Nominee, Eugene Scalia, is pending.

ACTION: Determine complexity and assign to OGE Reviewer. Package will be delivered to you shortly.
To review electronic materials click the link below.
From: Teresa L. Williamson
To: Heather A. Jones
Subject: Here’s your copy of the update:
Date: Wednesday, July 31, 2019 2:34:20 PM
Attachments: White House update July 31.xlsx
<table>
<thead>
<tr>
<th>#</th>
<th>Filer</th>
<th>Date Recd</th>
<th>Agency [Position]</th>
<th>Reviewer</th>
<th>Status</th>
<th>Report Progress</th>
<th>Days Pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>Scalia, Eugene</td>
<td>7/31/2019</td>
<td>Department of Labor [Secretary]</td>
<td>Patrick J. Lightfoot</td>
<td>just assigned</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Hi Peter,

I’ve been assigned to review the new nominee report for Mr. Scalia. I’ve prepared my first round of comments, but wanted to confirm to whom I should send them over at Labor?

Thanks!

Sincerely,
Hi Zach,

My first round comments on Mr. Scalia’s report are attached. I’ll be out of the office tomorrow, but will have my backup reviewer’s information in my auto-reply if you had any specific questions. Otherwise, I’ll be back on Monday.

Thanks!

--Patrick

--
Patrick J. Lightfoot
Assistant Counsel, Ethics Law & Policy Branch
General Counsel & Legal Policy Division

U.S. Office of Government Ethics
1201 New York Ave NW, Suite 500
Washington, DC 20005
Telephone: (202) 482-9271

Visit OGE’s website: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics
CONTROLLED

Hi Peter,

I’ve been assigned to review the new nominee report for Mr. Scalia. I’ve prepared my first round of comments, but wanted to confirm to whom I should send them over at Labor?

Thanks!

Sincerely,
--
Patrick J. Lightfoot
Assistant Counsel, Ethics Law & Policy Branch
General Counsel & Legal Policy Division

U.S. Office of Government Ethics
1201 New York Ave NW, Suite 500
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GENERAL QUESTIONS/CHANGES/CONFIRMATIONS:

- FOR AGENCY:
  - Please provide the contact information for your backup reviewer.
  - Reminder to review filer’s Senate questionnaire.
  - (b)(5) and some information also (b)(3) and/or (b)(6)
(b)(5) and some information also (b)(3) and/or (b)(6)
David,

Attached is the status of my reports/desk officer questions/etc. Should hopefully be pretty quiet tomorrow.

Thanks!

--Patrick
From: Heather A. Jones
To: Patrick J. Lightfoot; Maura Leary; Jim Robertson; Stephanie Nonluecha
Cc: Teresa L. Williamson; Deborah J. Bortot
Subject: Priority List
Date: Tuesday, August 6, 2019 11:31:41 AM

Scalia
Dixon
Romanowski

Heather Jones
Senior Counsel
(202) 482-9316
U.S. Office of Government Ethics

Visit OGE's website: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics
CONTROLLED

Sounds good. Thanks for the update!

--Patrick
I wanted to check in for a status update on Mr. Scalia. The White House has identified this one as a priority, so I might start following up on this one a little more frequently than normal. I see that he’s been in Integrity today making various updates, so would it be safe to presume it’ll be ready for another review in the next few days?

Thanks!

--Patrick

From: Patrick J. Lightfoot
Sent: Thursday, August 1, 2019 11:11 AM
To: [b][c] - Zachary Mancher's email address
Subject: RE: Initial Comments - Eugene Scalia - [message and attachment(s) contain CUI]

CONTROLLED
Email and attachment(s) contain CUI.

Hi Zach,

My first round comments on Mr. Scalia’s report are attached. I’ll be out of the office tomorrow, but will have my backup reviewer’s information in my auto-reply if you had any specific questions. Otherwise, I’ll be back on Monday.

Thanks!

--Patrick

--
Patrick J. Lightfoot
Assistant Counsel, Ethics Law & Policy Branch
General Counsel & Legal Policy Division

U.S. Office of Government Ethics
1201 New York Ave NW, Suite 500
Washington, DC 20005
Telephone: (202) 482-9271

Visit OGE's website: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics
Hi Peter,

I’ve been assigned to review the new nominee report for Mr. Scalia. I’ve prepared my first round of comments, but wanted to confirm to whom I should send them over at Labor?

Thanks!

Sincerely,

--
Patrick J. Lightfoot
Assistant Counsel, Ethics Law & Policy Branch
General Counsel & Legal Policy Division

U.S. Office of Government Ethics
1201 New York Ave NW, Suite 500
Washington, DC 20005
Telephone: (202) 482-9271

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Thanks, Rob! I’ll review and circle back with follow-ups.

