking an active role in White House decision-making that directly impacts the fortunes of her firm's clients, it could be a federal crime. [Is Kellyanne Conway Breaking the Law?](#)

Open Secrets discusses ethics issues surrounding "beachhead" teams. [Trump's "beachhead" teams host dozens of former lobbyists](#)

The Huffington Post opines that we have a political system that thrives on corruption, and it's getting worse all the time. [America's Political System Thrives On Corruption](#)

Federal Agency and Related News

Federal News Radio and *Government Executive* report that the Office of Personnel Management is telling agencies how to prepare for an upcoming government reorganization. [OPM tells agencies how to get ready for workforce reorganization, furloughs \(Federal News Radio\); With Potential 2017 Cuts Looming, OPM Updates Furlough and RIF Guidance \(Government Executive\)](#)

Next Scheduled Recess:

House: March 31; April 7-21

Senate: April 10-21

From: David J. Apol [mailto:djapol@oge.gov]

Sent: Tuesday, March 14, 2017 2:05 PM

To: Maggi, David (Federal) <dMaggi@doc.gov>; Keith Labedz <klabedz@oge.gov>

Cc: Jacobi, Will (Federal) <wjacobi@doc.gov>; Warren, Arthur (Federal) <AWarren@doc.gov>; Elaine Newton <enewton@oge.gov>

Subject: RE: CD Request for Secretary of Commerce Ross

OGE regulations provide for a special access provision for Certificates of Divestiture (CDs). You may obtain copies of CDs by completing the fill and print PDF version of the OGE Form 201 and submitting your request to 201forms@oge.gov. OGE has also created an automated tool to request copies of the CDs, available on OGE's website at: <https://extapps2.oge.gov/201/Presiden.nsf/All+Certificates+of+Divestiture>.

Attached are the PDFs of the cover letter and CD for Secretary Ross.

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From: [Matthew A. Marinec](#)
To: [David J. Apol](#)
Subject: RE: CDs
Date: Tuesday, March 14, 2017 1:46:40 PM
Attachments: [CD2017037 Signed 3-14-17.pdf](#)
[Commerce-Ross Signed 3-14-17.pdf](#)

OGE regulations provide for a special access provision for Certificates of Divestiture (CDs). You may obtain copies of CDs by completing the fill and print PDF version of the OGE Form 201 and submitting your request to 201forms@oge.gov. OGE has also created an automated tool to request copies of the CDs, available on OGE's website at: [https://extapps2.oge.gov/201/Presiden nsf/All +Certificates+of+Divestiture](https://extapps2.oge.gov/201/Presiden%20nsf/All%20Certificates%20of%20Divestiture).

Attached are the signed, dated and pdf'd copies.

Thank You,
Matt Marinec

From: David J. Apol
Sent: Tuesday, March 14, 2017 12:56 PM
To: Matthew A. Marinec
Subject: CDs

2 1-page attachments withheld in full - (b)(5), (6)

Matt can you print these out for me to look like the samples I gave you?

David J. Apol
General Counsel
U.S. Office of Government Ethics
1201 New York Ave., NW, Suite 500
Washington, DC 20005-3917
(202) 482-9292

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



MAR 14 2017

David Maggi
Chief, Ethics Law and
Programs Division
Department of Commerce
Washington, DC 20230

Dear Mr. Maggi:

In response to your request of March 14, 2017, enclosed is Certificate of Divestiture OGE-2017-037, for Wilbur L. Ross, Jr., Secretary, Department of Commerce. We would appreciate your forwarding the original certificate to Mr. Ross. Also enclosed is a copy of the certificate for your files.

If there are any questions, you may contact Keith Labedz, Senior Program Analyst, at 202-482-9218.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Apol", written over the printed name.

David J. Apol
General Counsel

Enclosures

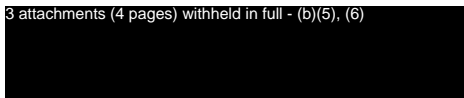


From: [David J. Apol](#)
To: [Keith Labedz](#)
Subject: RE: CD Request for Secretary of Commerce Ross
Date: Tuesday, March 14, 2017 12:58:28 PM

Thanks again!!

From: Keith Labedz
Sent: Tuesday, March 14, 2017 12:53 PM
To: David J. Apol
Subject: RE: CD Request for Secretary of Commerce Ross

3 attachments (4 pages) withheld in full - (b)(5), (6)




The request looks to be in order. I've copied the CD, letter, and revised checklist to the J: drive. I've also attached copies to this email.

Note: According to the CD folder, we are on 037; however, it's not clear whether 036 has actually been signed yet.

Keith

From: David J. Apol
Sent: Tuesday, March 14, 2017 12:46 PM
To: Keith Labedz
Subject: FW: CD Request for Secretary of Commerce Ross

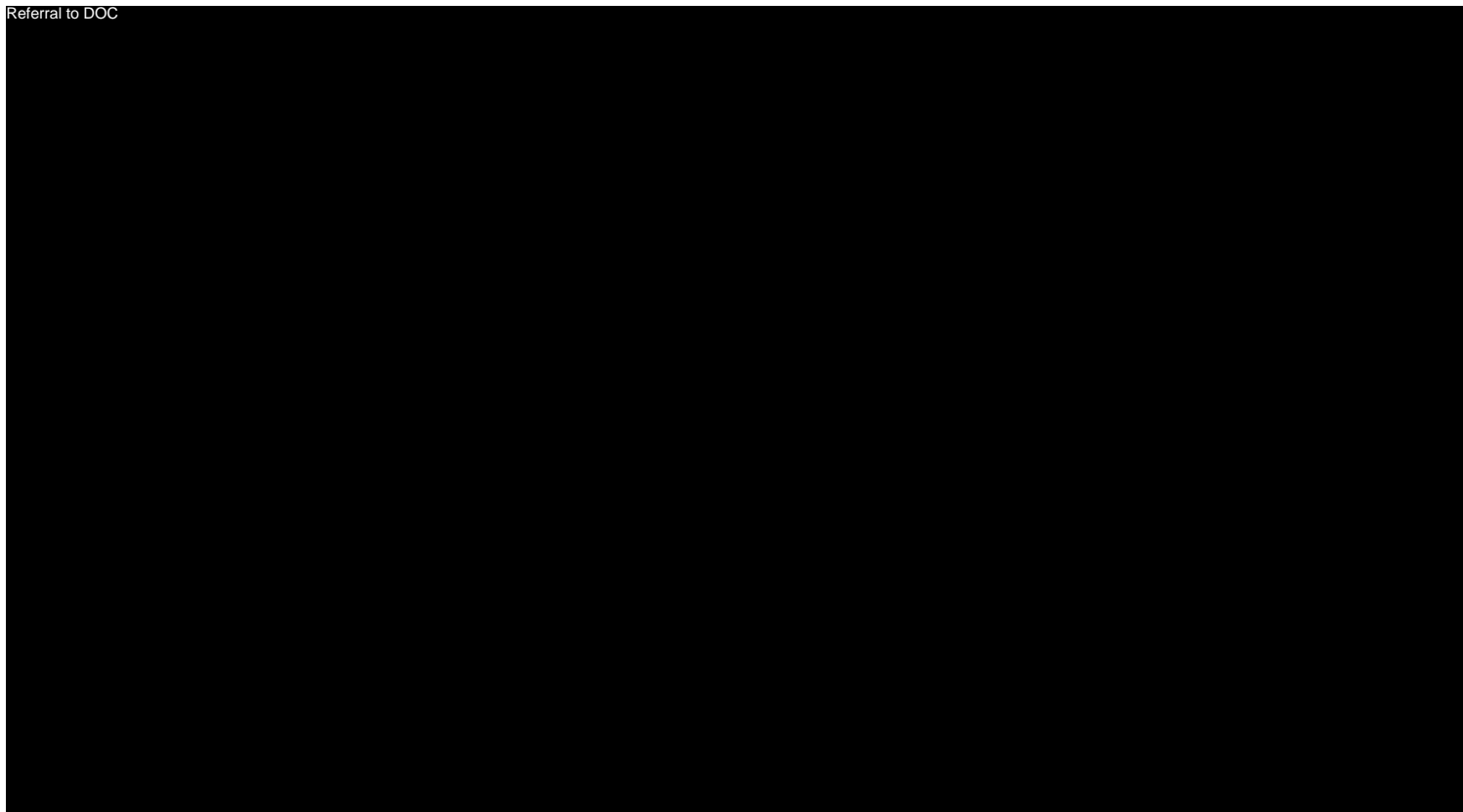
6 page attachment (CD request) referred to DOC

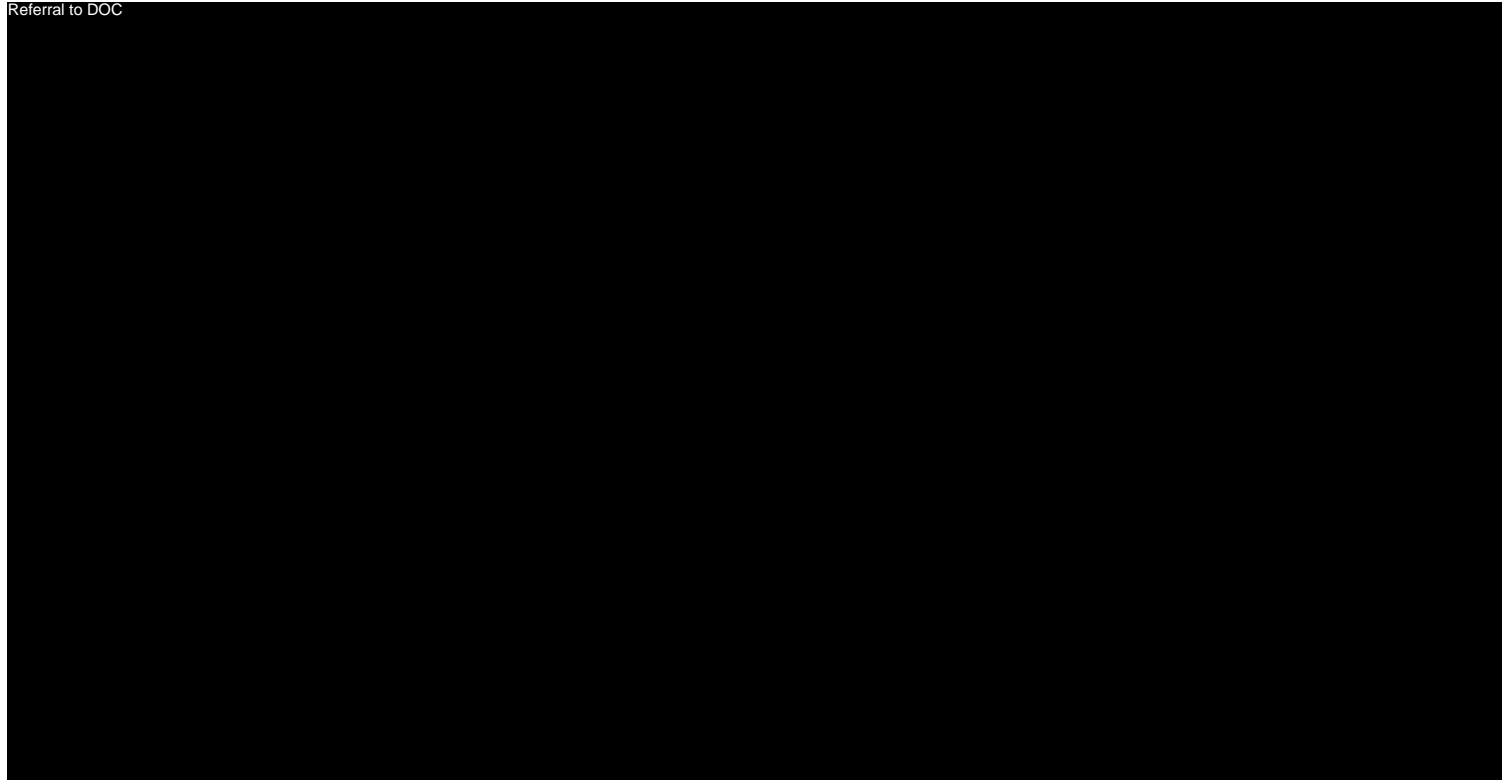


Thanks for your work on this Keith! Once you update your notes to reflect Commerce's answers and give me the green light, I'll have Matt print out the CD and I'll issue it.

Dave

Referral to DOC





From: [David J. Apol](#)
To: [Keith Labedz](#); "[Jacobi, Will \(Federal\)](#)"
Cc: [Maggi, David \(Federal\)](#); [McClelland, Michelle \(Federal\)](#); [Warren, Arthur \(Federal\)](#); [Williams, Gaye \(Federal\)](#); [Warren, Arthur \(Federal\)](#); [Elaine Newton](#); [Jacob, Dana \(Federal\)](#)
Subject: RE: Wilbur Ross - urgent CD request
Date: Tuesday, March 14, 2017 12:15:56 PM

Will,

Thanks to Keith's great and exceptionally fast work, I am willing to expedite this (this time) so long as you are able to answer the issues Keith raised below and get us a signed request from you and the Secretary.

