

Waiver Pursuant to Section 3 of Executive Order 13490

Pursuant to Section 3 of Executive Order 13490, I hereby waive the requirements of paragraph 2 of the Ethics Pledge of Ms. Caroline Atkinson solely with respect to her former employer, the International Monetary Fund (IMF). This waiver is necessary so that Ms. Atkinson, when representing the interests of the President and the United States as Special Assistant to the President for International Economic Affairs, may participate appropriately in official matters that involve the IMF.

Background

Executive Order 13490, "Ethics Commitments by Executive Branch Personnel" (EO), Section 1, requires all covered political appointees to abide by certain commitments. One of those commitments provides that a covered appointee may not for a period of two years from the date of her appointment participate in any particular matter involving specific parties that is directly and substantially related to her former employers or former clients. (Ethics Pledge, Paragraph 2.) 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." DO-09-011, OGE Memorandum to Designated Agency Ethics Officials, 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. EO, Sec. 3(b). By memorandum dated February 23, 2009, the Office of Government Ethics announced that the Designated Agency Ethics Official of each executive agency was the most appropriate designee to grant such waivers, after consultation with the Counsel to the President. *See* DO-09-008, OGE Memorandum to Designated Agency Ethics Officials, February 23, 2009.

Analysis

Before her service as Special Assistant to the President for International Economic Affairs, Ms. Atkinson served as the Director of the External Relations Department for the IMF, and prior to that she served as the IMF's Deputy Director of the Western Hemisphere Department. If paragraph 2 of the ethics pledge were applied literally to Ms. Atkinson, she would not be able to participate in matters relating to the IMF and any of its bodies, offices or agencies and therefore could not advise the President appropriately on such matters in her role as Special Assistant to the President for International Economic Affairs.

After reviewing all of the relevant facts and circumstances, I have concluded that a waiver of paragraph 2 of the Ethics Pledge is appropriate for Ms. Atkinson with respect to her former employer, the IMF, because the literal application of the restriction is inconsistent with its purpose and because waiver is in the public interest.

When a former employer is an international organization that includes the United States as a member, like the IMF, the concerns underlying the restrictions in the Ethics Pledge are not implicated, because the interests of the international organization and the interests of the United States are aligned. As such, there is little likelihood that a government employee could take action to favor the commercial interests of his or her former employer at the expense of the United States. Accordingly, literal application of paragraph 2 in this situation is inconsistent with the purposes of the restriction and a waiver is appropriate.

In addition, it is also in the public interest for Ms. Atkinson to participate in matters relating to the IMF. It is essential that the United States have an effective, credible voice in discussions with the IMF on the many important issues that arise in that forum. Ms. Atkinson has spent the past seven years working as a senior official within the IMF and as a result has developed an intimate knowledge of the organization and its operations, including its management, programs and policies. The knowledge, skills and relationships that Ms. Atkinson developed during her time at the IMF give her credibility, enhance her effectiveness, and will allow her to significantly advance U.S. interests within the organization. Accordingly, a waiver is appropriate for the separate and independent reason that it is in the public interest for Ms. Atkinson to participate in matters relating to her former employer.

Based on the above analysis, I waive the requirements of paragraph 2 of the Pledge as it pertains to Ms. Atkinson's future involvement in particular matters relating to the IMF and any of its bodies, offices or agencies. Furthermore, while a reasonable person with knowledge of the relevant facts may question Ms. Atkinson's impartiality in matters relating to the IMF, I make a separate determination, pursuant to 5 C.F.R. § 2635.502, that the Government's interest in Ms. Atkinson's ability to participate in these matters, given the critical responsibilities associated with her position as Special Assistant to the President for International Economic Affairs, outweighs the concern that a reasonable person may question the integrity of the White House Office's programs and operations.

This waiver of the requirements of paragraph 2 of the Ethics Pledge for Ms. Atkinson does not constitute a waiver of 18 U.S.C. § 208. Ms. Atkinson has a continuing financial interest in IMF as a result of the payment of her pension. Until Ms. Atkinson has received all of her pension payments, pursuant to 18 U.S.C. § 208, she may not participate personally and substantially in any particular matter that would have a direct and predictable effect on the ability or willingness of the IMF to provide these payments to her.

Ms. Atkinson will, of course, otherwise comply with the remainder of the pledge and with all other preexisting government ethics rules.

/s/

Dated: August 8, 2011

Counsel to the President