--Patrick

Patrick J. Lightfoot
Assistant Counsel, Ethics Law & Policy Branch
General Counsel & Legal Policy Division
U.S. Office of Government Ethics
1201 New York Ave NW, Suite 500
Washington, DC 20005
Telephone: (202) 482-9271
Visit OGE’s website: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics
Hi Zach and Rob,

My second round comments are attached. There’s some nuance to a few of the line items that I attempted to distill down in writing, but happy to discuss if you have questions. The main areas we need further detail about/need to sort out the particulars on are which I’ve detailed in the attached comments.

Thanks!

--Patrick

--

Patrick J Lightfoot
Assistant Counsel, Ethics Law & Policy Branch
General Counsel & Legal Policy Division
U.S. Office of Government Ethics
1201 New York Ave NW, Suite 500
Washington, DC 20005
Telephone (202) 482-9271
Visit OGE’s website: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics
Attached. Thanks in advance and have a good weekend!
Hi Dave and Deb,

I wanted to check in on the status of Gene Scalia’s financial disclosure review. (b)(5)

Thanks,
Scott
CONTROLLED

Thanks, Zach! I’ll review the draft EA and get you my remaining edits on the report hopefully later today.

--Patrick

--
Patrick J. Lightfoot
Assistant Counsel, Ethics Law & Policy Branch
General Counsel & Legal Policy Division

U.S. Office of Government Ethics
1201 New York Ave NW, Suite 500
Washington, DC 20005
Telephone: (202) 482-9271

Visit OGE’s website: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics
Hi Zach,

One question that was flagged for me while I was discussing [b](6) with folks on this end. [b](5)

Thanks!

--Patrick
OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.
From: Gast, Scott F. EOP/WHO [mailto:
Sent: Wednesday, August 21, 2019 9:17 AM
To: Deborah J. Bortot <djbortot@oge.gov>; David J. Apol <djapol@oge.gov
Subject: RE: Scalia Preclearance - [ Message contains CUI ]

Thanks, Deb. Let us know if we can be helpful with this one. Our Leg Affairs team has reminded me that the Committee has requested his paperwork be submitted on or before 8/27.

From: Deborah J. Bortot <djbortot@oge.gov
Sent: Tuesday, August 20, 2019 5:00 PM
To: Gast, Scott F. EOP/WHO [mailto:
Subject: Scalia Preclearance - [ Message contains CUI ]

CONTROLLED

Scott,

We are getting close on the reporting. We still need an ethics agreement from Labor, which they said they would get us soon.

Thanks,

Deb

Deborah J. Bortot
Chief, Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Ave., NW, Suite 500
Hi Dave and Deb,

I wanted to check in on the status of Gene Scalia’s financial disclosure review.

Thanks,
Scott
Here is the status report for this week. You just need to print it.

Veda has the candidate reports.

Heather
<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Scalia, Eugene</td>
<td>7/31/2019</td>
<td>Department of Labor [Secretary]</td>
<td>Patrick J. Lightfoot</td>
<td>Received responses to second round comments on 8/20 and draft EA on 8/21. Reviewing EA and providing edits by COB on 8/21.</td>
<td>21</td>
<td></td>
</tr>
</tbody>
</table>

Nonresponsive records

(b) (5)
Referral to DOL Office of the Solicitor
Great! For situational awareness, I just had lunch with one of DOL’s newer ethics attorneys (law school pals) who is working on this and suggested she nudge folks when she gets back to the office to see if we can wrap this up today.

From: Heather A. Jones
Sent: Thursday, August 22, 2019 1:49 PM
To: Deborah J. Bortot <djbortot@oge.gov>; Patrick J. Lightfoot <pjlightf@oge.gov>
Subject: Scalia

I looked through the report and it looks good. [redacted]

---

Heather Jones
Senior Counsel
(202) 482-9316
U.S. Office of Government Ethics

Visit OGE’s website: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics
HAJ -

Pls see attached. Agency accepted the various edits that PJL made to the EA, and the filer's counsel had a few additional tweaks. None of these get my hackles up, but wanted to run them by you to confirm (to keep things moving forward while the agency consults w/ the filer's atty re 3-page draft ethics agreement withheld in full - (b)(5). Final version of EA released below.

Let me know your thoughts. Thx!

Your message is ready to be sent with the following file or link attachments:

Edits from last v patrick sent to aug 23 v.docx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.
CONTROLLED

Zach,

Thanks. Heather reviewed the draft and is OK with the edits. She did have one question, though, related to (b)(6) deliberative and some information are (b)(6).

Thank you in advance for your input – and to the extent this is something you’ve already covered with Patrick, for your patience as I try to step into his role!