Dave

From: Keith Labedz
Sent: Tuesday, March 14, 2017 12:01 PM
To: 'Jacobi, Will (Federal)'
Cc: David J. Apol; Maggi, David (Federal); McClelland, Michelle (Federal); Warren, Arthur (Federal); Williams, Gaye (Federal); Warren, Arthur (Federal); Elaine Newton; Jacob, Dana (Federal)
Subject: RE: Wilbur Ross - urgent CD request

Will,

All I see is a draft request (i.e., no signed documents). Assuming we can expedite the CD for (b)(3), (6) only, will you be sending us an official request today for that (b)(3), (6)

Also, I wanted to confirm the following:

(b)(3), (5), (6)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

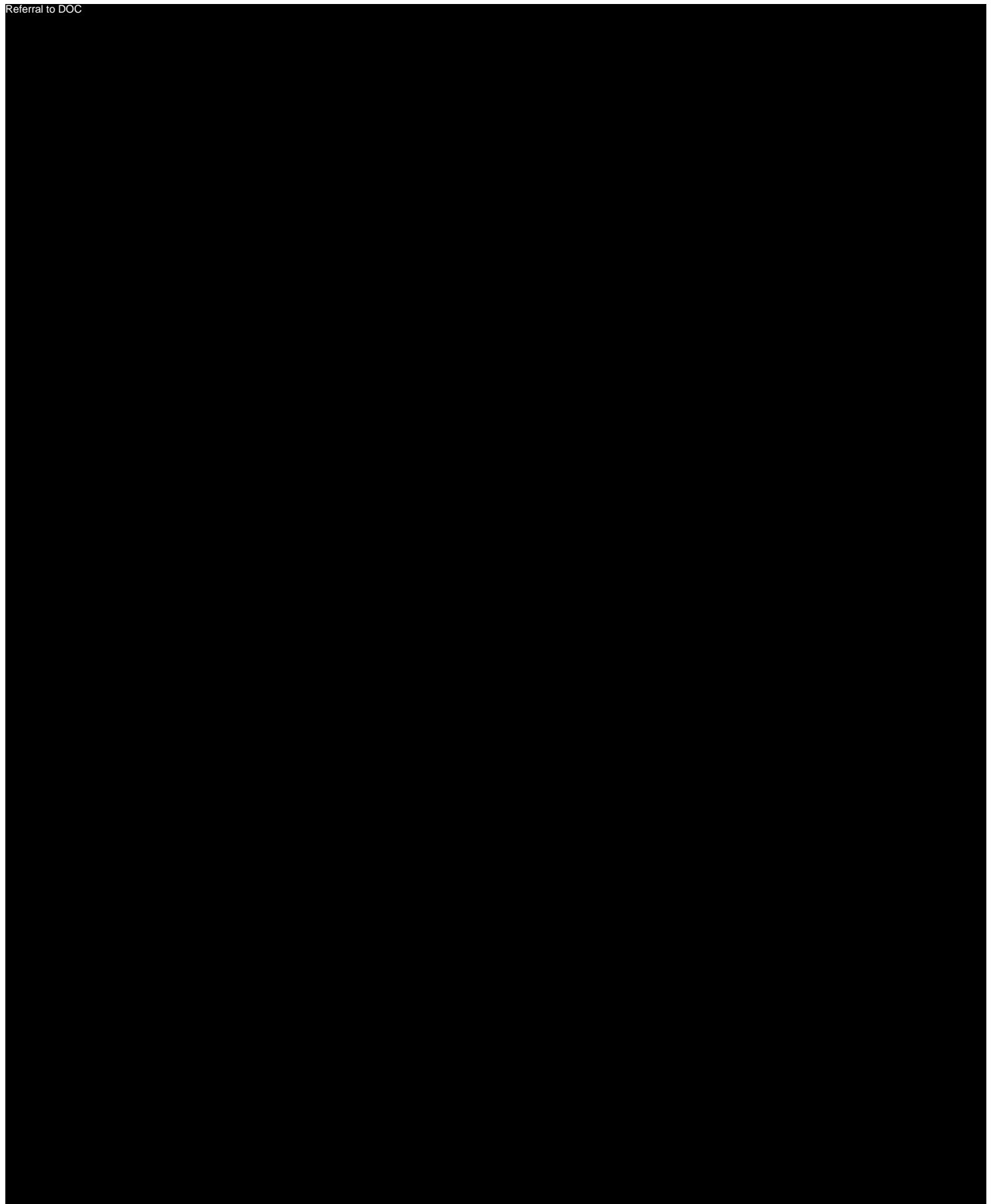
[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thank you.
Keith



From: [Keith Labedz](#)
To: [David J. Apol](#); [Elaine Newton](#)
Subject: FW: Wilbur Ross - urgent CD request
Date: Tuesday, March 14, 2017 11:49:00 AM
Attachments: [CD2017xxx - Ross.docx](#)
[Commerce-Ross.docx](#)
[Ross, Jr Wilbur L \(Commerce\) Checklist.doc](#)

3 attachments (3 pages) withheld in full - (b)(5), (6)

Assuming a CD can be issued based on a draft request (or that Commerce provides an official request in time), I have attached documentation for the CD.

From: Keith Labedz
Sent: Tuesday, March 14, 2017 11:30 AM
To: David J. Apol; Elaine Newton
Subject: RE: Wilbur Ross - urgent CD request

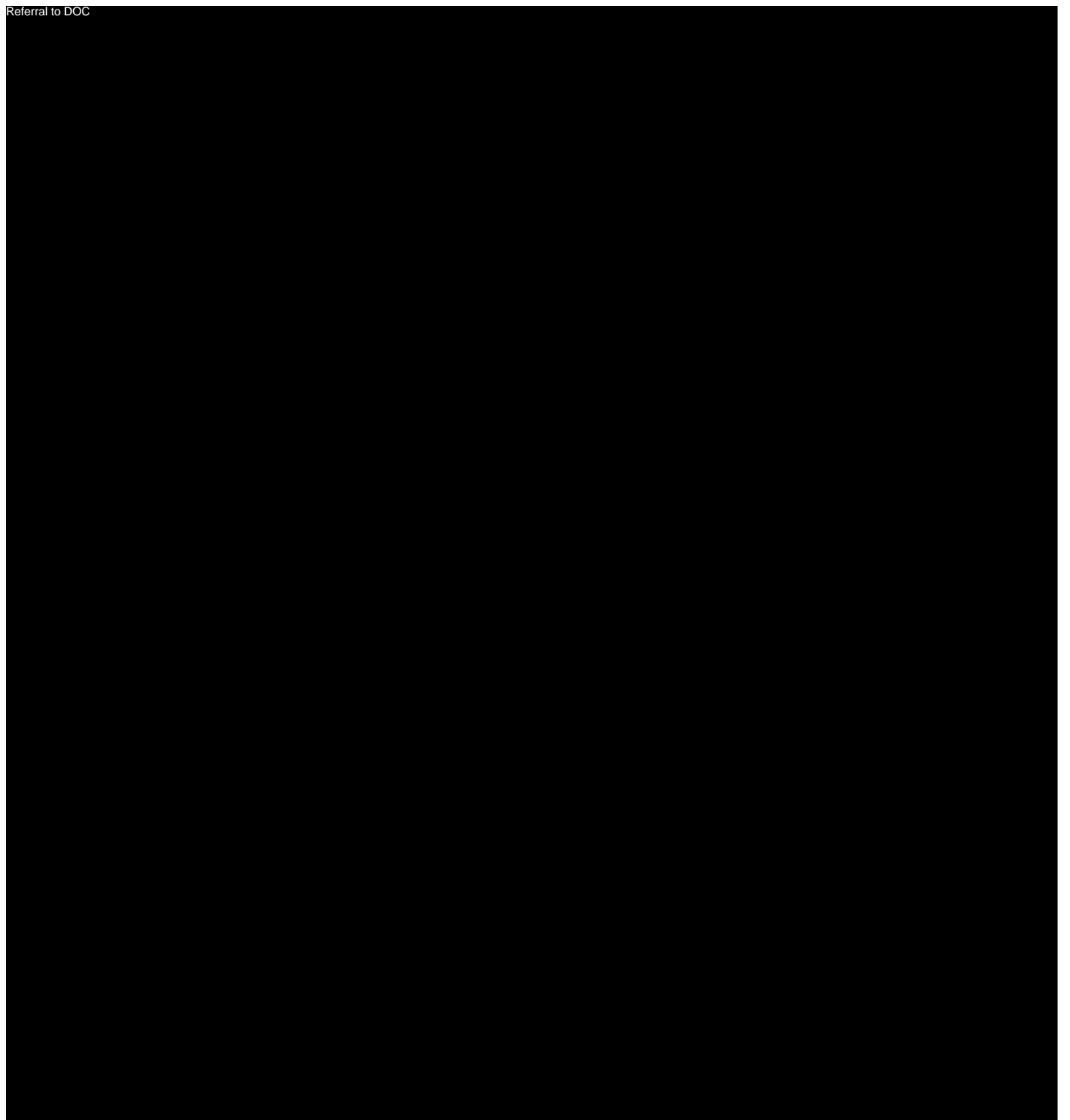
Some potential issues:

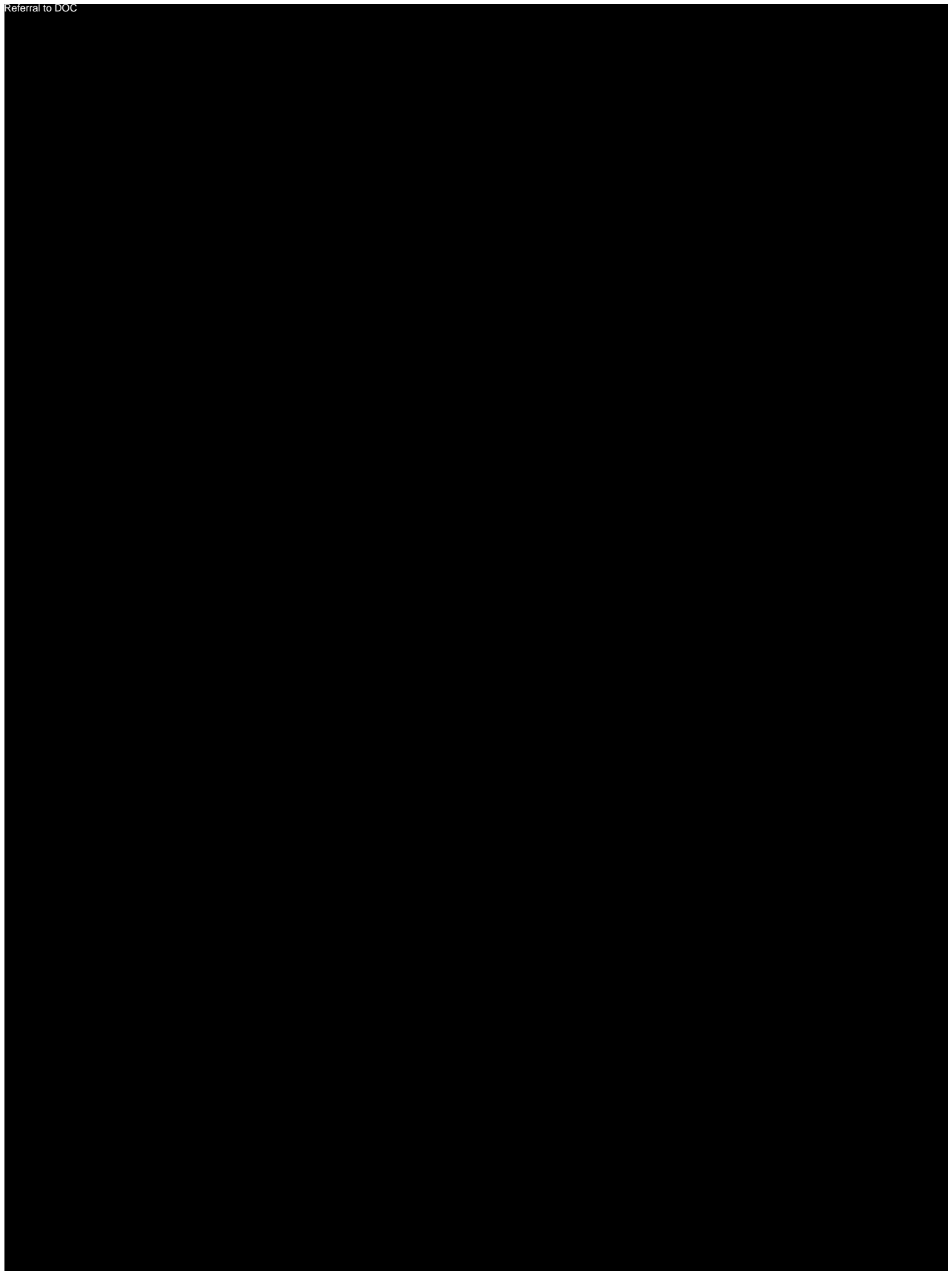
(b)(3), (5), (6)

