

THE WHITE HOUSE

WASHINGTON

July 13, 2018

MEMORANDUM FOR LARRY KUDLOW, ASSISTANT TO THE PRESIDENT FOR
ECONOMIC POLICY

FROM: Counsel to the President

SUBJECT: Authorization under 5 C.F.R. § 2635.502(d)

Pursuant to Section 2635.502(d), I am issuing you this memorandum to provide a limited waiver of the restrictions in section 2635.502(a) to authorize you to participate in meetings and communications with any former employer (“Covered Organizations”) or individuals associated with a former employer (“Covered Individuals”).

Section 2635.502(a) states, in part:

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his/her household, or knows that a person with whom he has a covered relationship is or represents a party to such a matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his/her impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee . . .

Authorization under section 2635.502(d) may be granted by the designated White House Ethics Official when:

. . . an employee's participation in a particular matter involving specific parties would not violate 18 U.S.C. § 208(a), but would raise a question in the mind of a reasonable person about his/her impartiality . . . [but] the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations.

After careful consideration, I have determined that it is appropriate and in the public interest to provide a limited waiver of the restrictions in section 2635.502(a) to authorize you to participate in meetings and communications with Covered Organizations or Covered Individuals which you otherwise may be barred from communicating or meeting with regarding broad policy matters and particular matters of general applicability in your official capacity, even if the communication or meeting is not “open to all interested parties.” The Administration has an interest in you interacting with Covered Organizations such as CNBC and Covered Individuals

on issues of importance to the Administration and your position requires you to interact with Covered Organizations and Covered Individuals in the manner described above in order to further those interests. It is important that you be able to communicate and meet with Covered Organizations and Covered Individuals, and disqualification from such meetings or communications would limit your ability to effectively carry out your duties on behalf of the Administration. Furthermore, in accordance with section 2635.502(d), the need for your services outweighs the concern that a reasonable person may question the integrity of the White House Office's programs and operations.

Although this authorization permits you to communicate and meet with Covered Organizations and Covered Individuals on broad policy matters and particular matters of general applicability, you will continue to be precluded from participating in any other particular matter involving specific parties, such as any investigation, application, grant, contract, claim, or litigation in which a Covered Organization or Covered Individual is a party or represents a party.

This limited authorization does not affect the application of any other provision of law, including any provision of the Ethics Pledge; the Standards of Ethical Conduct for Executive Branch Employees (5 C.F.R. part 2635); the criminal bribery, graft and conflict of interest statutes (18 U.S.C. 201-209); or the Hatch Act (5 U.S.C. 7323).