Kim

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214
Thanks, Zach. I will review and let you know if I have anything further re the issues below. Quick question – I understand that Patrick had shared an updated EA with you, is that draft acceptable to DOL? If you could please let me know (and send me the “clean” version yall approve), that would be helpful...Just want to make sure I am on the right page with all of the pieces of this priority report!
Thanks again,
Kim

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214
Hi Zach,

My edits to the ethics agreement are attached in tracked changes. A few remaining questions/edits on the report:

- (b)(5) deliberative and some information are (b)(3) and (b)(6)
- (b)(5) deliberative and some information are (b)(3) and (b)(6)
- (b)(5) deliberative and some information are (b)(3) and (b)(6)
- (b)(5) deliberative and some information are (b)(3) and (b)(6)
Thanks!
--Patrick
--
Patrick J. Lightfoot
Assistant Counsel, Ethics Law & Policy Branch
General Counsel & Legal Policy Division
U.S. Office of Government Ethics
1201 New York Ave NW, Suite 500
Washington, DC 20005
Telephone: (202) 482-9271
Visit OGE's website: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics

Remainder of email thread released or referred above
Hi MMGA

Thanks for backing up me and Patrick. Attached are his OOO notes to me. As an update from today:

- **(b)(5) deliberative info re Scalia report**
  
  I understand that Deb is coming in Monday and can handle. The agency has been advised that they should work directly w/ her. So if anything comes your way on that, just send it right to her — *(b)(5)*

- The SIPC report should be coming in on Monday to me. My OOO will obviously direct to you – if they happen to forward it to you, just ignore it, I can handle when I am back in the office.

On my front, I have attached my summary. Don’t anticipate anything bothering you. One other thing I forgot to put on my list is that **(b)(6) - unrelated filer**

If it comes in Monday, just hold it, I can handle on Tuesday when I get back (I confirmed w/ Heather).

Thanks!
Kim

_________________
Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214
Just got online again. Fn computer. Thanks tho

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

Want me to send?

Uh, (b) (5) ....

My connection just got jacked. I need to try to fully log on again and send to Deb.

This looks good. (b) (5)
Further OGE inquiry – (b)(5) deliberative and some info also (b)(3), (b)(4), and/or (b)(6)

Additional further OGE inquiry – (b)(5) deliberative and some info also (b)(4) and/or (b)(6)

OGE had a call w/ agency POCs and filer’s rep (Adam Raviv), and shared the following advice/concerns/additional questions:

- (b)(5) deliberative and some info also (b)(4) and/or (b)(6)
- (b)(5) deliberative and some info also (b)(4) and/or (b)(6)
Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

(b)(5) deliberative and some into also (b)(3), (b)(4), and/or (b)(6)
Hi Deb

Pls see below for Scalia update. Thanks!

New facts rec’d Thursday evening:

(b)(5) deliberative and some info also (b)(3), (b)(4) and/or (b)(6)

Further OGE inquiry – (b)(5) deliberative and some info also (b)(4) and/or (b)(6)

Additional further OGE inquiry – (b)(5) deliberative and some info also (b)(4) and/or (b)(6)

OGE had a call w/ agency POCs and filer’s rep (Adam Raviv), and shared the following advice/concerns/additional questions:

(b)(5) deliberative and some info also (b)(6)
(b)(5) deliberative and some info also (b)(4) and/or (b)(6)
Will do. Hopefully won’t be necessary, but if a question comes up, I’ll try to email with some lead time. Thanks!

I’ll be around. My cell phone is [REDACTED]. It would probably make it less likely to miss me if you were to email me a time if you had one. If not, just call and we can hope I’m not mowing the lawn or other similar weekend activity.

Dave, would you potentially be available to talk this weekend if necessary? [REDACTED]

Thanks,
Scott

Please give me a call.

My Leg Affairs colleagues tell me that they have discussed with the Committee staff, who reported that the Senate will be in pro forma session on the 27th and the Committee is able to receive the paperwork prior to the nomination.
Scott,

We can’t send the paperwork until after nomination, which will not happen until the Senate is back in session. We understand the Senate will be back September 9.

Thanks,

Deborah

Deborah J. Bortot  
Chief, Presidential Nominations Branch  
U.S. Office of Government Ethics  
1201 New York Ave., NW, Suite 500  
Washington, DC 20005-3917  
Telephone: (202) 482-9227
Thank you Peter. A 2:00 call works for me.
Referral to DOL Office of the Solicitor
Dave & Deb-
I didn’t post the full reply I meant to send.
From: Christopher J. Swartz  
Sent: Monday, August 26, 2019 1:02 PM  
To: Deborah J. Bortot ; David J. Apol  
Subject: FW: Response from nominee's representative on [b] (5) question [CONTAINS CUI]  

Importance: High  

CONTROLLED  
THIS EMAIL AND ATTACHMENT(S) CONTAIN CONTROLLED UNCLASSIFIED INFORMATION.  

Dave & Deb:  
I do not plan on being on the call unless you would like me to attend (in for a penny in for a pound J).  