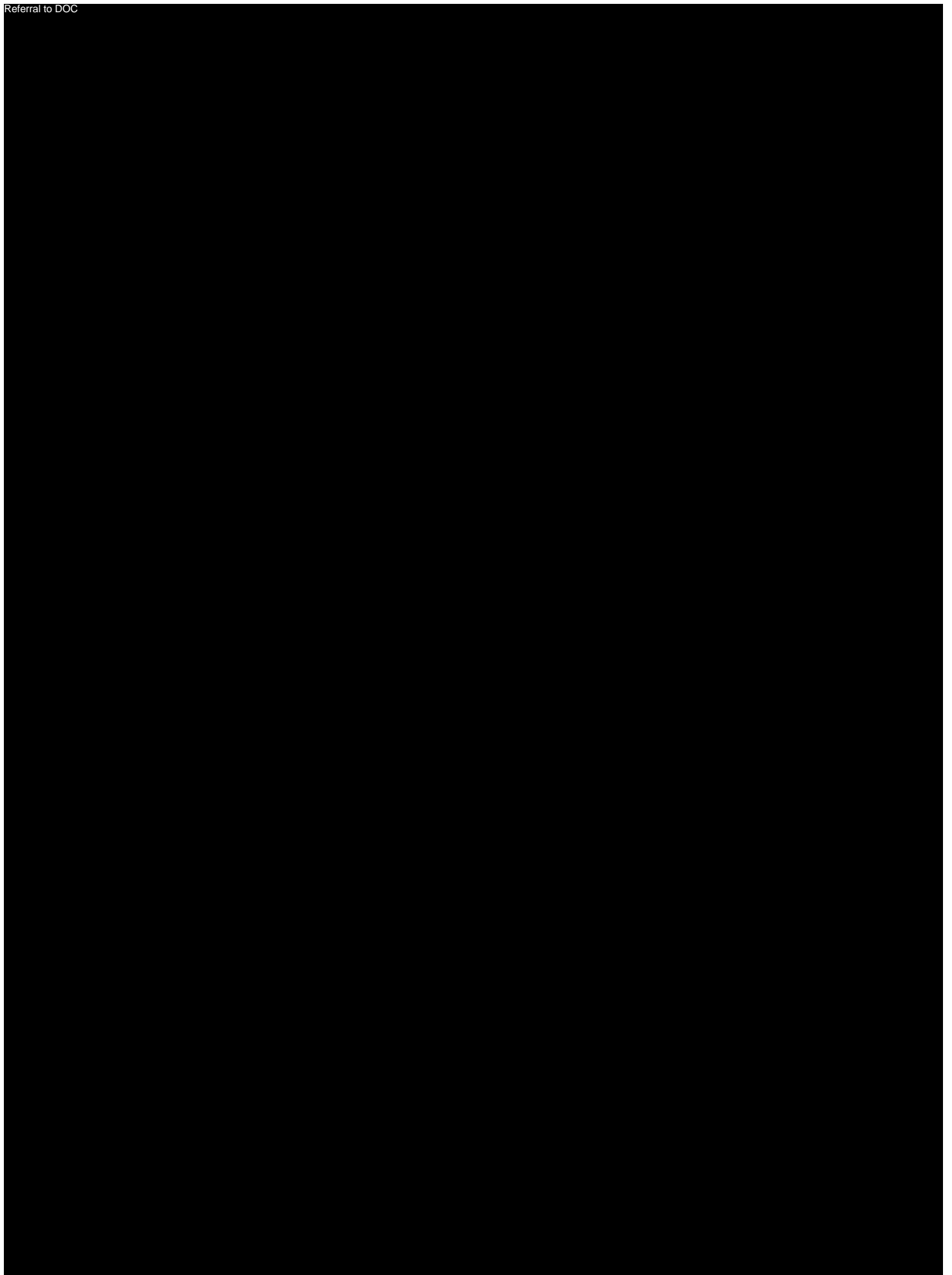
From: David J. Apol
Sent: Tuesday, March 14, 2017 10:35 AM
To: Elaine Newton; Keith Labedz
Subject: FW: Wilbur Ross - urgent CD request

Please give me a call on this to see what we can do. I will be in the office later today but in the meantime I'm at (b) (6) .

Referral to DOC







From: [Heather A. Jones](#)
To: [Keith Labedz](#); [Deborah J. Bortot](#)
Subject: RE: WLR 278T question
Date: Tuesday, March 07, 2017 2:03:36 PM

I agree with your analysis that (b) (5) [REDACTED]

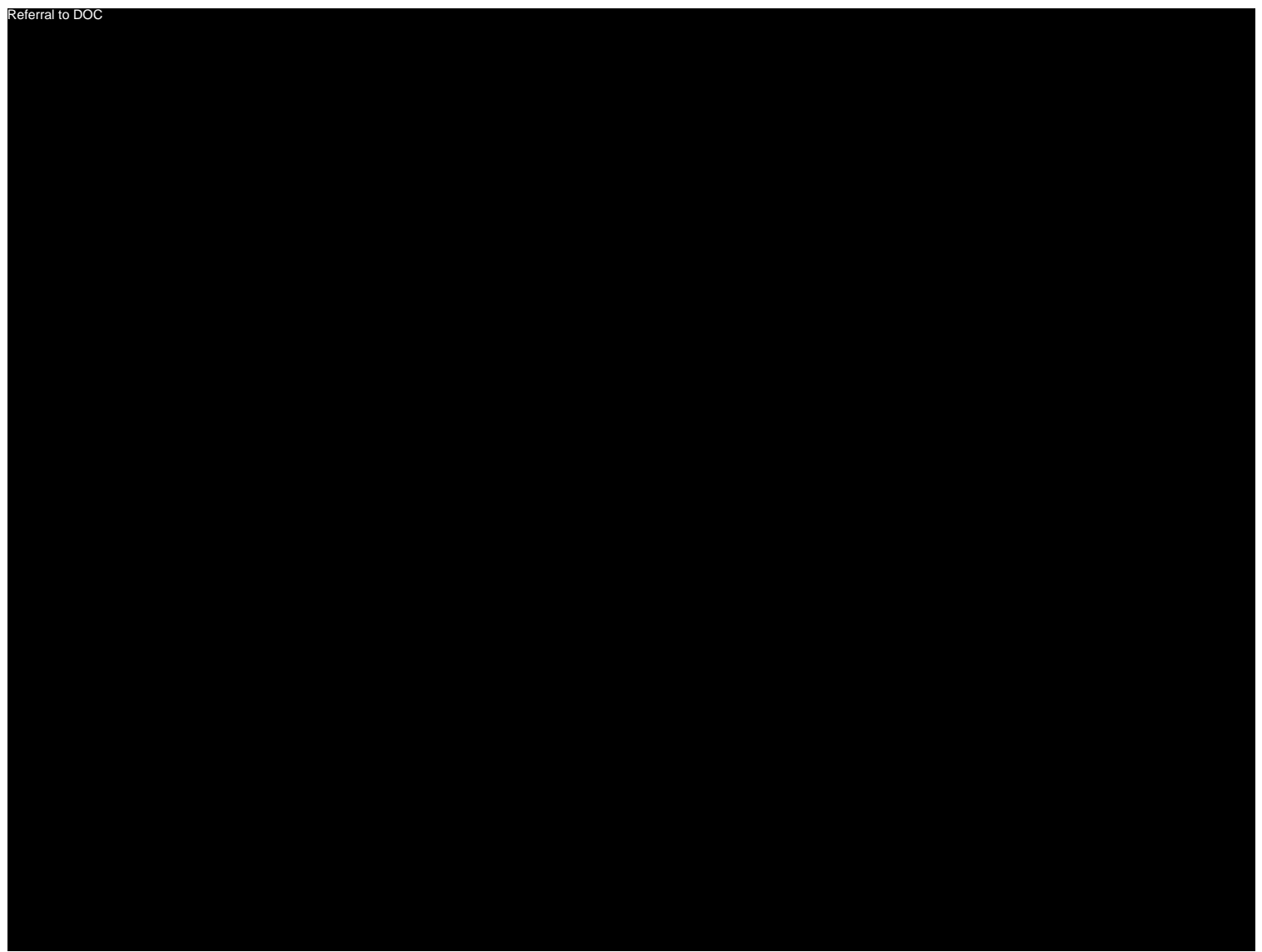
From: Keith Labedz
Sent: Tuesday, March 07, 2017 2:02 PM
To: Deborah J. Bortot; Heather A. Jones
Subject: FW: WLR 278T question

From: Keith Labedz
Sent: Tuesday, March 07, 2017 2:01 PM
To: 'Jacobi, Will (Federal)'
Cc: Maggi, David (Federal)
Subject: RE: WLR 278T question

(b)(3), (5), (6) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Referral to DOC

[REDACTED]

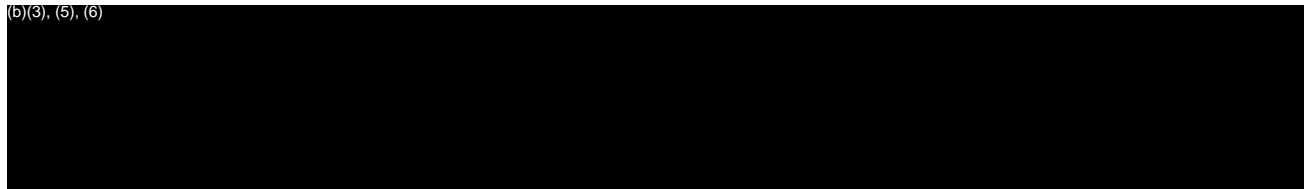


From: [Keith Labedz](#)
To: [Suzanne L. Meyer](#)
Subject: RE: CD draft materials
Date: Tuesday, February 21, 2017 11:34:39 AM
Attachments: [RE_Draft request form for CD re_Wilbur Ross.pdf](#)

Attached email chain included below

Email attached.

(b)(3), (5), (6)



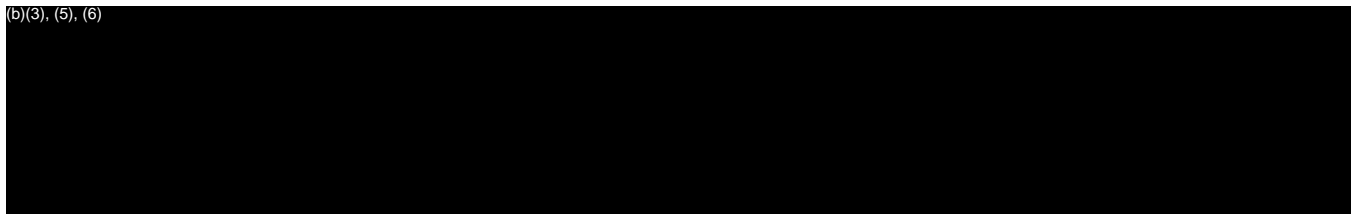
Thanks.
Keith

From: Suzanne L. Meyer
Sent: Tuesday, February 21, 2017 11:26 AM
To: Keith Labedz
Subject: RE: CD draft materials

Hi Keith,

I left you a phone message, but I thought I'd send an email as well.

(b)(3), (5), (6)



Thanks,

Suzanne

From: Keith Labedz
Sent: Tuesday, February 21, 2017 10:14 AM
To: Suzanne L. Meyer
Subject: RE: CD draft materials

Hi,

You can process under my name or your name. Elaine indicated that I would not be processing the final package. In any event, since I will not be back into the office until March, I would not be able to handle the hard copy paperwork. I worked through the draft materials mostly because I reviewed the Nominee report and the agency is very concerned to get the CD approved as soon as possible after submission of the final package.

Thanks.

Keith

From: Suzanne L. Meyer
Sent: Tuesday, February 21, 2017 10:06 AM
To: Keith Labedz
Subject: RE: CD draft materials

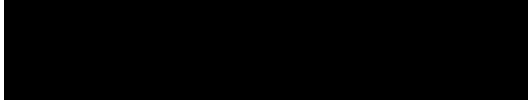
Thanks, Keith. Am I doing this under your name, since you did the draft or just reviewing what you did and sending back or letting you know if anything is amiss?

