

Congress of the United States
Washington, DC 20515

June 15, 2021

The Honorable Shalanda Young
Acting Director
Office of Management and Budget
Washington, D.C. 20503

Dear Acting Director Young:

We are conducting oversight of the Office of Management and Budget's (OMB) decision to use ethics waivers to pave the way for increased union influence over government policy. These waivers allow former union officials to conduct official government business with their former employer, creating the likelihood of conflict of interests and political cronyism. Given the recent revelations that unions influenced the U.S. Centers for Disease Control and Prevention's (CDC) guidance on whether to reopen schools, we are particularly concerned about OMB's use of waivers for labor officials.¹

On April 27, 2021, President Joe Biden appointed Celeste Drake to a position created for her—Made in America Director at OMB.² Ms. Drake was previously a Trade and Globalization Policy Specialist for the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).³ The AFL-CIO is a massive Democrat lobbying organization that routinely contributes to Democrat candidates, including President Biden's 2020 campaign. Because of the ethics waiver, Ms. Drake will be able to communicate with her former employer, allowing her to enact and advocate for policy that would directly benefit the AFL-CIO. This is the classic definition of a conflict of interest.

Pursuant to Executive Order 13989, all appointees of the Biden Administration are required to sign an ethics pledge, including limiting interaction with their former employers.⁴ This is in place to avoid conflicts of interest and the government becoming beholden to interest

¹ 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>; Letter from Steve J. Scalise, et. al., Ranking Member, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, to Rochelle Walensky, Director, U.S. Cents. For Disease Control & Prevention (May 11, 2021).

² Statement, *President Biden Announces Key Hire at the Office of Management and Budget*, THE WHITE HOUSE (Apr. 27, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/27/president-biden-announces-key-hire-at-the-office-of-management-and-budget/>.

³ *Celeste Drake*, AMERICAN FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS (last accessed May 14, 2021), <https://aflcio.org/author/celeste-drake>; *DGA Hires Celeste Drake to Head Government Affairs*, DIRECTORS GUILD OF AMERICA (last accessed Jun. 4, 2021), <https://www.dga.org/News/PressReleases/2019/190509-CelesteDrake-to-Head-Government-Affairs.aspx>.

⁴ E.O. 13989, 86 Fed. Reg. 7029 (Jan. 20, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01762/ethics-commitments-by-executive-branch-personnel>.

groups, such as political unions. While some claim President Biden's ethics pledge is allegedly the most stringent ever, unions are receiving special treatment. By appointing former union officials to positions that directly interact with their former employers, unions stand to directly benefit from Biden Administration policies. This is alarming considering the devastating effect teachers unions have had on the educational prospects of so many of our nation's children.

The White House has stated these waivers were "in the public interest."⁵ Ironically, within a month of President Biden taking office, the American Federation of Teachers—a political union—was able to successfully influence scientists at the CDC to amend official guidance with the goal of keeping children out of the classroom.⁶ The revised guidance was contrary to science and contrary to the public interest. It is unclear the extent other unions have infiltrated the highest ranks of the Administration.

In the prior Congress, Democrats launched an investigation into the White House's use of ethics waivers.⁷ The recent reporting necessitates a similar review of the Biden Administration's waivers. No political union should hold the levers of government power, but all indicators are that President Biden caves to the unions to the detriment of our children.

To better understand how these waivers were granted and the scope of these appointees' interactions with their former employers, we request the following documents and information as soon as possible but no later than June 29, 2021 for the time period January 20, 2021 to the present:

1. All documents and communications regarding the granting of waivers for appointees within the Office of Management and Budget from Executive Order 13989.
2. All waivers, recusals, or divestitures related to Executive Order 13989 for appointees within the Office of Management and Budget.
3. All documents and communications between Celeste Drake, Director, Made in America Office, Office of Management and Budget and her former employers, the Director's Guild of America and the American Federal of Labor and Congress of Industrial Organizations (AFL-CIO).
4. All documents and communications regarding whether Celeste Drake will participate in any of the following duties:
 - a. Drafting or approving regulations or guidance;

⁵ Brook Singman, *White House defends ethics waivers for ex-union officials, says they are 'in the interest of governing'*, FOX NEWS (May 11, 2021), <https://www.foxnews.com/politics/white-house-ethics-waivers-for-ex-union-officials>

⁶ Steve J. Scalise, *supra* note 1.

⁷ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Pat Cipollone, Counsel to the President (May 16, 2019).

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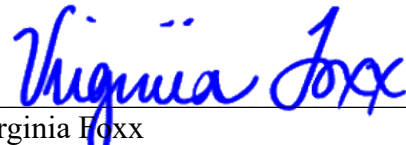
- b. Drafting or approving contracts or grants;
- c. Drafting or approving Presidential documents;
- d. Drafting or approving documents of Administration policy.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your attention to this important inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Virginia Foxx
Ranking Member
Committee on Education and Labor

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Bobby Scott, Chairman
Committee on Education and Labor