

Withdrawn/Redacted Material

The Barack Obama Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
003	Information Sheet	Invitees for Innovative US Infrastructure Summit	1	N.D.	P5;
006	Briefing	White House Global Emerging Entreprenerus Event	4	N.D.	P5;
007	Resume	Julie Pierce Williams	5	N.D.	P6/b6;
011	Memorandum	Background Information of Financial Assets - To: Ryan Harvey, et al. - From: Ramin Toloui	4	12/19/2013	P5;
012	Briefing	[P6/b(6)] - To: POTUS - From: Bobby Schmuck	13	03/19/2015	P5; P6/b6;
015	Outline	[strategic planning notes]	2	N.D.	P5;
016	Handwritten Note	[handwritten notes]	2	N.D.	P5;

COLLECTION TITLE:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-04 (White House Counsel)

FOLDER TITLE:

1200701

FRC ID:

8489

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

A. Closed by Executive Order 13526 governing access to national security information.
B. Closed by statute or by the agency which originated the document.
C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

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018	Post-it	[handwritten notes]	1	N.D.	P5; P6/b6;
019	Note	Notes from 5/18/12 Meeting with Leslie	1	05/18/2012	P5;
025	Letter	[handwritten letter]	3	05/16/2012	P5; P6/b6;
026	Memorandum	Lifting the Pay Freeze for Title 3 Components in the Executive Office of the President - To: Anita Decker Breckenridge, et al. - From: Katherine Platt, et al.	2	10/01/2015	P5;
027	Memorandum	Reporting Requirements for Discretionary Trusts - To: Designated Agency Ethics Officials - From: Walter M. Shaub, Jr	6	04/09/2013	P5;

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030	Memorandum	Discretionary Trusts - To: Designated Agency Ethics Officials - From: Robert I. Cusick	2	08/06/2008	P5;
031	Fax Cover Sheet	Facsimile Transmission Form	3	09/25/2015	P6/b6;
032	Fax Cover Sheet	Facsimile Transmission Form	5	09/25/2015	P6/b6;
035	Memorandum	Memorandum of Interview	2	08/24/2010	P3/b3; P6/b6; b7d;
036	Email	[P6/b(6)] - To: Jeannine H Turenne - From: Julie S Moore	1	05/21/2010	P6/b6;
037	Handwritten Note	[handwritten note] - From: Jeannine Turenne	1	05/24/2010	P6/b6;

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038	Form	Confidential Financial Disclosure Report [with reviewer's notes]	9	04/15/2010	P6/b6;
040	Form	Executive Branch Personnel Public Financial Disclosure Report [with reviewer's notes]	16	N.D.	P6/b6;
041	Memorandum	Memorandum of Interview	6	07/20/2010	P3/b3; P6/b6; b7d;
044	Email	CY 2009 Governor Ethics Training is Completed - To: Mary Anne Gibbons - From: Jeannine H Turenne	1	11/15/2009	P6/b6;
045	Letter	CY 2009 Ethics Training - To: Governor Mill - From: Jeannine Turenne	1	11/13/2009	P6/b6;
048	Email	Fwd: Emoluments Clause -[P6/b(6)] Memo - To: Mary Anne Gibbons - From: Jim Miller	3	07/14/2010	P6/b6;

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049	Handwritten Note	[handwritten note]	1	N.D.	P6/b6;
050	Email	RE: Is there a good time to call you and, if so, at what number? - To: Jim Miller - From: Mary Anne Gibbons	1	07/15/2010	P6/b6;
052	Email	FW: Personnel Issue - To: Thomas J Marshall - From: Mary Anne Gibbons	2	07/17/2010	P6/b6;
053	Memorandum	Memorandum of Interview	5	08/17/2010	P3/b3; P6/b6; b7d;
054	Email	Date of NYC Travel SUBJECT TO FOIA EXEMPTIONS 4, 6 AND 7 - To: Mary Anne Taylor, et al. - From: Alan Charles Raul	2	08/17/2010	P6/b6;
058	Outline	DRAFT Bullets Re: Dual-Hatting	3	N.D.	P5;