[b] (5)  

Remainder of email chain referred or released above.
That looks good to me. Shall I email the agency to flag that issue now, or wait until I hear back from them on the EA review front?

____________
Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

From: Deborah J. Bortot
Sent: Tuesday, August 27, 2019 8:44 AM
To: Kimberly L. Sikora Panza <klspanza@oge.gov>
Subject: RE: Scalia

What do you think of this? Any suggestions or edit?
I will be sure to check that. Are you OK with the language in the 278/change that the filer made there?

---

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

---

Deborah J. Bortot
Sent: Tuesday, August 27, 2019 8:30 AM
To: Kimberly L. Sikora Panza <klspanza@oge.gov>
Subject: RE: Scalia

We will need to make sure that they use the EA that I sent yesterday at 4:53.

---

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

---

Deborah J. Bortot
Sent: Tuesday, August 27, 2019 8:19 AM
To: Kimberly L. Sikora Panza <klspanza@oge.gov>
Cc: Patrick J. Lightfoot <pjlightf@oge.gov>
Subject: RE: Scalia

Sounds good – I’ll be ready to pounce as soon as I’m told to do so!

---

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

---

Deborah J. Bortot
Sent: Tuesday, August 27, 2019 8:19 AM
To: Kimberly L. Sikora Panza <klspanza@oge.gov>
Cc: Patrick J. Lightfoot <pjlightf@oge.gov>
Subject: RE: Scalia

Nothing for you to do right now. We are waiting to hear back on the filer’s review of the EA and the 278. The final will likely have to move quickly today.

From: Kimberly L. Sikora Panza
Sent: Monday, August 26, 2019 8:19 PM
To: Deborah J. Bortot <djibortot@oge.gov>
Cc: Patrick J. Lightfoot <pjlightf@oge.gov>
Subject: Re: Scalia

Thanks, Deb. I see that you sent a confirmatory email shortly after sending me this request, so assume there is nothing further I need to do at this time - is that correct? Please let me know what I can do to pick this up and get it in order tomorrow!

From: Deborah J. Bortot
Sent: Monday, August 26, 2019 5:03 PM
To: Kimberly L. Sikora Panza
Cc: Patrick J. Lightfoot
Subject: Scalia

Kim,

The EA is with the filer for review. Please send the confirmatory email.

Thanks,
Deb
Dave, following up on our conversation, [b](5)
Thank you

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

From: Raviv, Adam [mailto:Adam.Raviv@wilmerhale.com]
Sent: Tuesday, August 27, 2019 11:06 AM
To: Kimberly L. Sikora Panza <klspanza@oge.gov>; Deborah J. Bortot <djbortot@oge.gov>; 'Mancher, Zachary D - SOL' <b6c53c77@wilmerhale.com>; Brown, Reginald <Reginald.Brown@wilmerhale.com>; Constantine, Peter J - SOL <b6c53c77@wilmerhale.com>; Sadler, Rob - SOL <b6c53c77@wilmerhale.com>; David J. Apol <djapol@oge.gov>; Patrick J. Lightfoot <pjlightf@oge.gov>
Subject: RE: Ethics Agreement and 278 - [ Message contains CUI ]

Dear Kim,

Thanks for your email.

Best,
Good morning,

I know that Deb sent an updated EA last night; while you are reviewing the EA, I wanted to follow up regarding the 278 entry.

Thanks!
Kim

__________________
Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
We have a few changes to the ethics agreement and one change to the 278.

1. I made a few changes to the ethics agreement. I’ve attached a tracked changes version.

2. 278 report.

Thanks,

Deb

Deborah J. Bortot
Chief, Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Ave., NW, Suite 500
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FOR IMMEDIATE RELEASE
August 27, 2019

President Donald J. Trump Announces Intent to Nominate Individual to a Key Administration Post

Today, President Donald J. Trump announced his intent to nominate the following individual to a key position in his Administration:

Eugene Scalia of Virginia, to be Secretary of Labor.

Mr. Scalia, a partner at Gibson, Dunn & Crutcher LLP, is a renowned labor, employment, and regulatory lawyer. He has previously held several positions in the Federal Government. In the mid-to-late 1980s, he was a speechwriter to Secretary of Education William J. Bennett. From 1992 to 1993, Mr. Scalia served as a Special Assistant to Attorney General William P. Barr. In 2001, Mr. Scalia joined the Department of Labor as Solicitor of Labor, the Department’s principal legal officer with responsibility of a broad range of regulatory and enforcement matters. Mr. Scalia is a
senior fellow of the Administrative Conference of the United States, a Federal agency that makes recommendations to Congress and the Executive branch on ways to improve agency procedures. He has served as a lecturer in labor and employment law at the University of Chicago Law School and as an adjunct professor at the University of the District of Columbia David A. Clarke School of Law. Mr. Scalia received his undergraduate degree, with distinction, from the University of Virginia and his law degree from the University of Chicago Law School, graduating *cum laude* and serving as editor-in-chief of the University of Chicago Law Review.

