

THE WHITE HOUSE

Washington

September 4, 2014

MEMORANDUM FOR EVAN M. SCHRUM

FROM: VICTORIA NOURSE
COUNSEL TO THE VICE PRESIDENT

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

In consultation with the Counsel to the President, I hereby grant a limited waiver of the requirements of paragraph 2 of the Ethics Pledge to Mr. Evan Schrum with respect to his former employer, the Democratic National Committee (DNC). As Special Assistant to the President and Advisor to the Vice President, Mr. Schrum is the Vice President's traveling advisor, commonly referred to as a "body man." This waiver is necessary so that Mr. Schrum, when representing the interests of the Office of the Vice President, may communicate with 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(a). 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).

Before his service as the Vice President's body man, Mr. Schrum was the Deputy Finance Director at the DNC. If paragraph 2 of the Ethics Pledge were applied literally to Mr. Schrum, would be restricted from participating in particular matters involving the DNC and from communicating with the DNC on official matters concerning the Vice President and the President's agenda. As the Vice President's body man, Mr. Schrum travels with the Vice President on a regular basis during which time he will be required to fulfill a range of tasks to support the Vice President's official activities. In this role, Mr. Schrum will be called upon to

coordinate the administrative details of the Vice President's activities with the DNC. Further, as the Vice President is a leader of the Democratic Party, the DNC often seeks to communicate the Vice President's actions and activities to the American people. Mr. Schrum's communications with the DNC will substantially further these activities. 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 communications between a national party committee and the Vice President's body man regarding either the administrative details involving the Vice President or facts related to the Vice President's actions and activities. 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. Schrum 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. Schrum does not have any continuing financial interest in the DNC. I grant this waiver with the understanding that Mr. Schrum will comply with the remaining provisions of the Ethics Pledge and with all preexisting government ethics rules.

/s/ Victoria Nourse

Dated: September 4, 2014

Counsel to the Vice President and
Designated Agency Ethics Official