

Limited 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 Mr. Jonathan Greenblatt solely with respect to his former employer, the Aspen Institute. I have determined that this limited waiver is necessary because it is in the public interest for Mr. Greenblatt, when representing the interests of the President and the United States as Special Assistant to the President and Director of Social Innovation (“Director of Social Innovation”), to be able to participate in certain official matters that involve the Aspen Institute.

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 his appointment participate in any particular matter involving specific parties that is directly and substantially related to his former employers or former clients. (Ethics Pledge, Paragraph 2.) “Particular matter involving specific parties” is defined in the EO to “have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one’s official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.” (EO, Section 2(h)) The purpose of this expansion of the traditional definition of particular matter is to address concerns that former employers and clients may appear to have privileged access, which they may exploit to influence an appointee out of the public view. *See* 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 interpretations 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, OGE 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.

As the Director of Social Innovation, Mr. Greenblatt will be responsible for advising the President and White House staff on social innovation initiatives, including social impact economy investing, social entrepreneurship, philanthropy and social engagement. Prior to his appointment as the Director of Social Innovation, Mr. Greenblatt was employed by the Aspen Institute as the Director of the Impact Economy Initiative. At the Aspen Institute, Mr. Greenblatt worked closely with the Office of Social Innovation and Civic Participation of the Domestic Policy Council to establish dialogue between policymakers and industry leaders on how public policy can support impact investing and social entrepreneurship. If subject to the restrictions in Paragraph 2 of the Ethics Pledge, Mr. Greenblatt would be restricted from participating in particular matters involving the Aspen Institute and from communicating with the Aspen Institute on White House projects.

I have concluded, for the reasons stated below, that it is in the public interest to grant Mr. Greenblatt a waiver of Paragraph 2 of the Ethics Pledge with respect to his former employer, the Aspen Institute.

Mr. Greenblatt has a unique background that encompasses social entrepreneurship, philanthropy and social innovation. He is a leading authority on impact investing and social entrepreneurship and related matters. Mr. Greenblatt has the skills and stature necessary to advance the President's priorities by engaging private, public and nonprofit actors to work together to achieve common objectives and promote the national interest. The government will benefit greatly from his expertise.

The Office of Social Innovation has worked regularly with the Aspen Institute throughout its tenure and it is in the public interest that this collaboration continue. The Aspen Institute is a nonprofit, nonpartisan organization that provides a forum for analysis, consensus building, and problem-solving on a wide variety of issues, including social innovation. It is a leader in the dissemination of learning and innovation in the fields of social entrepreneurship and philanthropy. Likewise, the Institute's roundtables on philanthropy are venues for consultation among stakeholders in the field. It is in the public interest that the Director of Social Innovation participate fully in such activities to obtain the best information and to take advantages of opportunities to engage private, public and nonprofit actors to problem-solve and build consensus on achieving shared objectives.

Accordingly, Mr. Greenblatt is provided a limited waiver of Paragraph 2 of the Ethics Pledge permitting him, when representing the interests of the President and the United States as the Director of Social Innovation, to be involved in non-monetary specific party matters involving the Aspen Institute.

This waiver is limited. This waiver does not permit Mr. Greenblatt to participate in any particular matters or deliberative decisions by the White House directly affecting the financial interests of the Aspen Institute, including but not limited to contracts, grants, or events or conferences where the Aspen Institute will charge fees. Mr. Greenblatt does not have any continuing financial interest in his former employer the Aspen Institute. Mr. Greenblatt will, of course, otherwise comply with the remainder of the Pledge and with all other applicable government ethics rules.

/s/ Kathryn H. Ruemmler

Dated: September 14, 2011

Counsel to the President and
Designated Agency Ethics Official