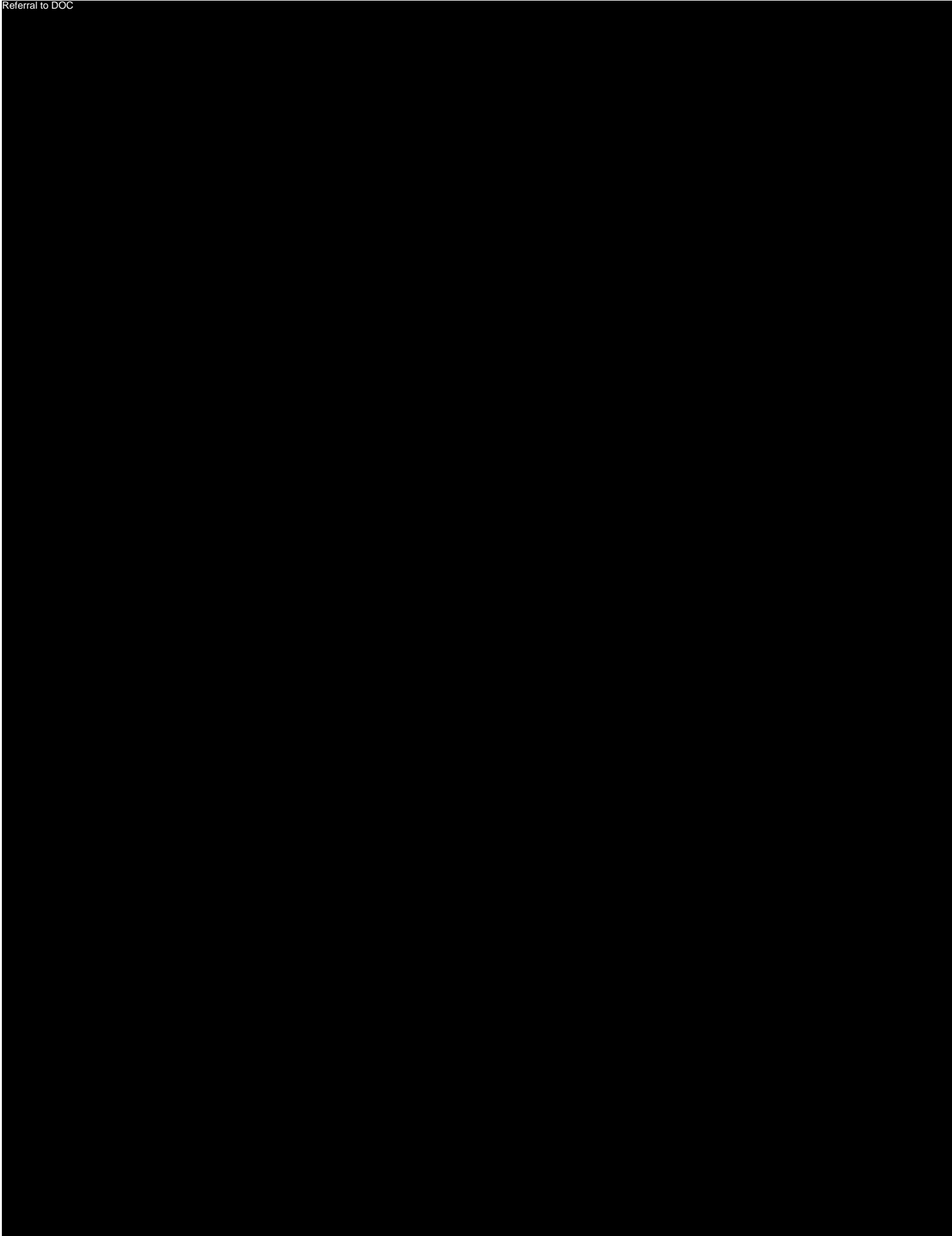
Thanks,

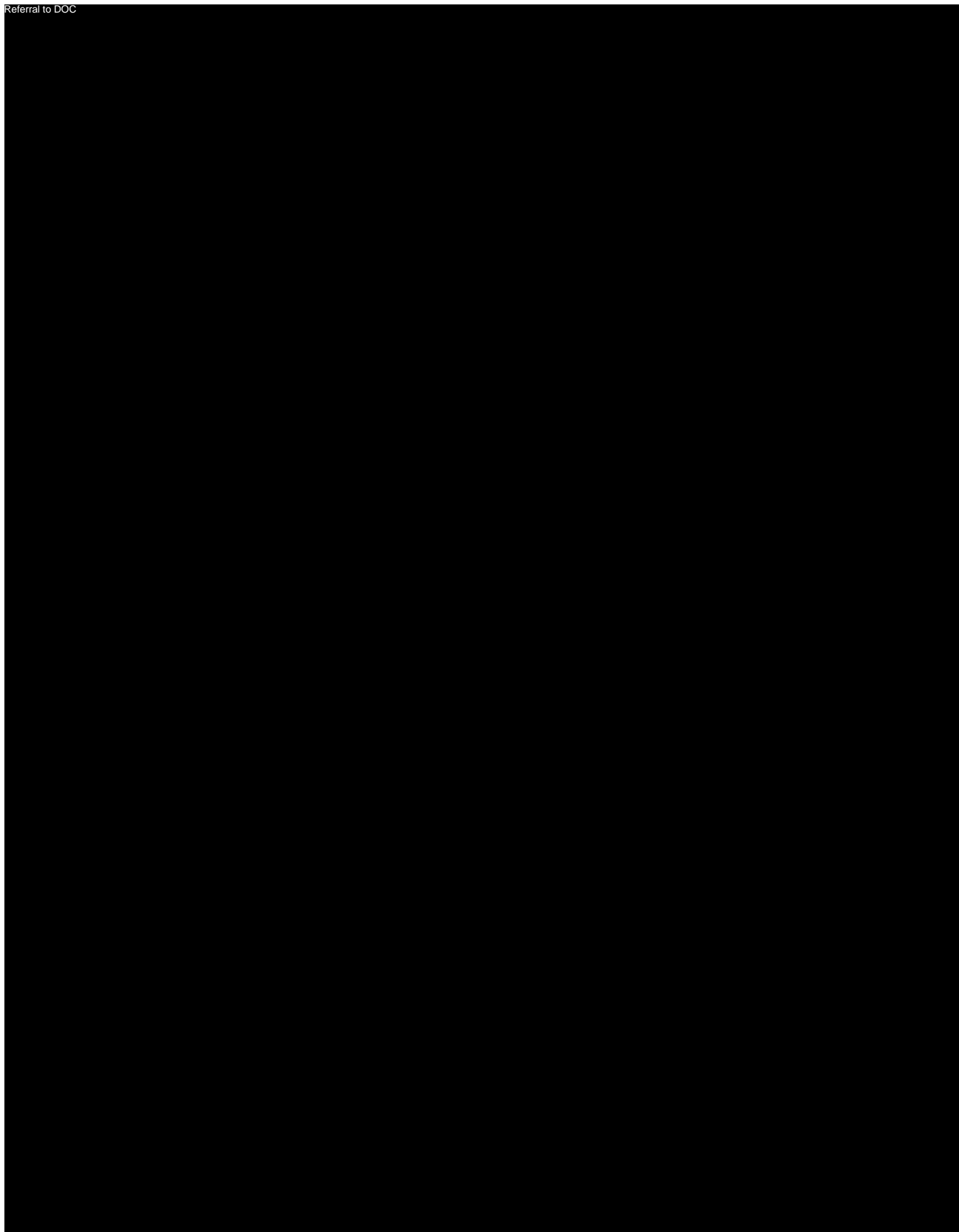
Suzanne

From: Keith Labedz
Sent: Tuesday, February 21, 2017 9:50 AM
To: Suzanne L. Meyer
Subject: CD draft materials

3 attachments (CD Request materials) referred to DOC; 3 attachments (draft CD review materials) withheld in full - (b)(5), (6)

A large black rectangular redaction box covers the content of the email body below the header.





From: Keith Labedz [<mailto:klabedz@oge.gov>]

Sent: Tuesday, February 14, 2017 4:59 PM

To: Jacobi, Will (Federal) <wjacobi@doc.gov>

Cc: Maggi, David (Federal) <dMaggi@doc.gov>; Warren, Arthur (Federal) <AWarren@doc.gov>;
Jacob, Dana (Federal) <DJacob@doc.gov>; Williams, Gaye (Federal) <gWilliams@doc.gov>

Subject: RE: Draft request form for CD re: Wilbur Ross

Hi,

I cannot open the third attachment. The first two do not include the standard CD request format, which is probably the main one for draft-review purposes. Also, we have been using "Wilbur L. Ross" because that is the name format used on the 278; however, I think his full name is "Wilbur L. Ross, Jr." I assume he will want the CD to list the "Jr." right (if that is the format used for his tax filings)?

Thanks.
Keith

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From: [Keith Labedz](#)
To: [Suzanne L. Meyer](#)
Subject: CD draft materials
Date: Tuesday, February 21, 2017 9:50:31 AM
Attachments: [WLR-CD-request-transmittal-letter-OGE.docx](#)
[WLR-CD-request-memo.pdf](#)
[OGE-CD-Request-Form-for-WLR-3.pdf](#)
[CD2017xxx - Ross.docx](#)
[Commerce-Ross.docx](#)
[Ross, Jr Wilbur L \(Commerce\) Checklist.doc](#)

3 attachments (CD Request materials) referred to DOC; 3
attachments (draft CD review materials) withheld in full - (b)(5),
(6)

From: Keith Labedz [mailto:klabedz@oge.gov]

Sent: Friday, February 17, 2017 8:47 AM

To: Jacobi, Will (Federal)

Cc: Maggi, David (Federal) ; Warren, Arthur (Federal)

Subject: RE: Draft request form for CD re: Wilbur Ross - CORRECTED CD REQUEST FORM

Ok, thank you. I do not have any more questions.

It looks like the final package will be assigned to another staff member (likely Suzanne Meyer) once you send it to cd@oge.gov. I will talk to Suzanne today and forward a pre-drafted version of the CD, CD notes, and OGE transmittal letter. Hopefully, that makes the issuance process as quick as possible.

Keith

From: Keith Labedz [<mailto:klabedz@oge.gov>]

Sent: Thursday, February 16, 2017 1:32 PM

To: Jacobi, Will (Federal) <wjacobi@doc.gov>

Cc: Maggi, David (Federal) <dMaggi@doc.gov>; Warren, Arthur (Federal) <AWarren@doc.gov>;
Jacob, Dana (Federal) <DJacob@doc.gov>; Williams, Gaye (Federal) <gWilliams@doc.gov>

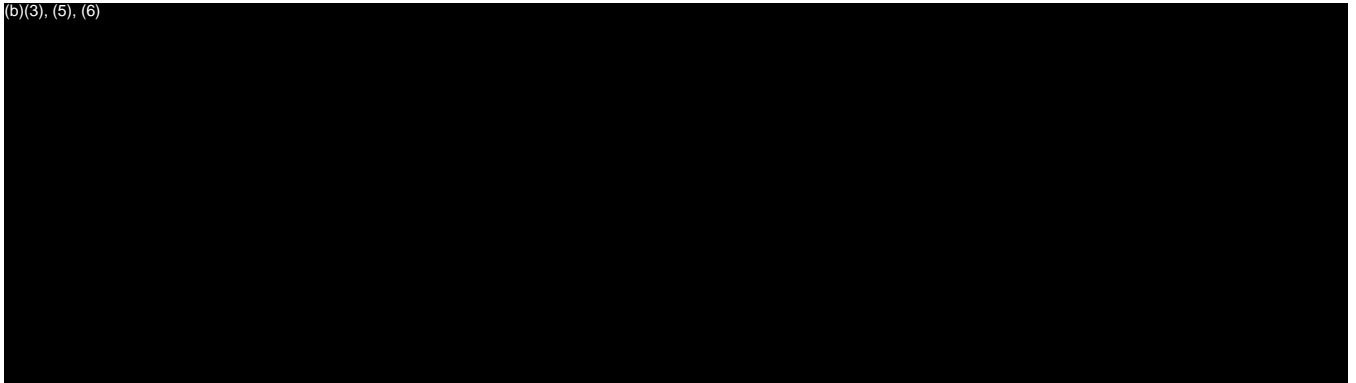
Subject: RE: Draft request form for CD re: Wilbur Ross

Ok, thank you.

A couple of quick items --

(1.) Before I ask for an internal consult, I just want to double-check that the filer wants the CD issued for the following securities in this exact format:

(b)(3), (5), (6)




(2.) For the final Commerce transmittal letter and standard request form, can you add "Jr." to the applicant's name? I know that I need to use "Wilbur L. Ross, Jr." on the CD itself but the mixture of names in the request documents is going to cause unnecessary questions (particularly since the final hard copy package will be handled by a different OGE staff member).

(3.) Do we need the address at the top of the applicant's request memo? Could we use your office address instead since the applicant will have been confirmed by that point?