###

Unsubscribe

The White House · 1600 Pennsylvania Ave NW · Washington, DC 20500-0003 · USA · 202-456-1111
President Donald J. Trump Announces Intent to Nominate Individual to a Key Administration Post

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Eugene Scalia of Virginia, to be Secretary of Labor.

Mr. Scalia, a partner at Gibson, Dunn & Crutcher LLP, is a renowned labor, employment, and regulatory lawyer. He has previously held several positions in the Federal Government. In the mid-to-late 1980s, he was a speechwriter to Secretary of Education William J. Bennett. From 1992 to 1993, Mr. Scalia served as a Special Assistant to Attorney General William P. Barr. In 2001, Mr. Scalia joined the Department of Labor as Solicitor of Labor, the Department’s principal legal officer with responsibility of a broad range of regulatory and enforcement matters. Mr. Scalia is a
senior fellow of the Administrative Conference of the United States, a Federal agency that makes recommendations to Congress and the Executive branch on ways to improve agency procedures. He has served as a lecturer in labor and employment law at the University of Chicago Law School and as an adjunct professor at the University of the District of Columbia David A. Clarke School of Law. Mr. Scalia received his undergraduate degree, with distinction, from the University of Virginia and his law degree from the University of Chicago Law School, graduating cum laude and serving as editor-in-chief of the University of Chicago Law Review.

###

Unsubscribe

The White House · 1600 Pennsylvania Ave NW · Washington, DC 20500-0003 · USA · 202-456-1111
This is the EA for Preclearance (clean – it is the v you sent last night, all changes accepted)

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214
CONTROLLED
Email and attachment(s) contain CUI.

Good afternoon,

Attached please find the Ethics Agreement for Eugene Scalia.

Thanks,
Kim

__________________
Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

CONTROLLED
Scott,

Eugene Scalia is precleared. Kim, please send the ethics agreement to the White House.
Thanks,
Deborah

Deborah J. Bortot
Chief, Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Ave., NW, Suite 500
Washington, DC 20005-3917
Telephone: (202) 482-9227
Hi Zach,

Thanks again for your assistance on this report.

At this time, please have the filer sign the Ethics Agreement, and re-sign the 278 in Integrity. We also will need DOL to certify the 278 in Integrity, and provide us with a transmittal letter (as well as the signed EA).

I’ve cc:ed various parties on my team to make sure we all stay on the same page; could you please reply to all when sending the relevant attachments?

Thanks!
Kim

__________________
Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

CONTROLLED

Scott,
Eugene Scalia is precleared. Kim, please send the ethics agreement to the White House.

Thanks,
Deborah

Deborah J. Bortot
Chief, Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Ave., NW, Suite 500
Washington, DC 20005-3917
Telephone: (202) 482-9227
Peter

We have precleared and you have or will be getting an email from Kim shortly on next steps.

Dave
All,

Mr. Scalia has reviewed the finalized 278e form and ethics agreement and confirms that he is comfortable with their content.

Thank you all for your time and efforts,

Adam
Zach, 

OGE will be reviewing Mr. Scalia’s report for preclearance. Please be sure to instruct Mr. Scalia to personally review the report carefully once more, given that he will be personally responsible for all entries in the report as they currently appear.

Before OGE reviews this report for preclearance, I’m sending you a list of some of Mr. Scalia’s material representations on which we are relying. Please forward this message to the Mr. Scalia and instruct him to notify you immediately if any item in this list is incorrect.

Among other material representations, we are relying on the following:

- Mr. Scalia has personally reviewed all entries in the current version of the financial disclosure report and has affirmed that they are correct.

- The ethics agreement correctly describes all items addressed in the agreement. Further, Mr. Scalia understands the commitments that he is making to the Senate and will be able to fulfill these commitments within the stated timeframes.
Attached please find Eugene Scalia's signed ethics agreement.
August 27, 2019

Mr. Peter J. Constantine
Alternate Designated Agency Ethics Official
U.S. Department of Labor
200 Constitution Ave., NW, Rm. N2700
Washington, DC 20210

Dear Mr. Constantine:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Secretary of Labor at the U.S. Department of Labor.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position with Gibson, Dunn & Crutcher LLP. I currently have a capital account with the firm, and I will receive a refund of that account after my resignation. I also have a cash balance plan with the firm, and I will receive a payout of that plan after my resignation pursuant to the partnership agreement. Additionally, I have a self-insurance reserve fund with the firm, and, pursuant to the partnership agreement, the amount of the self-insurance reserve will be returned within three years of my departure date from the firm. The amount will be determined based on the balance in my fund less any allocable charges for legal defense costs, settlements, or disbursements that may be charged against the fund. Pursuant to my partnership agreement with the firm, I will receive a pro rata partnership share based on the value of my partnership interests in 2019 through the date of my resignation. This payment will be based solely on the value of the firm’s earnings as calculated through the date of my resignation from the partnership. I am owed no bonus payments or severance from the firm. Until I have received all of these payments, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of the firm to make these payments, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).
Because I will continue to participate in Gibson, Dunn & Crutcher LLP’s defined benefit pension plan, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the amount of the pension payment owed to me or the ability or willingness of Gibson, Dunn & Crutcher LLP to provide this contractual benefit, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

