

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR SCOTT ATLAS, ADVISOR TO THE PRESIDENT

FROM: Scott F. Gast, Deputy Counsel to the President
Designated White House Ethics Official *sfG*

SUBJECT: Authorization to Participate Under 5 C.F.R. Section 2635.502

Pursuant to 5 C.F.R. 2635.502(d), I am issuing this memorandum to provide you with a limited authorization to allow you to participate in communications and meetings involving or relating to your employer, the Hoover Institution and Stanford University, regarding efforts to address the COVID-19 pandemic, notwithstanding the limitations found in section 2635.502(a).

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 authorize you to participate in meetings and communications involving or relating to the Hoover Institution and Stanford University, with whom you otherwise may be barred from communicating or meeting under section 2635.502(a), regarding efforts to address the COVID-19 pandemic. 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), given the significant public interest in effectively addressing the pandemic, the need for your participation in such matters outweighs the concern that a reasonable person may question the integrity of the White House Office's programs and operations.

This limited waiver does not affect the application of any other provision of law; 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).