Keith

Referral to DOC



From: Keith Labedz [<mailto:klabedz@oge.gov>]

Sent: Tuesday, February 14, 2017 5:42 PM

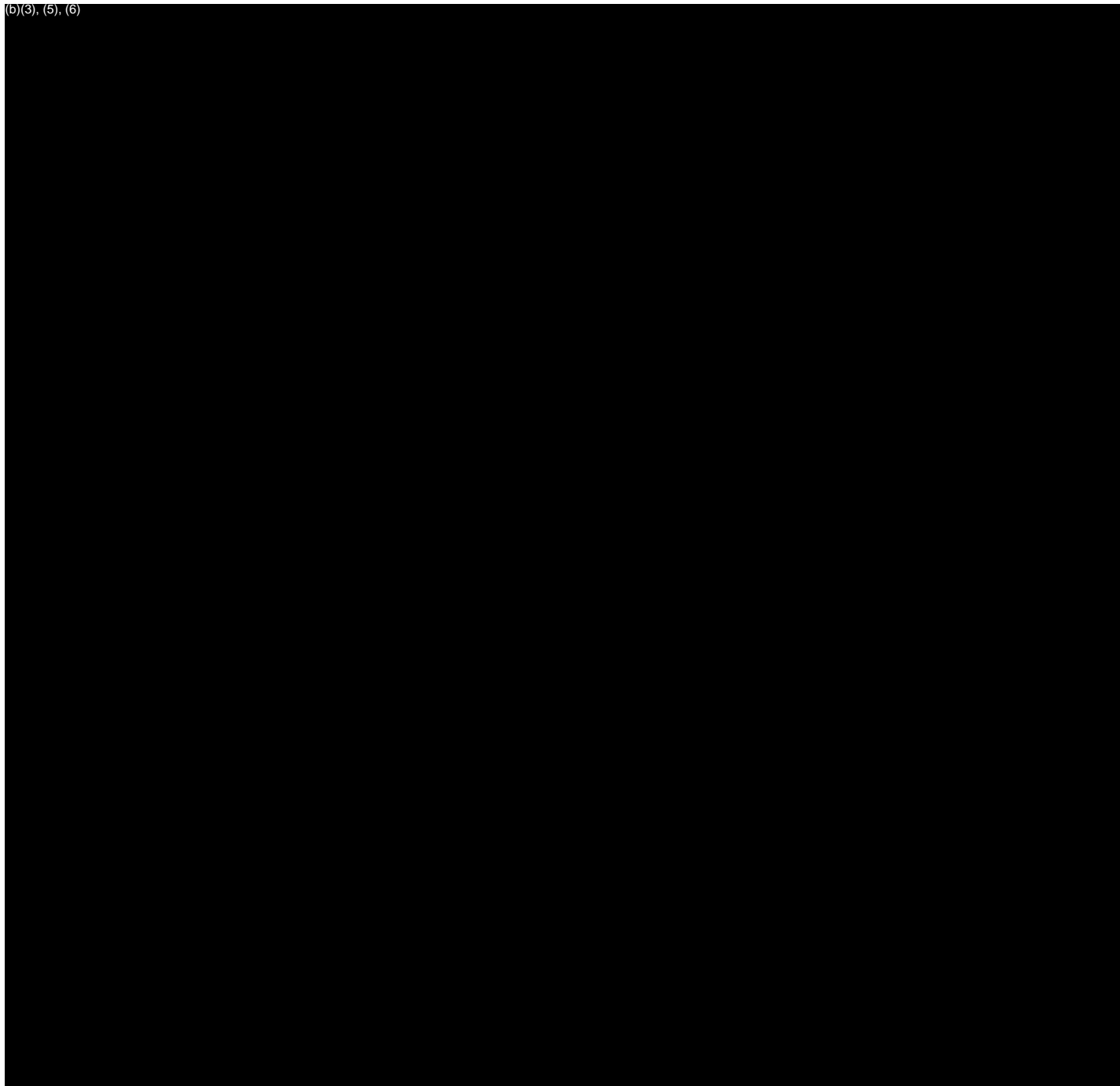
To: Jacobi, Will (Federal) <wjacobi@doc.gov>

Cc: Maggi, David (Federal) <dMaggi@doc.gov>; Warren, Arthur (Federal) <AWarren@doc.gov>; Jacob, Dana (Federal) <DJacob@doc.gov>; Williams, Gaye (Federal) <gWilliams@doc.gov>

Subject: RE: Draft request form for CD re: Wilbur Ross

Thank you.

(b)(3), (5), (6)



Referral to DOC



From: Keith Labedz [<mailto:klabedz@oge.gov>]

Sent: Tuesday, February 14, 2017 4:59 PM

To: Jacobi, Will (Federal) <wjacobi@doc.gov>

Cc: Maggi, David (Federal) <dMaggi@doc.gov>; Warren, Arthur (Federal) <AWarren@doc.gov>;
Jacob, Dana (Federal) <DJacob@doc.gov>; Williams, Gaye (Federal) <gWilliams@doc.gov>

Subject: RE: Draft request form for CD re: Wilbur Ross

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Thanks.

Keith

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From: [Jim Robertson](#)
To: [Agency Wide](#)
Subject: Legislative Update for Friday, February 17, 2017
Date: Friday, February 17, 2017 11:05:27 AM

The Senate remains in session from the legislative day that began on Feb. 16, 2017.

According to *CQ*, votes are expected at 1:00 p.m. on the nomination of Scott Pruitt to be administrator of the Environmental Protection Agency, and on cloture on the nomination of Wilbur Ross to be secretary of Commerce.

The House meets in a pro forma session.

Executive Branch Ethics and Related News

Politico and *The Hill* report that President Trump announced his new nominee for Labor Secretary. [Trump names Alexander Acosta as labor secretary nominee](#) [Trump unveils new pick to head Labor Department](#)

The Washington Examiner reports that some in Congress, citing issues of public trust and potential conflicts of interest for President Trump, have proposed legislation that would create an office of inspector general for the White House. [Democrats demand creation of White House inspector general](#)

Roll Call reports that Senate Democrats plan to stage a series of overnight speeches on the Senate floor that will highlight, in part, the EPA nominee's alleged conflicts of interest. [Senate Democrats Plan All-Nighter Over EPA Nominee](#)

Government Executive reports that the Senate on Thursday approved President Trump's candidate to lead the Office of Management and Budget. [Senate Clears Proponent of Workforce Cuts as Trump's Budget Director](#)

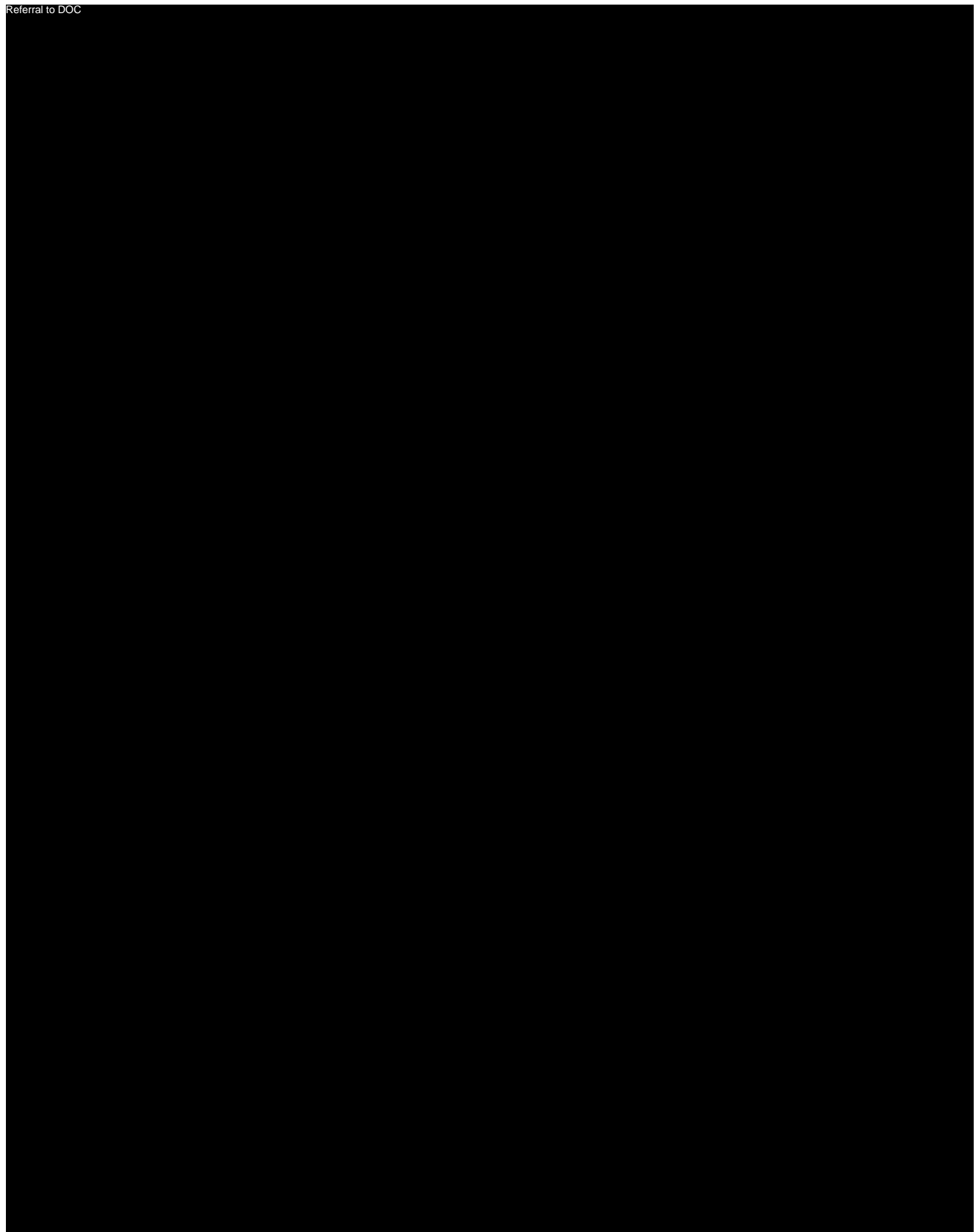
The Hill and *Townhall* report that House Oversight Committee Chairman Jason Chaffetz and House Judiciary Committee Chairman Bob Goodlatte have requested that Department of Justice Inspector General Michael Horowitz launch an internal investigation into the recent unauthorized release of classified information regarding former National Security Advisor Michael Flynn. [House Oversight Chairman Asks DOJ Inspector General to Investigate Flynn Leaks](#) [Chaffetz asks DOJ inspector general to investigate Flynn leaks](#)

CNN reports that DOJ is charging a Navy commander with bribery for his role in the "Fat Leonard" scandal. [Navy commander charged in long-running scandal](#)

Next Scheduled Recess:

House: February 20-24

Senate: February 20-24



From: Keith Labedz [<mailto:klabedz@oge.gov>]

Sent: Thursday, February 16, 2017 1:32 PM

To: Jacobi, Will (Federal) <wjacobi@doc.gov>

Cc: Maggi, David (Federal) <dMaggi@doc.gov>; Warren, Arthur (Federal) <AWarren@doc.gov>;
Jacob, Dana (Federal) <DJacob@doc.gov>; Williams, Gaye (Federal) <gWilliams@doc.gov>

Subject: RE: Draft request form for CD re: Wilbur Ross

Ok, thank you.

A couple of quick items --

(1.) Before I ask for an internal consult, I just want to double-check that the filer wants the CD issued for the following securities in this exact format:


(b)(3), (5), (6)

(2.) For the final Commerce transmittal letter and standard request form, can you add "Jr." to the applicant's name? I know that I need to use "Wilbur L. Ross, Jr." on the CD itself but the mixture of names in the request documents is going to cause unnecessary questions (particularly since the final hard copy package will be handled by a different OGE staff member).

(3.) Do we need the address at the top of the applicant's request memo? Could we use your office address instead since the applicant will have been confirmed by that point?

Keith

Rest of chain released in part above



From: [Keith Labedz](#)
To: [Deborah J. Bortot](#); [Heather A. Jones](#)
Subject: RE: Commerce question
Date: Wednesday, February 15, 2017 3:11:40 PM

To close the loop: I talked with David, and (b) (5)

From: Keith Labedz
Sent: Wednesday, February 15, 2017 11:50 AM
To: Deborah J. Bortot; Heather A. Jones
Subject: RE: Commerce question

Yes, I am available.

From: Deborah J. Bortot
Sent: Wednesday, February 15, 2017 11:50 AM
To: Heather A. Jones; Keith Labedz
Subject: RE: Commerce question

Keith, does now work?

If so, I'll call you both

From: Heather A. Jones
Sent: Wednesday, February 15, 2017 11:49 AM
To: Deborah J. Bortot; Keith Labedz
Subject: RE: Commerce question

Do you want to call us or use your conference number?