Additionally, for a period of one year after my resignation or until I receive all of the payments from Gibson, Dunn & Crutcher LLP or as long as I participate in the defined benefit plan, whichever is later, I will not participate personally and substantially in any particular matter involving specific parties in which I know Gibson, Dunn & Crutcher LLP is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). I also will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party, for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Upon confirmation, I will resign from my position with the Ethics and Public Policy Center. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know the Ethics and Public Policy Center is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will retain my position as a trustee of my revocable family trust. I will not receive any fees for the services that I provide as a trustee during my appointment to the position of Secretary. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of this trust, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

In addition, I will recuse myself from participation on a case-by-case basis in any particular matter involving specific parties in which I determine that a reasonable person with knowledge of the relevant facts would question my impartiality in the matter, unless I am first authorized to participate, pursuant to 5 C.F.R. part 2635, subpart E.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will meet in person with you during the first week of my service in the position of Secretary in order to complete the initial ethics briefing required under 5 C.F.R.
§ 2638.305. Within 90 days of my confirmation, I will also document my compliance with this ethics agreement by notifying you when I have completed the steps described in this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

Eugene Scalia
Scott,

Eugene Scalia is precleared. Kim, please send the ethics agreement to the White House.

Thanks,
Deborah

Deborah J. Bortot
Chief, Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Ave., NW, Suite 500
Washington, DC 20005-3917
Telephone: (202) 482-9227
the email and then immediately delete the email.
A 2019 Nominee report for Scalia, Eugene is pending your action as OGE Nominee Program Manager. You may access the report by logging into integrity at https://integrity.gov.
CONTROLLED

Attachments contain CUI. When the attachments are removed, this email is uncontrolled unclassified information.

Good Evening,

I’ve attached the financial disclosure package for Eugene Scalia. President Trump has announced his intention to nominate Eugene Scalia for the position of Secretary of Labor, Department of Labor.

Thanks!

Teresa Williamson
Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Avenue, NW - Suite 500
Washington, DC 20005
202-482-9283
August 27, 2019

Mr. Peter J. Constantine  
Alternate Designated Agency Ethics Official  
U.S. Department of Labor  
200 Constitution Ave., NW, Rm. N2700  
Washington, DC 20210

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I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

Eugene Scalia
August 27, 2019

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor, and Pensions
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Eugene Scalia. President Trump has announced his intention to nominate Eugene Scalia for the position of Secretary of Labor, Department of Labor.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee’s proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID APOL

David J. Apol
General Counsel

Enclosures
They still haven’t nominated Scalia

The following nominations have been posted on CONGRESS.GOV. Please contact the agency for the final package.

Reminder - If you are backing up another reviewer please contact the agency for the final package so that the package can start moving through the process.

Please remember to add the date the final package was received to the routing slip before forwarding. Thanks!!

**NOMINATION - OGE Reviewer: Stephanie (INTEGRITY)**  
PN1058 — 116th Congress (2019-2020) — Ralph Ignatius Sozio — Department of Justice  
Ralph Ignatius Sozio, of New York, to be United States Marshal for the Southern District of New York for the term of four years, vice Michael Greco, term expired.  
**Date Received from President:** 09/09/2019  
**Committee:** Judiciary  
**Latest Action:** 09/09/2019 - Received in the Senate and referred to the Committee on the Judiciary. (All Actions)

**NOMINATION - OGE Reviewer: Rachel (INTEGRITY)**  
PN1052 — 116th Congress (2019-2020) — Thomas L. Leonard III — Department of Justice  
Thomas L. Leonard III, of Michigan, to be United States Attorney for the Western District of Michigan for the term of four years, vice Patrick A. Miles, Jr., term expired.
Date Received from President: 09/09/2019
Committee: Judiciary
Latest Action: 09/09/2019 - Received in the Senate and referred to the Committee on the Judiciary. (All Actions)

**NOMINATION - OGE Reviewer: Stephanie (INTEGRITY)**
PN1050 — 116th Congress (2019-2020) — David M. DeVillers — Department of Justice
David M. DeVillers, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years, vice Carter M. Stewart, resigned.