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Tom Taggart

1200701
FG006-04

**Executive Office of The President
Barcode Scanning Sheet**



Collection Code: **CTRACK**

Staff Name:

Document Date:

Correspondent: **SAMUEL HOUSHOWER**

Subject/Description: **SAMUEL HOUSHOWER FILES; MATERIAL IS FROM BOX
OVERSIZE ATTACHMENT # 6709 NARA # 5968; FILE
SCANNED AND FILED IN ORIGINAL BOX BY FOLDERS;
THE FOLDER FOR THIS CASE IS: MISC LEGAL ISSUES;**

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ORM

1200701
F6006-04

Dear _____,

I hope this message finds you well. The White House is hosting a U.S. Infrastructure Investment Global Summit on March 25th at the White House in Washington D.C. This Summit will convene global investors including sovereign wealth funds, pension funds, and private sector investors with U.S. federal, state, and local leaders to highlight the U.S. infrastructure investment sector with a focus on innovative investment models and case studies including public private partnerships. The Summit is part of the Build America Investment Initiative to grow investment in our nation's water, energy, transportation, and broadband infrastructure. For more information about Build America, please review the White House factsheet on [*Building a 21st Century Infrastructure and Increasing Public Private Collaboration with the Build America Investment Initiative*](#).

Please contact Qua-Ann Malik (Quratul-Ann_Malik@who.eop.gov) and Jordan Harriman (NEC_Infrastructure@who.eop.gov) to RSVP or with questions. We can also be reached at +1 202-456-3531.

We look forward to your attendance.

Sincerely,

David Yeh
National Economic Council
White House

Hi!

It's GOTTZIEB.

CAN YOU HELP
ME SAVE
THE WORLD TODAY?

MG

Withdrawal Marker

Obama Presidential Library

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OA Num.:

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FOIA IDs and Segments:

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22-17709-F

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3/12/15

THE WHITE HOUSE

Sam,

This is a recent LA on
•702, which says employees "may
not permit the organization to
reference" It may be
helpful.

I will note that it does not
address the quite analogous,
or perhaps identical, prohibition
found at 5 USC app. § 502(a)(2),
which states that covered
non-career employees "shall
not — permit that Member's,
Officer's, or employee's name to
be used" by a firm providing
services involving a fiduciary
duty. — Leigh

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

LA-14-08: Reference to Official Title and Position by Employees Affiliated with Private Organizations in Their Personal Capacity



Link to PDF

November 19, 2014
LA-14-08

LEGAL ADVISORY

TO: Designated Agency Ethics Officials

FROM: David J. Apol
General Counsel

SUBJECT: Reference to Official Title and Position by Employees Affiliated with Outside Organizations in Their
Personal Capacity

The U.S. Office of Government Ethics (OGE) is issuing this Legal Advisory to emphasize that executive branch employees who are affiliated with outside organizations in their personal capacity must ensure that any references made to their official title, position, or agency are done in a manner that does not create the appearance that their agency or the government sanctions their personal activities or the activities of the outside organization. See 5 C.F.R. 2635.101(b)(9); 2635.701, *et seq.*¹

The Principles of Ethical Conduct, set forth in Executive Order 12674, as amended, provide that, “[e]mployees shall not use public office for private gain.” See E.O. 12674, § 101(g), as amended by E.O. 12731; 55 Fed. Reg. 42547, 3 C.F.R., 1990 Comp., p. 306. (1989); 5 C.F.R. § 2635.101(b)(7).² The Standards of Ethical Conduct for Executive Branch Employees (Standards of Conduct), which implement the Principles of Ethical Conduct, explain that “private gain” includes both personal gain by the employee and gain by any other person, including an organization with which the employee is affiliated. See 5 C.F.R. § 2635.701, *et seq.*; OGE Informal Advisory Opinion 99 x 15.

