


THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR DAVID R. SLADE, GENERAL COUNSEL, EXPORT-IMPORT BANK OF THE UNITED STATES

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

SUBJECT: Waiver Certification Under Section 3 of Executive Order 13770

Pursuant to section 3 of Executive Order 13770, "Ethics Commitments by Executive Branch Employees," ("Ethics Pledge"), I am issuing this memorandum to provide a limited waiver of the restrictions found in paragraph 6 of the Ethics Pledge. This limited waiver is granted to David R. Slade, General Counsel, Export-Import Bank of the United States (hereinafter "covered employee"), to allow him to participate in particular matters, communications, and meetings involving or relating to his former employer, Allen & Overy, notwithstanding the limitations found in paragraph 6 of the Ethics Pledge.

In addition to other restrictions found in the Ethics Pledge, paragraph 6 establishes certain restrictions related to an appointee's "former employers"¹ and "former clients."² In particular, paragraph 6 prohibits appointees from:

- Participating in any particular matter involving specific parties that is directly and substantially related to a former employer or former client for two years from the date of their appointment; and
- Participating in any official meeting or communication with a former employer or former client, except where such meeting or communication relates to a particular matter of general applicability and the meeting or other event is open to all interested parties.

After careful consideration, I have determined that it is appropriate and in the public interest to provide a limited waiver of the restrictions in paragraph 6 of the Ethics Pledge to allow the covered employee to participate in particular matters, communications, and meetings involving or relating to his former employer, Allen & Overy. Disqualification from such matters, meetings, or communications would significantly limit the ability of the covered employee to

¹ A "former employer" is defined by the pledge as "any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that 'former employer' does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, or any United States territory or possession." Executive Order 13770, Sec. 2(j).

² A "former client" is defined by the pledge as "any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to a speech or similar appearance. It does not include clients of the appointees' former employer to whom the appointee did not personally provide services." Executive Order 13770, Sec. 2(i).

effectively carry out his duties on behalf of the Administration. This limited waiver shall not include matters in which the covered employee participated personally and substantially while an attorney with Allen & Overy. Further, the limited waiver does not extend to communications or decisions involving retention of external counsel for the Bank.

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