Date Received from President: 09/09/2019
Committee: Judiciary
Latest Action: 09/09/2019 - Received in the Senate and referred to the Committee on the Judiciary. (All Actions)

**NOMINATION - OGE Reviewer: Stephanie (INTEGRITY)**
PN1049 — 116th Congress (2019-2020) — Owen McCurdy Cypher — Department of Justice
Owen McCurdy Cypher, of Michigan, to be United States Marshal for the Eastern District of Michigan for the term of four years, vice Robert Maynard Grubbs, term expired.

Date Received from President: 09/09/2019
Committee: Judiciary
Latest Action: 09/09/2019 - Received in the Senate and referred to the Committee on the Judiciary. (All Actions)

**NOMINATION - OGE Reviewer: Monica (INTEGRITY)**
PN1047 — 116th Congress (2019-2020) — Peter M. Haymond — Department of State
Peter M. Haymond, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Date Received from President: 09/09/2019
Committee: Foreign Relations
Latest Action: 09/09/2019 - Received in the Senate and referred to the Committee on Foreign Relations. (All Actions)

**NOMINATION - OGE Reviewer: Keith (INTEGRITY)**
PN1046 — 116th Congress (2019-2020) — Kelly C. Degnan — Department of State
Kelly C. Degnan, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

Date Received from President: 09/09/2019
Committee: Foreign Relations
Latest Action: 09/09/2019 - Received in the Senate and referred to the Committee on Foreign Relations. (All Actions)
NOMINATION - OGE Reviewer: Keith (INTEGRITY)
PN1045 — 116th Congress (2019-2020) — Sandra E. Clark — Department of State
Sandra E. Clark, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.
Date Received from President: 09/09/2019
Committee: Foreign Relations
Latest Action: 09/09/2019 - Received in the Senate and referred to the Committee on Foreign Relations. (All Actions)

NOMINATION - OGE Reviewer: Maura (INTEGRITY)
Robert John Sander, of Virginia, to be General Counsel of the Department of the Navy, vice Paul Luis Oostburg Sanz.
Date Received from President: 09/09/2019
Committee: Armed Services
Latest Action: 09/09/2019 - Received in the Senate and referred to the Committee on Armed Services. (All Actions)

NOMINATION - OGE Reviewer: Stephanie (INTEGRITY)
Ryan McCarthy, of Illinois, to be Secretary of the Army, vice Mark T. Esper, resigned.
Date Received from President: 09/09/2019
Committee: Armed Services
Latest Action: 09/09/2019 - Received in the Senate and referred to the Committee on Armed Services. (All Actions)

NOMINATION - OGE Reviewer: Lorna (INTEGRITY)
PN1042 — 116th Congress (2019-2020) — Barbara McConnell Barrett — Department of Defense
Barbara McConnell Barrett, of Arizona, to be Secretary of the Air Force, vice Heather Wilson, resigned.
Date Received from President: 09/09/2019
Committee: Armed Services
Latest Action: 09/09/2019 - Received in the Senate and referred to the Committee on Armed Services. (All Actions)
The following nominations have been posted on CONGRESS.GOV. Please contact the agency for the final package.

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**NOMINATION - OGE Reviewer: Patrick (INTEGRITY) – Sent to Senate Committee 8/27/2019 w/Intent to Nominate announcement**

**PN1099** — 116th Congress (2019-2020) — Eugene Scalia — Department of Labor

Eugene Scalia, of Virginia, to be Secretary of Labor, vice R. Alexander Acosta, resigned.

**Date Received from President:** 09/11/2019  
**Committee:** Health, Education, Labor, and Pensions  
**Latest Action:** 09/11/2019 - Received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions. (All Actions)
From: David J. Apol <djapol@oge.gov>
Sent: Thursday, September 26, 2019 9:57 AM
To: Sadler, Rob - SOL <(b) (6)>
Subject: RE: Mr. Scalia

Does 4 today work?
OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.
## Certification of Ethics Agreement Compliance

**Senate Confirmed Presidential Appointee**

<table>
<thead>
<tr>
<th>1. Appointee's Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Appointee's Name:</td>
<td>Eugene Scalia</td>
</tr>
<tr>
<td>b. Position Title:</td>
<td>Secretary</td>
</tr>
<tr>
<td>c. Agency:</td>
<td>Department of Labor</td>
</tr>
<tr>
<td>d. Date Ethics Agreement Signed:</td>
<td>August 27, 2019</td>
</tr>
<tr>
<td>e. Date Confirmed:</td>
<td>September 26, 2019</td>
</tr>
<tr>
<td>f. Due Date for Certification of Ethics Agreement Compliance:</td>
<td>January 2, 2020</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>2. Resignations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I completed all of the resignations indicated in my ethics agreement before I assumed the duties of my current government position.</td>
<td>Yes  No  N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Divestitures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. I have completed all of the divestitures indicated in my ethics agreement. I also understand that I may not repurchase these assets during my appointment without OGE's prior approval.</td>
<td>Yes  No  N/A</td>
</tr>
<tr>
<td>b. I have filed a periodic transaction report, or periodic transaction reports, (OGE Form-T) to disclose the completion of these agreed upon divestitures.</td>
<td>Yes  No  N/A</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>4. Managed Accounts</th>
<th></th>
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<tbody>
<tr>
<td>If I have a managed account or use the services of an investment professional, I have notified the manager or professional of the limitations indicated in my ethics agreement. In addition, I am continuing to monitor purchases.</td>
<td>Yes  No  N/A</td>
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<table>
<thead>
<tr>
<th>5. Interim Recusals</th>
<th></th>
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<tbody>
<tr>
<td>I complied with my interim recusal obligations pending the divestitures required by my ethics agreement.</td>
<td>Yes  No  N/A</td>
</tr>
</tbody>
</table>