Additionally, under 5 C.F.R. § 2635.702(b), an employee who is serving or affiliated with an outside organization in a personal capacity may not permit the organization to reference the employee’s official title, position, agency, or government affiliation, if the context is such that the reference “could reasonably be construed to imply that his agency or the government . . . sanctions or endorses his personal activities or those of another.” 5 C.F.R. § 2635.702(b). In determining whether a reference “could reasonably be construed” to imply agency sanction or endorsement, employees and agency ethics officials must consider the totality of the circumstances to determine whether a reasonable person could construe the reference to imply sanction or endorsement of the organization or the employee’s personal activities. See *id.*; 5 C.F.R. § 2635.101(b)(14).³

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The determination as to whether a particular reference to an employee's title, position, agency, or government affiliation could reasonably be construed as implying government sanction or endorsement is necessarily fact-specific. Officials making this determination need to consider the totality of the circumstances. Certain factors, however, may increase the likelihood that a reference could reasonably be construed as implying government sanction or endorsement. These factors include: whether there is a close nexus between the mission and activities of the outside organization and the employee's Federal agency; whether the employee's official duties relate to the activities of the outside organization; whether the employee occupies a senior-level, political or policy-determining position at his or her Federal agency; whether the employee is identified as participating in the affairs of the outside organization beyond mere membership; whether the reference to the employee's title, position, or agency is used to promote or market the outside organization's services, products or policy positions; whether the employee's title, position or agency is prominently or frequently referenced; whether the employee is referred to as a "representative" of his or her agency; and whether there are other circumstances that would lead a reasonable person to conclude that the government sanctioned or endorsed the employee's private activities or the services of the outside organization. On the other hand, certain factors weigh against a finding that a specific reference could reasonably be construed as implying governmental sanction or endorsement, such as whether the employee's title is being used in materials that are primarily for distribution to other members of the organization; whether the outside organization has provided additional biographical facts alongside the reference to the employee's title, position, or agency; or whether the outside organization has provided a reasonably clear and conspicuous disclaimer explaining that the employee is participating in a personal capacity.

While none of the above factors is necessarily dispositive, each is informative as to whether a reasonable person would construe the reference to the employee's government affiliation as implying government sanction or endorsement. For example, in many cases a clear and conspicuous disclaimer explaining that the employee's service is done in his or her personal capacity would be sufficient to eliminate any potential appearance that the employee's agency or the government sanctioned or endorsed the employee's service with the outside organization or the activities of the outside organization. If, however, the employee were identified as a "representative" of his or her agency, even a disclaimer would not necessarily eliminate the potential that a reasonable person could construe the reference as a sanction or endorsement by the employee's agency or the government of the employee's personal activities or the outside organization.

The following examples illustrate how an agency might apply the factors listed above to determine whether a reasonable person would construe a reference to an employee's title, position, agency, or government affiliation as implying government sanction or endorsement:

Example 1: An employee is a staff-level budget analyst at the Department of Health and Human Services. The employee is also a member of a professional licensing organization for certified public accountants. The professional organization keeps a public membership list of all 200 members on its website, along with the name of each member's current employer. The employee is identified on the membership list as "John Doe, Department of Health and Human Services." The employee's official title, position, and agency name are not listed elsewhere on the website. The following factors are relevant to the determination in this example: the activities of the outside organization and the agency are dissimilar; the employee is only identified as a member of the organization; the employee does not occupy a senior-level, political or policy-determining position at his agency; and the name of the employee's agency is only referenced once, and it is not referenced in connection with the organization's services or products. In light of these factors, this reference would not lead a reasonable person to construe that the government sanctions or endorses the employee's personal activities or the outside organization.