From: Deborah J. Bortot
Sent: Wednesday, February 15, 2017 11:48 AM
To: Heather A. Jones; Keith Labedz
Subject: RE: Commerce question

I'm available

From: Heather A. Jones
Sent: Wednesday, February 15, 2017 11:20 AM
To: Keith Labedz
Cc: Deborah J. Bortot
Subject: RE: Commerce question

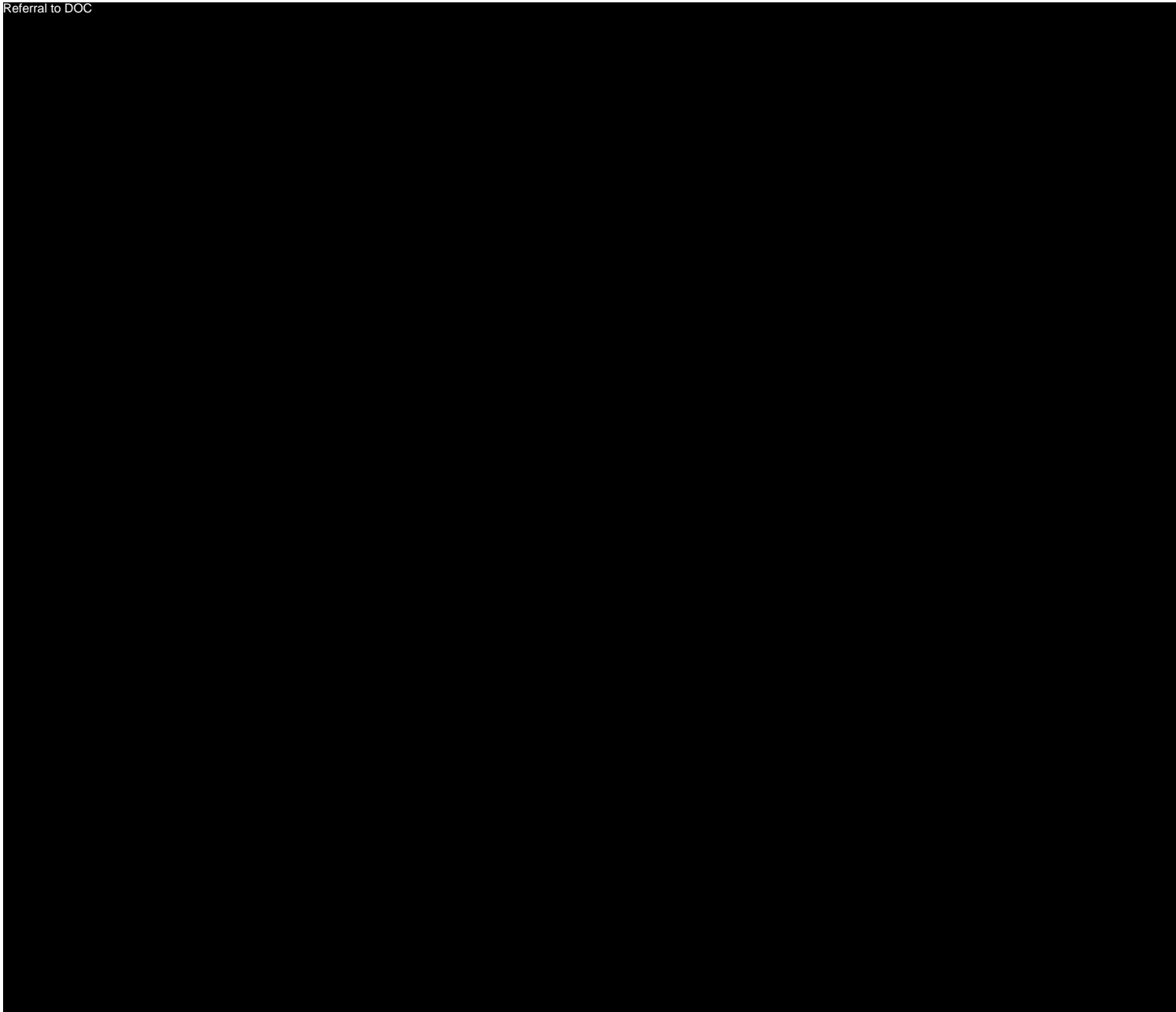
Thanks. I've read it. Just let me know when you want to talk.

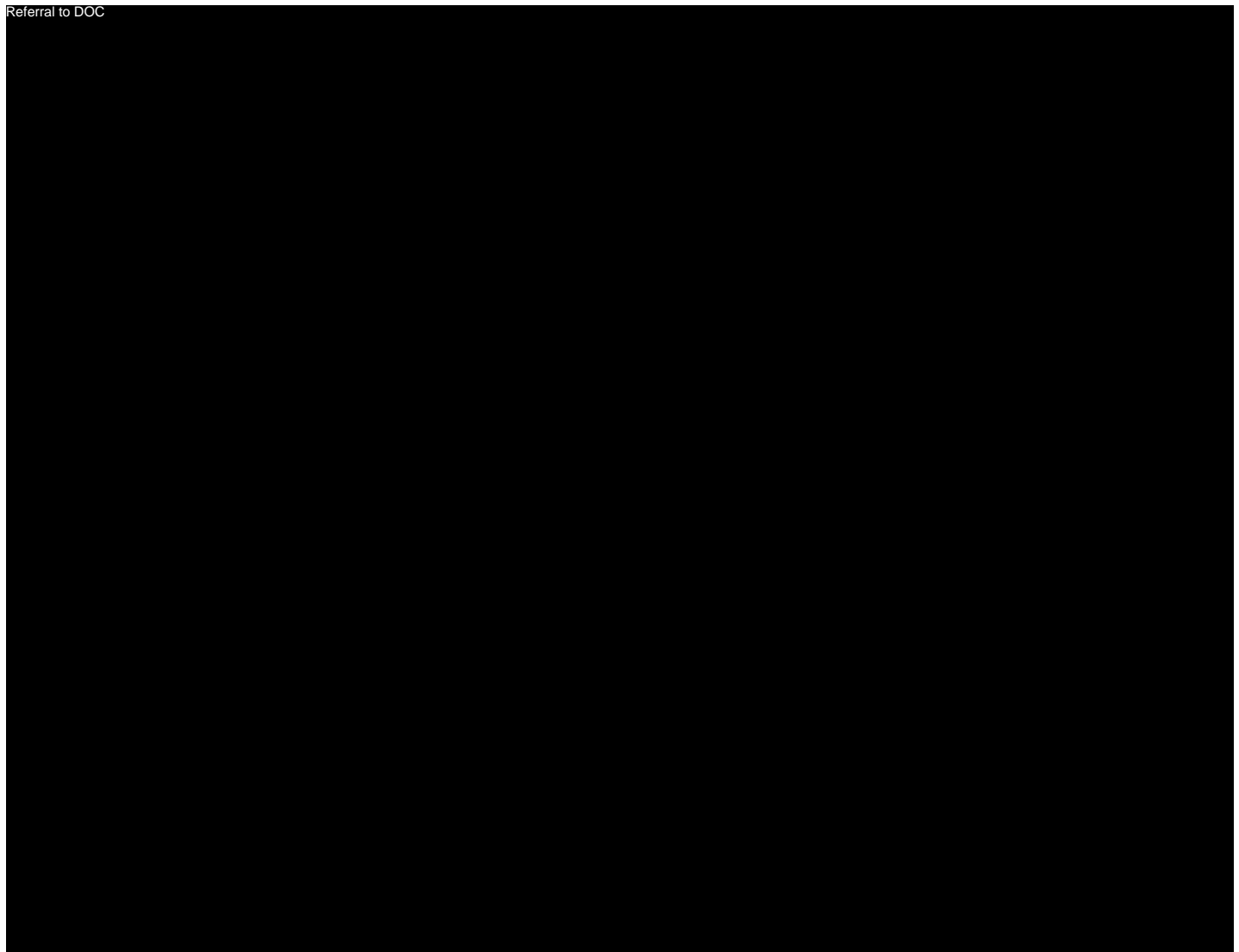
From: Keith Labedz
Sent: Wednesday, February 15, 2017 11:10 AM
To: Heather A. Jones
Cc: Deborah J. Bortot
Subject: Commerce question

See below. Do you want to be on the call or should we just discuss first?

Thanks.

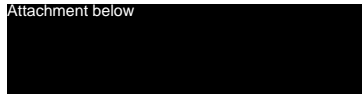
Referral to DOC





From: Walter M. Shaub [mailto:wmshaub@oge.gov]
Sent: Wednesday, February 15, 2017 1:07 PM
To: 'Kassinger, Theodore W.' <tkassinger@omm.com>
Cc: David J. Apol <djapol@oge.gov>; Maggi, David (Federal) <dMaggi@doc.gov>; Deborah J. Bortot <djbortot@oge.gov>; Keith Labedz <klabedz@oge.gov>; Heather A. Jones <hajones@oge.gov>
Subject: news report

Attachment below



Ted,

Could we schedule a phone call for today or tomorrow? (b)(3), (5), (6)

[Redacted text block]

[Redacted text block]

(b)(3), (5), (6)

Walt

Walter M. Shaub, Jr.
Director
U.S. Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

Telephone: 202.482.9292
Email: walter.shaub@oge.gov

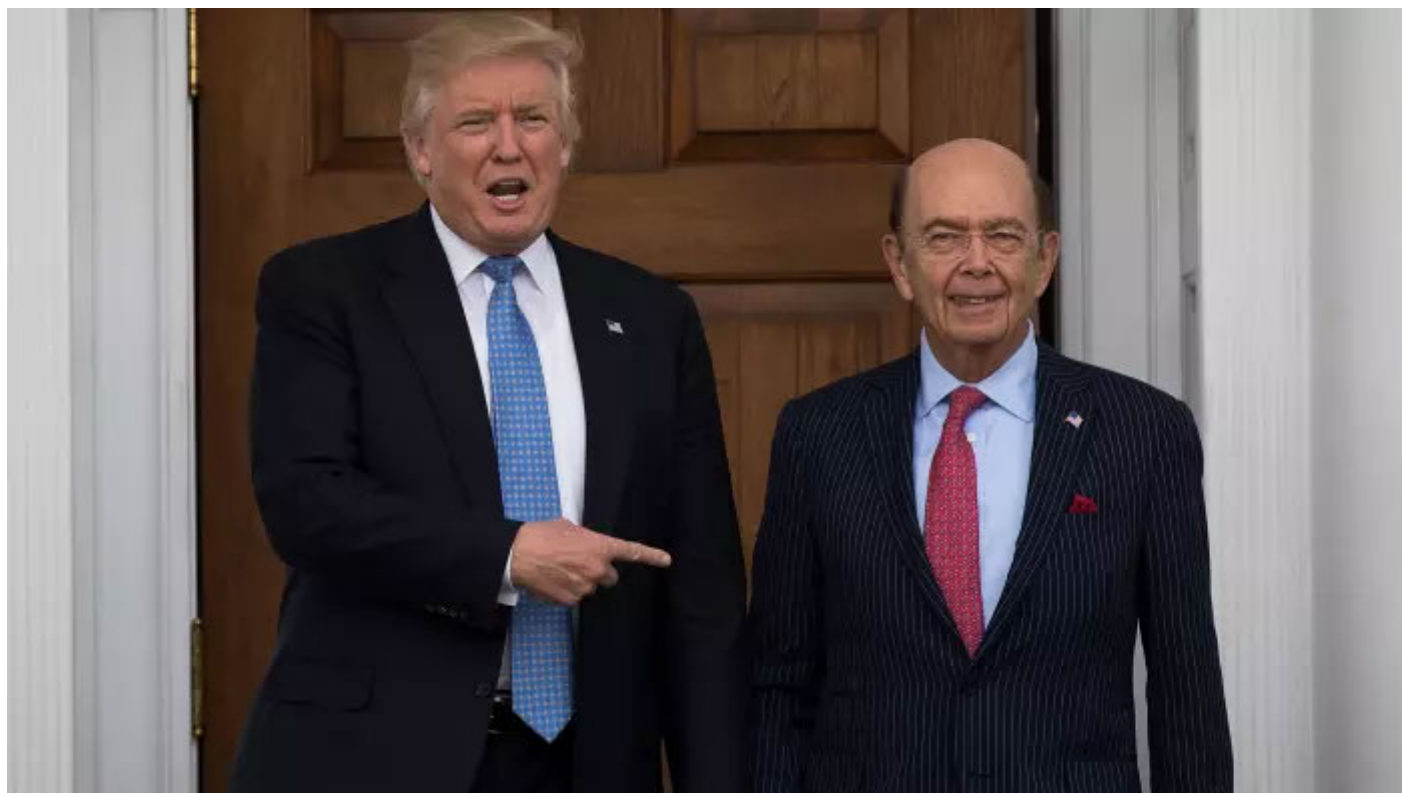
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Wilbur Ross

Trump's commerce pick faces questions over China ties

Wilbur Ross still holds investment with Beijing-backed fund in oil tanker company



President-Donald Trump (left) and Wilbur Ross, his choice for commerce secretary © Getty

YESTERDAY by: **James Fontanella-Khan** in New York, **Shawn Donnan** in Washington and **Robert Wright** in London

Wilbur Ross (<http://next.ft.com/content/bb739d58-b25e-11e6-9c37-5787335499a0>),

Donald Trump's incoming commerce secretary, is facing questions over potential conflicts of interest stemming from his business ties to China's largest sovereign wealth fund.

The billionaire investor and China Investment Corp, the state-controlled fund, were part of a consortium that invested \$1bn in Diamond S Shipping, an oil products tanker business, in 2011. The company is [one of the few \(http://next.ft.com/content/1805a72a-dd41-11e6-9d7c-be108f1c1dce\)](http://next.ft.com/content/1805a72a-dd41-11e6-9d7c-be108f1c1dce) that the financier-turned-politician has decided not to sell to join the Trump administration, according to disclosure documents.

CIC, which owns about 9 per cent of the company, has been one of Beijing's main overseas investment vehicles. Mr Ross, meanwhile, is set to be one of China's leading interlocutors in

the Trump administration on [matters of trade \(http://next.ft.com/content/180cc9c4-ed54-11e6-930f-061b01e23655\)](http://next.ft.com/content/180cc9c4-ed54-11e6-930f-061b01e23655) and investment once he is confirmed by the Senate.

Legal experts say their ties could affect the ability of one of Mr Trump's [top economic advisers \(http://next.ft.com/content/1dba61fa-f18d-11e6-8758-6876151821a6\)](http://next.ft.com/content/1dba61fa-f18d-11e6-8758-6876151821a6) to deal with Beijing.