*THIS CERTIFICATION WILL BE POSTED FOR PUBLIC VIEWING ON OGE'S WEBSITE.*
6. Recusals
(Note: These factual statements describe the appointee's current status. They are not intended to modify ethics agreement commitments or create new recusal obligations.)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. I am recusing from particular matters in which I know I have a personal or imputed financial interest directly and predictably affected by the matter, unless I have received a waiver or qualify for a regulatory exemption.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. I am recusing from particular matters in which any former employer or client I served in the past year is a party or represents a party, unless I have been authorized under 5 C.F.R. § 2635.502(d).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. I am recusing from particular matters in which any former employer or client I served in the two years prior to my appointment is a party or represents a party, unless I have received a waiver under Exec. Order 13770.</td>
<td></td>
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</table>

7. Waivers and Authorizations

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. I received a waiver pursuant to 18 U.S.C. § 208.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial interest:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. I received a waiver pursuant to Executive Order 13770.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subject:</td>
<td></td>
<td></td>
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<tr>
<td>c. I received an authorization pursuant to 5 C.F.R. § 2635.502(d).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covered person(s):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. I received a waiver pursuant to 5 C.F.R. § 2635.503(c).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Former employer or payer:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If yes, indicate the date of the waiver and identify the covered person(s) as to whom you have been authorized (e.g., former employer, former client, spouse's employer, spouse's current client, etc.).
Eugene Scalia

<table>
<thead>
<tr>
<th>8. Payments, Accelerations, or Divestitures Required to be Completed Prior to Entering Government Service</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mark this box if not applicable:</strong></td>
</tr>
<tr>
<td><strong>a.</strong> If I committed that I would forfeit a financial interest or payment, unless it was received or accelerated prior to my assumption of the duties of the government position:</td>
</tr>
<tr>
<td>- I received it (or it was accelerated) prior to my assumption of the duties of the position.</td>
</tr>
<tr>
<td>- I received it (or it was accelerated) after my assumption of the duties of the position.</td>
</tr>
<tr>
<td>- I forfeited it.</td>
</tr>
<tr>
<td><strong>b. Financial interest or payment at issue:</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9. Requirements for Regular Appointees</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I have completed my initial ethics briefing, pursuant to 5 C.F.R. § 2638.305.</strong></td>
</tr>
<tr>
<td>- Yes</td>
</tr>
<tr>
<td>- No</td>
</tr>
<tr>
<td>- N/A</td>
</tr>
<tr>
<td><strong>If you are a Special Government Employee (SGE) or career Foreign Service Officer (FSO), select N/A.</strong></td>
</tr>
<tr>
<td><strong>I have signed the ethics pledge pursuant to Executive Order 13770.</strong></td>
</tr>
<tr>
<td>- Yes</td>
</tr>
<tr>
<td>- No</td>
</tr>
<tr>
<td>- N/A</td>
</tr>
<tr>
<td><strong>If you are a SGE or career FSO or previously signed the pledge, select N/A.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10. Additional Ethics Agreement Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>to be completed by OGE</strong></td>
</tr>
<tr>
<td><strong>to be completed by appointee</strong></td>
</tr>
<tr>
<td><em>I am complying with these requirements as described in the adjacent box.</em></td>
</tr>
<tr>
<td>- Yes</td>
</tr>
<tr>
<td>- No</td>
</tr>
<tr>
<td>- N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11. Comments of Appointee</th>
</tr>
</thead>
</table>

Any intentionally false or misleading statement or response provided in this certification is a violation of law punishable by a fine or imprisonment, or both, under 18 U.S.C. § 1001.

<table>
<thead>
<tr>
<th>I certify that the information I have provided is complete and accurate.</th>
<th>Appointee’s Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[Signature]</td>
</tr>
<tr>
<td></td>
<td>12 30 19</td>
</tr>
</tbody>
</table>

THIS CERTIFICATION WILL BE POSTED FOR PUBLIC VIEWING ON OGE’S WEBSITE.