

THE WHITE HOUSE

Washington

July 15, 2013

MEMORANDUM FOR DAVID SIMAS

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

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

I hereby waive the requirements of paragraph 2 of the Ethics Pledge of Mr. David Simas solely with respect to his former employer, the Democratic National Committee (DNC). This waiver is necessary so that Mr. Simas, when representing the interests of the Administration as Assistant to the President and Deputy Senior Advisor for Communications and Strategy, may participate in matters that involve the DNC.

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 his appointment participate in any particular matter involving specific parties that is directly and substantially related to his former employers or former clients. 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. Simas previously served in the White House communications office as Deputy Assistant to the President. Mr. Simas left the White House to advise the President's re-election campaign and was briefly employed by the DNC until his return to government service. If paragraph 2 of the Ethics Pledge were applied literally to Mr. Simas, he would be restricted from participating in particular matters involving the DNC and from communicating with the DNC on official matters concerning the President and the White House. As the Assistant to the President and Deputy Senior Advisor for Communications and Strategy, Mr. Simas is responsible for advising the President and White House staff with respect to the President's policy agenda and reporting

the activities and programs of the government to the American public. The DNC and other organizations of the Democratic Party also often seek to communicate the President's actions and policies to the American public. The restriction in paragraph 2 of the Ethics Pledge addresses concerns that former employers and clients may appear to have privileged access. No appearance of privileged access is raised by communication between a national party committee and the President's communications staff regarding the facts of the President's actions and policy agenda. Accordingly, I certify that the literal application of the restriction under the circumstances here would be inconsistent with the purpose of the restriction and therefore grant Mr. Simas a waiver of paragraph 2 of the Ethics Pledge with respect to his former employer, the DNC.

This waiver is limited and only applies to paragraph 2 of the Ethics Pledge as it relates to the DNC. Mr. Simas does not have any continuing financial interest in the DNC. Mr. Simas will, of course, otherwise comply with the remainder of the Ethics Pledge and with all other applicable government ethics rules.