Mr Ross's commerce department oversees the prosecution of anti-dumping and other trade enforcement cases. In past administrations it has played a broad role in trade negotiations and other issues between the US and China, including internet privacy.

Kathleen Clark, a Washington University law professor, said: "By reason of that type of co-investor relationship, Ross's impartiality in handling a commerce department proceeding involving CIC could reasonably be questioned, so he should recuse [himself] from any proceedings involving CIC."

Richard Painter, a White House ethics lawyer under George W Bush, said that by keeping a 32 per cent stake in Diamond S Shipping, Mr Ross would also have to recuse himself regularly from broader trade policy discussions — given the direct impact these could have on his oil products tanker business.

Another leading lawyer, who asked to remain anonymous as he is working with several Trump administration nominees seeking US Senate confirmation, said an ethics agreement signed by Mr Ross in which he revealed he would hold on to his shipping stake was worded in a way that could expose the commerce secretary to legal attacks.

A spokesman for Mr Ross said he had been willing to divest his stake in Diamond S Shipping but had been told he could keep it by government ethics officials.

The spokesman also noted that CIC was "a passive minority investor" in Diamond S Shipping and that the structure of his own stake once he entered government meant Mr Ross would have no knowledge or control over the company's business decisions.

"Mr Ross has committed that, if confirmed, he will faithfully execute the law and the commitments in his ethics agreement, and will follow the advice of the department's ethics

officials with respect to any matter about which they advise him that a conflict of interest would arise,” the spokesman said.

“The department’s ethics officials are career staff with extensive experience, and together with Mr Ross are committed to serving the public and faithfully executing the law,” he added.

Scrutiny of Mr Ross’s potential conflicts of interest could have implications for the Trump administration. The 79-year-old former banker has been identified as one of [the central figures \(http://next.ft.com/content/99bd8f78-dcfe-11e6-86ac-f253db7791c6\)](http://next.ft.com/content/99bd8f78-dcfe-11e6-86ac-f253db7791c6) steering the new US trade policy, which aims to put “America first” by renegotiating deals with partners across the globe.

Read more

Republican free-traders fear return of protectionist war (<http://next.ft.com/content/65c71852-e31a-11e6-8405-9e5580d6e5fb>)

President’s tariff threats split GOP but delight Democratic opponents



Mr Ross, who has agreed to [divest most of his holdings \(http://next.ft.com/content/1805a72a-d41-11e6-9d7c-be108f1c1dce\)](http://next.ft.com/content/1805a72a-d41-11e6-9d7c-be108f1c1dce) and business interests, has been cleared by the Office of Government Ethics (OGE) over potential conflicts. He told the Senate commerce committee in January that “I intend to be quite scrupulous about recusal in any topic where there’s the slightest scintilla of doubt”.

Charles Borden, a lawyer at Allen & Overy, said the fact that OGE and commerce department officials had approved Mr Ross’s ethics agreement indicated they did not think his shipping interests were of concern under federal conflict-of-interest laws.

Mr Borden noted that many aspects of trade policy are too general to give rise to legal violations, but cautioned Mr Ross could face legal exposure if he participated in “particular matters” relating to his shipping business.

Nowhere in the ethics agreement approved by the OGE is the CIC co-investment mentioned, raising questions over whether the body reviewing conflicts of interest is aware of Mr Ross's connection to the Chinese fund. The OGE and CIC declined to comment.

Throughout his business career Mr Ross has had an ambiguous relationship with Beijing, shifting from China-basher to China-lover depending on circumstances.

Since becoming a close aide to Mr Trump during the election campaign he has [repeatedly criticised China](http://next.ft.com/content/0cae0c78-dda5-11e6-9d7c-be108f1c1dce) (<http://next.ft.com/content/0cae0c78-dda5-11e6-9d7c-be108f1c1dce>), labelling it “the biggest trade cheater in the world”. But in 2012 he defended China's reputation, arguing “China-bashing” in the US was “wildly overdone”.

Mr Ross's commerce department will have a key role in scrutinising Chinese acquisitions of US assets.

Martin Wolf

Donald Trump and Xi Jinping's battle over globalisation (<http://next.ft.com/content/74b42cd8-e171-11e6-8405-9e5580d6e5fb>)

The US president's rhetoric on trade reads like a declaration of economic warfare

Chinese companies, which have been on a [buying spree](http://next.ft.com/content/a2be15fo-3daf-11e6-9f2c-36b487ebd80a) (<http://next.ft.com/content/a2be15fo-3daf-11e6-9f2c-36b487ebd80a>) in the US in recent years, have been [subject to more reviews](http://next.ft.com/content/02920e8a-ac48-11e6-ba7d-76378e4fef24) (<http://next.ft.com/content/02920e8a-ac48-11e6-ba7d-76378e4fef24>) of deals for national security reasons than any other country's companies in recent years, US Treasury data show.

Mr Ross decided not to sell Diamond S Shipping because at present market valuations he would have exposed himself to a substantial financial loss, said two people familiar with his thinking.

The financier tried to take Diamond S Shipping public in 2014 but decided to drop the initial public offering after the market pointed to a lower valuation than he had expected. Other investors in

Diamond S Shipping include the investment arm of agribusiness giant Cargill and First Reserve, an energy-focused buyout group.

Theodore Kassinger, a lawyer at O'Melveny & Myers who advised Mr Ross on his ethics agreement, declined to comment.

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Latest on Wilbur Ross

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Report echoes bipartisan sentiment that unbalanced relationship requires new policy

Currencies

Peso and Loonie fail to blink as Trump protectionism nears

The Mexican currency and Canadian dollar have both risen in recent days despite Nafta pledges

Larry Summers blog [Lawrence Summers](#)

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James Fontanella-Khan

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From: [Keith Labedz](#)
To: [Heather A. Jones](#)
Subject: FW: FT
Date: Wednesday, February 15, 2017 11:13:29 AM
Attachments: [Trump's commerce pick faces questions over China ties.pdf](#)
[ATT00001.htm](#)

Attachment above

Referral to DOC

From: [Heather A. Jones](#)
To: [Keith Labedz](#)
Cc: [Deborah J. Bortot](#)
Subject: RE: Commerce question
Date: Wednesday, February 15, 2017 11:12:16 AM

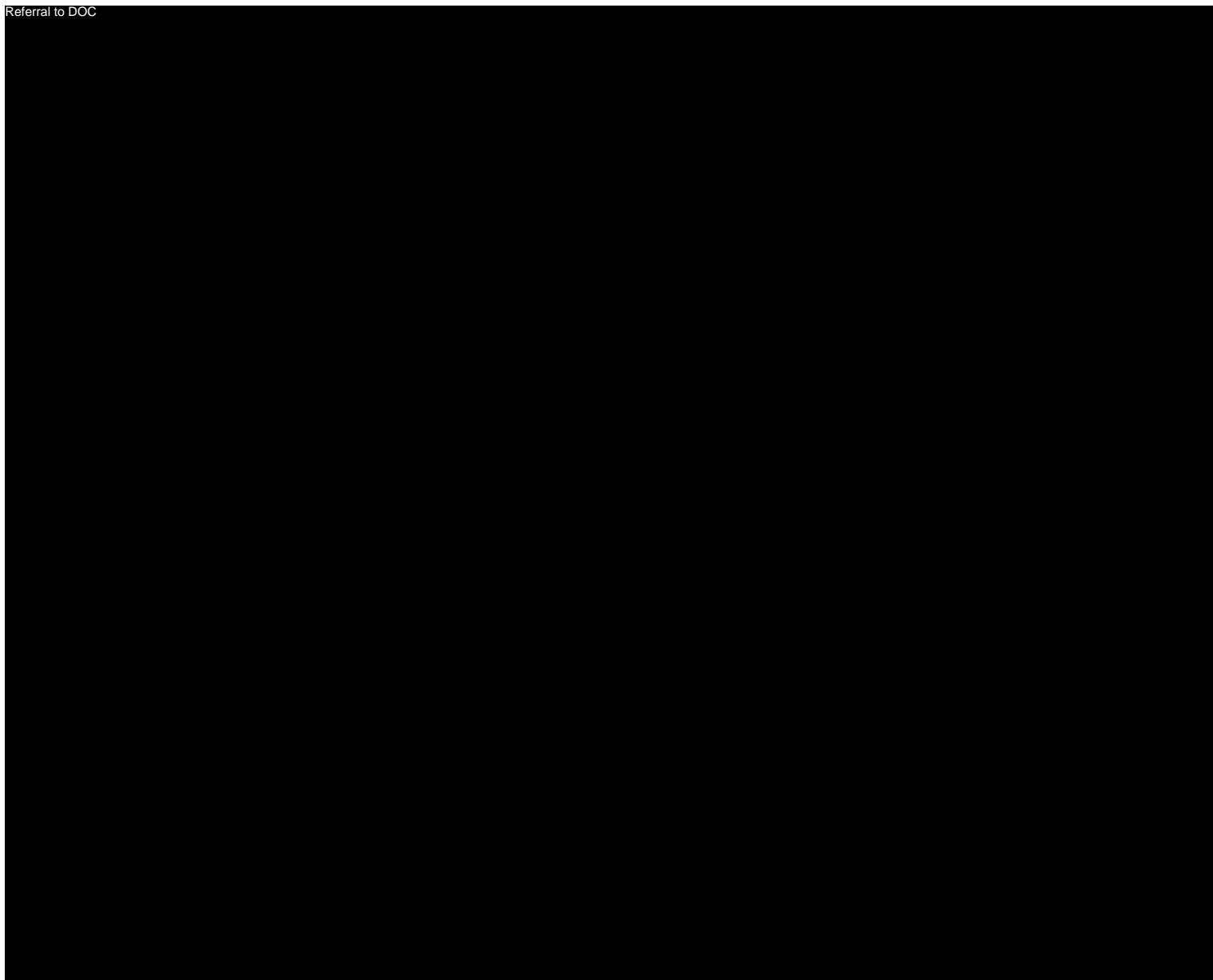
Yes, I think maybe we all should be on the call. I think we should discuss it. Do you have the article? It does not seem to be attached or included in the e-mail

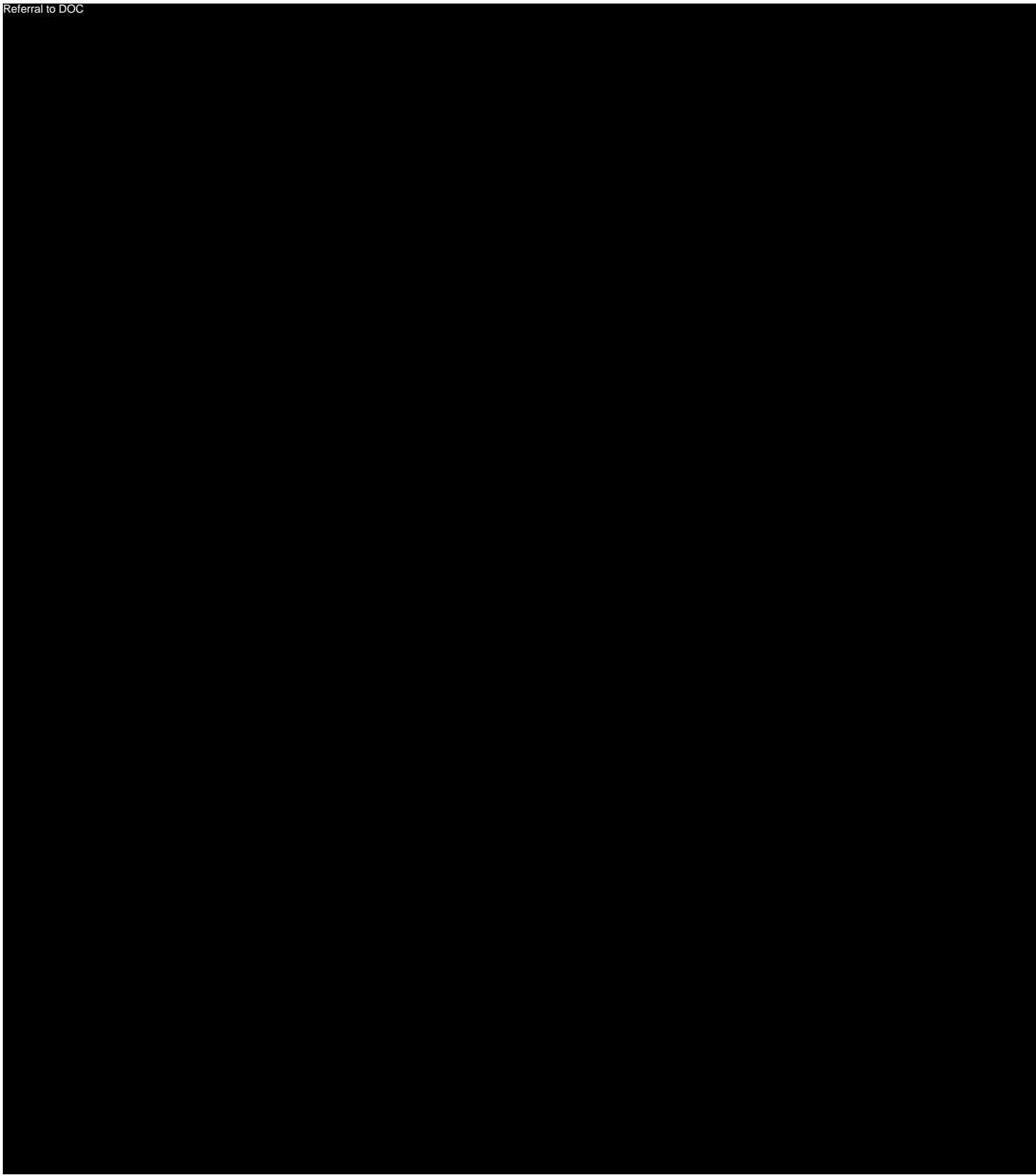
From: Keith Labedz
Sent: Wednesday, February 15, 2017 11:10 AM
To: Heather A. Jones
Cc: Deborah J. Bortot
Subject: Commerce question

