



October 24, 2024

The Honorable Nanette Barragán
The Honorable Sean Casten
The Honorable Judy Chu
The Honorable Jasmine Crockett
The Honorable Dan Goldman
The Honorable Raúl Grijalva
The Honorable Jared Huffman
The Honorable Pramila Jayapal

The Honorable Henry Johnson, Jr.
The Honorable Barbara Lee
The Honorable Ted Lieu
The Honorable Jennifer McClellan
The Honorable Eleanor Holmes Norton
The Honorable Ayanna Pressley
The Honorable Delia Ramirez
The Honorable Jamie Raskin

Dear Members of Congress:

This responds to your letter dated July 17, 2024, requesting that the U.S. Office of Government Ethics (OGE) investigate possible ethics violations by Federal Communications Commission (FCC) Commissioner Brendan Carr. Specifically, your letter raises concerns that Commissioner Carr may have misused his official position in violation of the Standards of Ethical Conduct for Employees of the Executive Branch.¹

With respect to your request for OGE to investigate Commissioner Carr, it is important to note that the responsibility for investigating alleged wrongdoing and taking disciplinary or other action against an executive branch employee rests with the management of the employing agency, the relevant inspector general's office, or in the case of alleged crimes, the Justice Department.² Similarly, unlike a congressional oversight committee, OGE cannot issue subpoenas, question witnesses, compel the production of documents, or take action against individuals who refuse to cooperate.³

OGE does, however, regularly provide advice to employing agencies and offices, such as the FCC, and contacts agency ethics officials when OGE becomes aware of potential ethics-related issues to ensure that the agency is analyzing and taking proper actions regarding the issues that are raised. Based on the concerns raised in your letter, OGE has conducted an inquiry into the ethics risks at the FCC and contacted ethics officials to address the concerns raised. As a result of OGE's inquiry, and discussions with the Alternate Designated Agency Ethics Official (ADAEO) at the FCC, OGE discovered that the FCC had insufficient evidence that Commissioner Carr's actions violated the misuse of position rules at Subpart G in the Standards

¹ 5 C.F.R. pt. 2635.

² See 5 U.S.C. § 13122.

³ When questions arise as to an appointee's compliance, the law authorizes OGE only to make a recommendation that the employing agency look into the matter and consider taking appropriate action. If an agency were to decline the recommendation, OGE's only recourse would be to notify the President. See 5 U.S.C. § 13122(f)(2)(A).



of Ethical Conduct for Employees of the Executive Branch.⁴ In addition, in order to avoid any potential confusion in this area in the future, the FCC will implement procedural changes in an attempt to ensure that entities are properly informed in advance concerning the appropriate manner in which they may use an employee's official title in connection with an outside activity.

In addition to providing advice to agencies upon becoming aware of potential ethics-related issues, OGE routinely conducts reviews of agency ethics programs to assess their overall health as part of its monitoring and oversight responsibilities. The results of these reviews, including reviews conducted at FCC, can be found [here](#) on OGE's public website.

If you require additional information or have questions regarding this response, please contact OGE's Legal, External Affairs and Performance Branch Chief, Diana J. Veilleux, at 202- 482-9203.

Sincerely,

Shelley K. Finlayson
Acting Director

⁴ 5 C.F.R. pt. 2635, subpt. G.

