

United States Senate

WASHINGTON, DC 20510

September 16, 2026

Patrick D. Davis
Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
Main Justice Building, Room 1137
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Davis:

I request information on Adam Candeub's status at the Department of Justice and the Federal Communications Commission. Mr. Candeub was nominated on July 21, 2026, to serve as Assistant Attorney General for the Justice Department's Antitrust Division. The Senate Judiciary Committee held a hearing on the nomination on August 5, 2026, and has not voted on it. Public reporting states that Mr. Candeub has worked inside Department headquarters for several weeks, that he has participated in antitrust-related briefings, and that he is serving as Counselor to the Attorney General.¹ The Department has separately stated that he has not attended leadership or policy briefings. These accounts are difficult to reconcile.

The Appointments Clause of the U.S. Constitution conditions Mr. Candeub's service in this office on the Senate's advice and consent. The Senate Judiciary Committee assesses a nominee's qualifications, independence, and conflicts before he assumes authority, not after he has spent substantial time inside an agency directly or indirectly influencing the very matters he would inherit. Congress reinforced that sequence in the Federal Vacancies Reform Act, making the Act the exclusive means of temporarily authorizing an official to perform the functions and duties of an advice and consent position. 5 U.S.C. § 3347. A nominee has no authority to exercise the powers of that office by virtue of his nomination.

Chairman Brendan Carr appointed Mr. Candeub as General Counsel of the Federal Communications Commission (FCC) in February 2025, a position he still appears to hold according to the FCC's organizational chart and the Office of Personnel Management's PLUM data. His current title at the Department suggests a noncareer or limited appointment in the Senior Executive Service, each of which carries specific requirements. The Office of Personnel Management must approve noncareer and limited appointments individually. The appointing authority must determine in writing that the appointee meets the qualification requirements for the position. And a limited appointment requires certification that the need for the position is temporary, stated on the form documenting the appointment.

¹ Ben Remaly, Anna Langlios, & Mark Taylor, *Candeub Working at DOJ Prior to Senate Confirmation*, GLOBAL COMPETITION REVIEW (Sept. 3, 2026), <https://globalcompetitionreview.com/gcr-usa/article/candeub-working-doj-prior-senate-confirmation>.

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Because the reporting described above indicates that Mr. Candeub is already participating in Department business, please provide written responses to the following by Monday, September 21:

Status and Authority

1. Identify the date on which Mr. Candeub began working at the Department and his title, position, and the specific legal authority under which he serves.
2. Provide all documents establishing his appointment, including the SF-52 (Request for Personnel Action), the SF-50 (Notification of Personnel Action), the OF-306 (Declaration for Federal Employment), any written justification statement certifying that the employment need is temporary, and the employment offer extended to him.
3. Provide all documents from the Office of Personnel Management approving the appointment.
4. Has the Office of Legal Counsel or the Office of Legislative Affairs analyzed whether his current service complies with the Federal Vacancies Reform Act? If so, provide the analysis.

Participation in Department Matters

5. Identify every Antitrust Division matter in which he has personally participated, whether through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise.
6. Identify every document concerning an Antitrust Division matter that he has reviewed, drafted, signed, approved, or concurred in.
7. Identify each briefing, meeting, or deliberation concerning Antitrust Division matters in which he has participated, by matter and date, and the names and titles of the other attendees.
8. Does he hold Department credentials, a Department email account, building access, or access to nonpublic materials, including civil investigative demand returns, Hart-Scott-Rodino filings, and second request material subject to 15 U.S.C. § 18a(h)?

Federal Communications Commission Status

9. Has Mr. Candeub resigned from, or taken leave from, his position as FCC General Counsel? If so, state the effective date of such action, and identify who performs those duties in his absence.
10. If he holds roles at both agencies, identify the individuals who approved the arrangement and the specific legal authority. Explain how the Department addresses his simultaneous service at an agency with overlapping jurisdiction over broadcast, cable, and wireless transactions that the Antitrust Division also reviews.

Salary

11. Identify the agency currently paying Mr. Candeub's salary and the appropriation account charged, and any prior paying agency and account. If he is detailed from the FCC, state whether the detail is reimbursable, identify the statutory authority, and provide the written detail agreement.

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Conflicts of Interest

12. Provide Mr. Candeub's DOJ ethics agreement, any recusal or screening memorandum, and any waiver or authorization issued under 18 U.S.C. § 208(b), and identify every Antitrust Division matter from which he is recused or screened, including matters involving parties that appeared before the FCC during his tenure as General Counsel.

I appreciate the Department's prompt attention. Given the quick turnaround, my staff can meet with you and the appropriate Department personnel to walk through the questions that can be answered promptly and identify those that require additional time. Any such meeting should supplement, rather than replace, written responses. Please direct any questions to Lynda Garcia at [Lynda Garcia@judiciary-dem.senate.gov](mailto:Lynda_Garcia@judiciary-dem.senate.gov).

Sincerely,



Senator Cory A. Booker
Ranking Member
Senate Judiciary Subcommittee on Antitrust,
Competition Policy, and Consumer Rights

Cc: The Honorable Brendan Carr
Chair
Federal Communications Commission
45 L Street NE
Washington, DC 20554