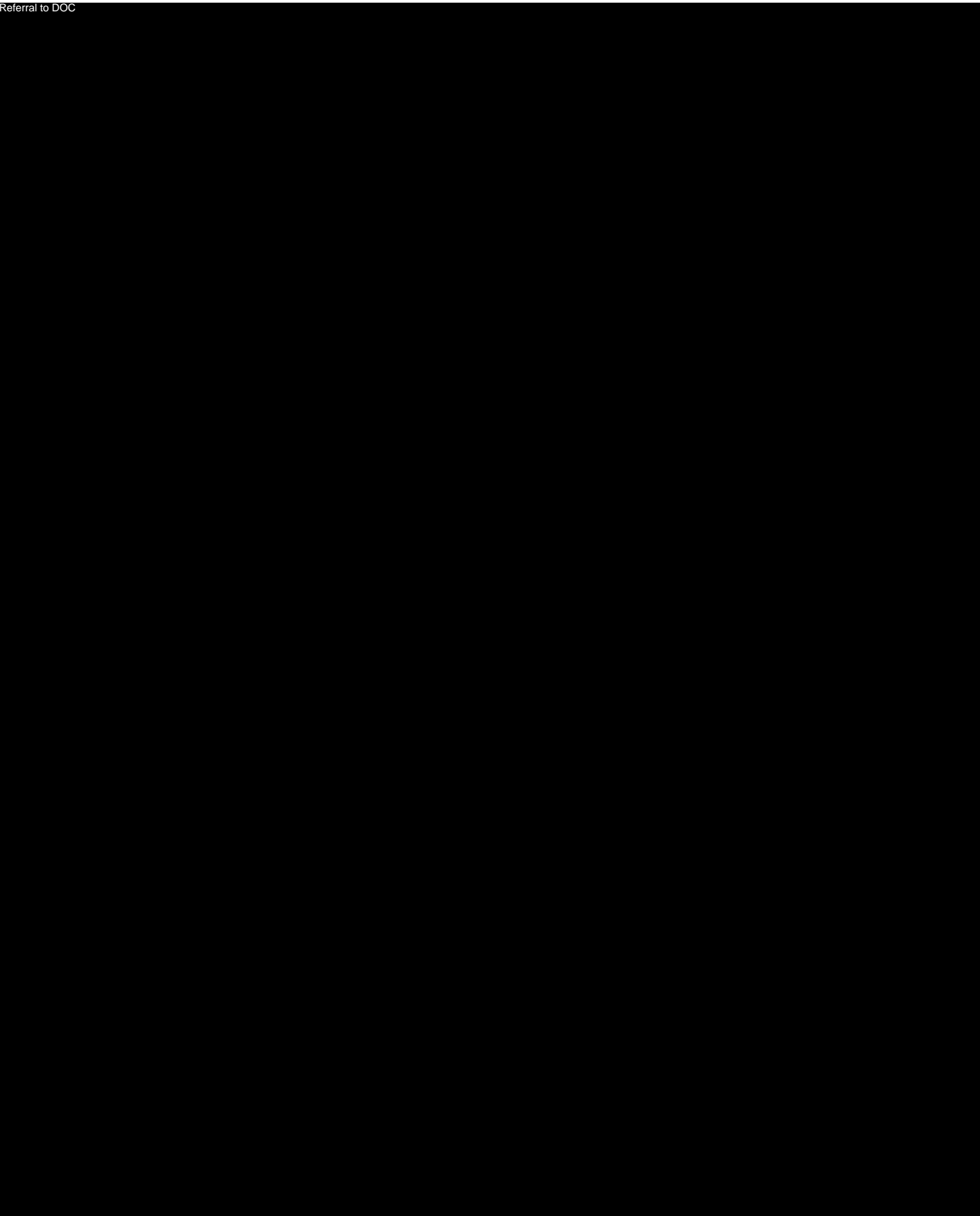
See below. Do you want to be on the call or should we just discuss first?

Thanks.

Referral to DOC







From: [Teresa L. Williamson](#)
To: [Deborah J. Bortot](#); [GCLPD MailGroup](#)
Subject: Pledge Language Amendment Process
Date: Thursday, February 02, 2017 10:55:07 AM
Attachments: [ROUTING SLIP FOR PLEDGE AMENDMENT.pdf](#)
Importance: High

Attachment: Nonresponsive
record

Good Morning,

Please follow the steps below for forwarding your nominee's pledge language amendment to the Senate.

A new folder for each nominee has been saved to N: drive located at [N:\Restricted - Nominees\2017\EXECUTIVE ORDER - Senate Amendment Letters](#). Save all of the files associated with the pledge language amendment to this folder.

When you receive the two letters from the agency please name the files as shown below and save to the nominee's amendment folder.

- For the agency letter to OGE name the file "Last Name, First Name finalagencyltr"
- For the nominee EA supplement letter to the agency name the file "Last Name, First Name finalEAsupplement"

Prepare a routing slip using the attached routing slip template. Note, several of the fields will not be applicable to the amendment, just enter as much of the information as you have that is applicable.

Using the applicable template letter located at [N:\Restricted - Nominees\2017\EXECUTIVE ORDER - Senate Amendment Letters\TEMPLATE Senate letters](#) prepare the transmittal letter to the Senate. I will add the applicable committee information to the letter when I convert it for digital signature.

For the following nominees use the letter template "Senate Ltr for Second Submission to Cmte FINAL.docx"

Filer	Reviewer
Chao, Elaine L.	Sandy
DeVos, Elisabeth (Betsy) (P.)	Megan
Haley, Nikki	Stephanie
Mattis, James N.	Monica
McMahon, Linda E.	Rachel
Mnuchin, Steven T.	Lorna

Mulvaney, John Michael "Mick"	Jim
Perry, James R.	Jim
Pompeo, Michael R.	Lorna
Price, Thomas E.	Patrick
Pruitt, Edward Scott	Stephanie
Ross, Wilbur L.	Keith
Shulkin, David J.	Lorna
Tillerson, Rex W.	Leigh
Zinke, Ryan	Lorna

For the following nominees use the Senate transmittal letter “Senate Ltr for Third Submission to Cmte FINAL.docx”

Filer	Reviewer
Carson, Ben	Monica
Kelly, John F.	Stephanie
Sessions, Jefferson B.	Jack

To forward the amendment for certification, please attach to the top of the blue folder the below items and drop off the folder in Sandy’s office. If you don’t have the blue folder let me know.

- Routing Slip
- Printed version of the transmittal letter to the Senate
- Printed version of the agency letter
- Printed version of the nominee’s EA supplement letter

No action is required in FDTS or Integrity for the amendment. If you have any questions, please contact Jack, Sandy or myself.

Thanks!
Teresa

-

From: Deborah J. Bortot
Sent: Monday, January 30, 2017 5:55 PM
To: GCLPD MailGroup
Subject: Pledge Language

I've attached ethics agreement language to address the Executive Order dated January 28, 2017 ("Ethics Commitments by Executive Branch Appointees").

The attachment to this email labeled "EA Pledge language" provides the language that needs to be included in ethics agreements for nominees covered by the Executive Order. Use the language in this attachment, **NOT** the language in the Guide on our website.

The attachment to this email labeled "Sample EA amendment for Pledge" provides sample language for supplements to ethics agreements that have already been sent to the Senate.

Reports not sent to Senate yet:

If you are assigned a report that has not been sent to the Senate yet, please use the language in "A.1.1 – language regarding the Executive Order for a new PAS nominee" in the "EA Pledge language," attached to this email.

Reports that have already been sent to the Senate:

If you worked on a report that has been sent to the Senate, please create a letter for the filer and a letter for the agency using the attached "Sample EA amendment for Pledge." Please insert the necessary information in each letter and show me a copy of each letter before providing it to the ethics official. Once I approve the letter for the filer and the letter for the agency, please contact the agency and work quickly to get the signed letters.

Thanks,
Deb

From: [Keith Labedz](#)
To: ["Jacobi, Will \(Federal\)"; "Maggi, David \(Federal\)"](#)
Cc: ["Warren, Arthur \(Federal\)"; "Jacob, Dana \(Federal\)"; "Williams, Gaye \(Federal\)"](#)
Subject: RE: (b)(3), (5), (6)
Date: Thursday, January 26, 2017 4:33:16 PM

I would (b)(3), (5), (6)

By contrast, (b)(3), (5), (6)

Keith

Referral to DOC

From: Keith Labedz [<mailto:klabedz@oge.gov>]
Sent: Thursday, January 26, 2017 3:05 PM
To: Maggi, David (Federal) <dMaggi@doc.gov>; Jacobi, Will (Federal) <wjacobi@doc.gov>
Subject: (b)(3), (5), (6)

Hello,

Just to confirm, (b)(3), (5), (6)

Keith

Keith Labedz
Senior Program Analyst
Presidential Nominations Branch
U.S. Office of Government Ethics
Telephone: (202) 482-9218

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From: Rodrick T. Johnson [mailto:rjohnson@oge.gov]
Sent: Wednesday, March 08, 2017 12:09 PM
To: Maggi, David (Federal) ; Jacobi, Will (Federal)
Cc: Elaine Newton ; Teresa L. Williamson ; Sandra S. Mabry ; Suzanne L. Meyer
Subject: Certificate of Divestiture for Wilbur L. Ross, Jr.
Importance: High

Good Afternoon, Mr. Maggi:

Attached is the Certificate of Divestiture OGE-2017-020 for Wilbur L. Ross, Jr., Secretary, Department of Commerce. We would appreciate your forwarding the original certificate to Mr. Ross. Also enclosed is a copy of the certificate for your files.

The original certificate and one copy for your records will be mailed to you. We would appreciate your forwarding the original certificate to Mr. Ross, upon receipt.

Please confirm receipt of this email by replying to all.

Thanks, Again

Rodrick Johnson

OGE regulations provide for a special access provision for Certificates of Divestiture (CDs). You may obtain copies of CDs by completing the fill and print PDF version of the OGE Form 201 and submitting your request to 201forms@oge.gov. OGE has also created an automated tool to request copies of the CDs, available on OGE's website at: <https://extapps2.oge.gov/201/Presiden.nsf/All+Certificates+of+Divestiture>.

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Sandra S. Mabry

From: Nominees
Sent: Friday, February 10, 2017 5:19 PM
To: (b)(6) - Jason Vanbeek email
Cc: Deborah J. Bortot; Heather A. Jones; Ann Donaldson (b)(6);
Stefan Passantino (b)(6); James D. Schultz
(b)(6); Teresa L. Williamson
Subject: Amendment to Public Financial Disclosure Report of Wilbur L. Ross
Attachments: Ross, Wilbur L. final senateltr.pdf; Ross, Wilbur L_finalagencyltr.pdf; Ross, Wilbur
L_finalEAsupplement.pdf
Att. 1 - See below; Att. 2 - Referred to DOC; Att. 3 - Available online

Good Afternoon,

The attached is an amendment to the final report that was submitted to the committee by letter dated January 15, 2017.

If you have any questions, please contact me @ 202-482-9258.

Please respond to this message to confirm receipt of the attached package.

Thanks!

Sandra S. Mabry
US Office of Government Ethics
1201 New York Avenue, NW - Suite 500
Washington, DC 20005
202-482-9258

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



FEB 10 2017

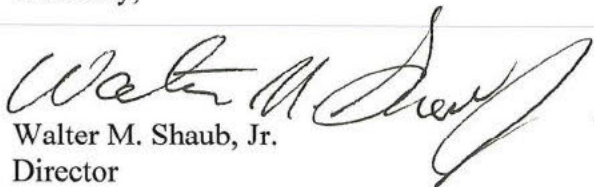
The Honorable John Thune
Chairman
Committee on Commerce, Science,
and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

By letter dated January 15, 2017, the Office of Government Ethics (OGE) transmitted to the Committee the financial disclosure report and ethics agreement of Wilbur L. Ross in connection with his nomination for the position of Secretary, Department of Commerce. Enclosed are a letter from the Department of Commerce and a letter from Mr. Ross supplementing Mr. Ross's ethics agreement.

We have reviewed this additional submission and have also obtained advice from the Department of Commerce concerning any possible conflict in light of its functions and Mr. Ross's proposed duties. Based on the information provided, OGE continues to believe that Mr. Ross is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,


Walter M. Shaub, Jr.
Director

Enclosures

