

THE WHITE HOUSE

Washington

July 18, 2013

MEMORANDUM FOR CHRISTOPHER JENNINGS

FROM: KATHRYN H. RUEMMLER *KR*
COUNSEL TO THE PRESIDENT

SUBJECT: Limited Public Interest Waiver Pursuant to Section 3, Executive Order 13490

Pursuant to Section 3 of Executive Order 13490, I hereby grant a limited waiver of the requirements of Paragraph 2 of the Ethics Pledge for Mr. Christopher Jennings solely with respect to certain former not-for-profit profit clients (“Health Care Non-Profits”).¹ I have determined that this waiver is necessary because it is in the public interest for Mr. Jennings, when representing the interests of the President and the United States as Deputy Assistant to the President for Health Policy and Coordinator for Health Reform, to be able to participate appropriately in official matters that may involve these entities.

Executive Order 13490, “Ethics Commitments by Executive Branch Personnel,” Section 1 (Ethics Pledge), requires all covered political appointees to abide by certain commitments. Paragraph 2 of the Ethics Pledge provides that a covered appointee may not for a period of two years from the date of appointment participate in any particular matter involving specific parties that is directly and substantially related to a former employer or client. For purposes of applying this restriction, the term “particular matter” has been interpreted to include “meetings or other communications relating to the performance of one’s official duties with a former employer or client.” OGE Memorandum to Designated Agency Ethics Officials, DO-09-011, March 26, 2009.

A waiver of the restrictions contained in Paragraph 2 of the Ethics Pledge may be granted upon a certification either that the literal application of the restriction is inconsistent with the purpose of the restriction or that it is in the public interest to grant the waiver. E.O. 13490, Sec. 3(b). The Director of the Office of Management and Budget has delegated to each executive branch Designated Agency Ethics Official the authority to issue waivers under section 3 of the Executive Order.

Mr. Jennings is a leading authority on health care policy with experience coordinating Federal policy on such matters. Mr. Jennings has served in health policy positions at the United States Congress, the White House, and the private sector. Mr. Jennings served as co-staff director of

¹ These entities are AARP; Bipartisan Policy Center; Coalition to Transform Advanced Care; Federation of American Hospitals; Generic Pharmaceutical Association; Grantmakers in Health: Federal State Implementation Project; National Partnership for Women and Families; National Quality Forum; Pharmaceutical Care Management Association; Robert Wood Johnson Foundation; The SCAN Foundation; Service Employees International Union.

the Bipartisan Policy Center's health reform project, under the leadership of a bi-partisan group of former Senate Majority Leaders. Mr. Jennings previously served in the White House, as the Senior Health Care Advisor to President Clinton, where he contributed to enactment of bipartisan health legislation.

Prior to his appointment by President Obama as Deputy Assistant to the President for Health Policy and Coordinator for Health Reform, Mr. Jennings served as president of the consulting firm Jennings Policy Strategies and served on the boards of the National Quality Forum, the National Organization for Rare Disorders and the David A. Winston Health Policy Fellowship. Because of his unique expertise and long commitment to improving health care for all Americans, Mr. Jennings' consulting clients included some not-for-profit organizations that have been active in the health care field and specifically in matters related to the implementation of health reform. I have concluded that it is in the public interest to grant Mr. Jennings a waiver of Paragraph 2 of the Ethics Pledge with respect to the Health Care Non-profits. As Deputy Assistant to the President for Health Policy and Coordinator for Health Reform, Mr. Jennings will be responsible for advising the President and White House staff on health care initiatives, such as the effective implementation of health reform and ongoing policies to improve access to higher quality, more affordable health care for all Americans. Without this waiver, when advising the President on national health care policy, Mr. Jennings would be limited in his ability to communicate with some of the most widely recognized, respected, nonpartisan voices on health care policy matters. The Health Care Nonprofits comprise not-for-profit membership, educational and philanthropic organizations representing a range of viewpoints and the interests of tens of millions of ordinary Americans as well as the collective views of health care sectors implementing health reform. The Health Care Nonprofits serve as important conveners in the field of public health, bringing private, nonprofit and public actors together to achieve common objectives and promote the national interest. Collectively, the Health Care Nonprofits sponsor essential academic research, policy analysis, and public health programming that touch the lives of millions of Americans and inform and leverage the efforts of Federal public health and social service Departments. The Health Care Nonprofits embrace significant membership-based organizations that represent the diverse views of millions of Americans and multiple health care sectors whose experiences of health care and health reform implementation are important to the national policy dialogue. The President's policy advisors consult broadly with these and other key health care stakeholders, and it is in the public interest that the President's leading advisors not be hindered from continuing engagement with broad sections of health care stakeholders. The potential for appearance of undue access afforded in any communication is mitigated by the prominence, mission, and breadth of viewpoint of the Health Care Nonprofits. Therefore, I certify that it is in the public interest that this waiver be granted so that Mr. Jennings, as Deputy Assistant to the President for Health Policy and Coordinator for Health Reform, be able to freely communicate with all of the most widely recognized, respected, not-for-profit voices in the health care field to obtain the best information and build consensus on national health care policy.

This waiver is limited: this waiver does not cover Jennings Policy Strategies or any former clients of Mr. Jennings other than the Health Care Nonprofits named herein. This waiver does not permit Mr. Jennings to participate in any party-specific matters directly affecting the financial interests of the Health Care Nonprofits, including but not limited to contracts or grants.

Mr. Jennings will, of course, otherwise comply with the remainder of the Ethics Pledge and with all other applicable government ethics rules.