

THE WHITE HOUSE

Washington

December 19, 2014

MEMORANDUM FOR MARTIN P. PAONE

FROM: NEIL EGGLESTON 
COUNSEL TO THE PRESIDENT

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

Pursuant to Section 3 of Executive Order 13490, I hereby grant a waiver of the requirements of Paragraph 3 of the Ethics Pledge for Mr. Martin P. Paone. I have determined that this waiver is necessary because it is in the public interest for Mr. Paone to serve as Deputy Assistant to the President and Senate Liaison. This waiver is limited, and Mr. Paone will abide by all other restrictions imposed by Executive Order 13490, including without limitation, communication and recusal requirements concerning former employers and clients.

Section 1 of Executive Order 13490, "Ethics Commitments by Executive Branch Personnel" ("Ethics Pledge"), requires all covered political appointees to abide by certain commitments above those required by preexisting government ethics rules. Paragraph 3 of the Ethics Pledge applies to any covered appointee who was a registered lobbyist within the two years prior to the date of appointment. Paragraph 3 restricts a covered appointee's ability, among other things, to seek or accept employment with an executive agency that the appointee lobbied within the two years prior to appointment.

A waiver of Paragraph 3 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(b). The Director of the Office of Management and Budget has delegated to each executive branch Designated Agency Ethics Official the authority to issue waivers under Section 3 of Executive Order 13490.

Immediately prior to his appointment by President Obama as Deputy Assistant to the President and Senate Liaison, Mr. Paone served as Executive Vice President of Prime Policy Group, a subsidiary of Burson-Marsteller Global Public Relations, a marketing and government relations consultancy. Prime Policy Group was registered under the Lobbying Disclosure Act, and Mr. Paone made lobbying contacts with the Executive Office of the President within the past two years. As such, absent a waiver of Paragraph 3, Mr. Paone is barred from employment with the Executive Office of the President.

For the position of Senate Liaison, the President requires a candidate who possesses deep and long-standing relationships in both parties in order to facilitate productive dialogue between the

Senate and the White House and build on progress creating jobs and expanding broad-based growth and opportunity for every American.

Mr. Paone served in the Senate for 29 years, including over ten years as an officer of the Senate as Democratic Secretary, to which he was elected by a unanimous vote of the Democratic caucus. As a Senate officer, Mr. Paone worked closely with Democratic and Republican Senators and their staffs, providing strategic advice on moving legislation and nominations. He also managed the day-to-day operations of the Democratic Cloakroom, which is one of the nerve centers for all Senate business. Mr. Paone was honored by the Senate with a unanimous resolution commending his outstanding service and recognizing that he had earned the respect and admiration of Democratic and Republican Senators alike, as well as their staffs. Upon his departure, both Majority and Minority leaders and a bi-partisan assembly of Senators expressed on the floor their admiration and appreciation for his skills and service. One Senator observed that Mr. Paone "possesses a vast and detailed knowledge of the history and procedures of the Senate that is possibly second only to that of our distinguished President Pro Tempore, Senator Robert C. Byrd," then the longest serving member of Congress. Mr. Paone's knowledge and experience in the Senate, as well as the hard earned trust of Senate Leaders in both parties, make him uniquely qualified to advise the President on Senate relations and to represent the President to members of the Senate.

Accordingly, I have concluded that it is in the public interest to grant Mr. Paone a waiver of Paragraph 3 of the Ethics Pledge. This waiver is limited and does not permit Mr. Paone to participate in party-specific matters involving his former employer, Prime Policy Group, or his former clients. Mr. Paone will otherwise comply with the remainder of the Ethics Pledge and all other applicable government ethics rules.