Example 2: An employee with the Equal Employment Opportunity Commission serves as an advisory board member of an outside organization in her personal capacity. The outside organization provides various fee-based training courses on Federal employment law to the Federal and private sector. On the same website where the organization advertises its courses, the organization has prominently posted the names of the five members of the advisory board, as well as each member's employer and official title. The following factors are relevant to the determination in this example: the activities

of the outside organization and the agency are similar; the employee is identified as more than a mere member of the outside organization; the reference includes the employee's title; and the reference is made in connection with the marketing of the outside organization's services. On that basis, a reasonable person might construe the references to the employee's title and agency as implying that the government sanctions or endorses the employee's personal activities or the outside organization.

The application of these factors is fact-specific and agency ethics officials are normally in the best position to determine whether there is an appearance of government sanction or endorsement and, if so, what steps need to be taken to eliminate that appearance. OGE can help agencies in their analysis of these factors and give guidance on how other agencies have handled similar situations. For their part, agency ethics officials are encouraged to be proactive in ensuring that employees comply with 5 C.F.R. § 2635.702(b) and applicable agency supplemental ethics regulations by training on the regulatory requirements, supporting employees with counseling in individual cases, and following-up to prevent or resolve potential violations. See 5 C.F.R. § 2638.203(b)(6), (7) and (9).

Upon determining that a particular reference "could reasonably be construed" to imply government sanction or endorsement, agency ethics officials should identify affirmative steps that employees can take to eliminate the appearance of government sanction or endorsement. Ethics officials may also wish to remind employees that it is never inappropriate, and is sometimes advisable, for an employee to request that an outside organization refrain from making any reference to the employee's agency, title, position, or government affiliation. In addition, when agency ethics officials provide guidance to employees who are serving, or are seeking to serve, with outside organizations in their personal capacity, they should be sure to counsel the employees as to other related provisions of the Standards of Conduct and the criminal conflict of interest statutes that may be implicated by their outside activities. See, e.g., OGE Informal Advisory Opinion 06 x 13 (2006) (providing a brief survey of the ethics laws that may be implicated by an employee's outside activities). Agencies with supplemental ethics regulations requiring employees to seek prior approval before engaging in outside activities may want to remind employees of these related provisions during the prior approval process.

¹ This Legal Advisory does not address the use of official title, position or authority associated with public office by an employee assigned to serve with an entity in his or her official capacity, either as liaison, employee, officer, director, trustee, general partner or otherwise. See OGE Informal Advisory Opinion 01 x 6 (explaining that an employee is not barred from referencing his or her official title or position while engaged in authorized activities undertaken in the course of the employee's official duties).

² References to title or position when an employee is engaged in outside activities that qualify as teaching, speaking or writing are covered by another regulation, 5 C.F.R. § 2635.807. See also OGE Informal Advisory Opinion 10 x 1 (explaining when an employee may reference his or her official title or position while engaged in teaching, speaking and writing activities). References to title or position in connection with fundraising in a personal capacity are covered by 5 C.F.R. § 2635.808(c).

³ Note that individuals normally referred to by a general term of address, such as "the Honorable," may use that address in connection with a personal activity. See 5 C.F.R. § 2635.702(e); OGE Informal Advisory Opinion 02 x 9.

U.S. Office of Government Ethics

1201 New York Avenue, NW, Suite 500

Washington, DC 20005

Withdrawal Marker

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- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Ran

JULIE PIERCE WILLIAMS

P6/b(6)

Citizenship: United States | Veterans Preference: N/A | Federal Status: N/A

EXECUTIVE SUMMARY

Proven results-driven executive and subject-matter expert in the areas of change management, staff development, diversity, and organizational design with a track record of success. Dedicated to fostering an environment that encourages collaboration and optimizes team performance.

AREAS OF LEADERSHIP

- Strategic Planning
- Change Management Integration
- Data Analysis
- Organizational Assessment
- Non-Profit Program Management
- Diversity Initiatives
- Partnership Development Strategies
- Program Management and Evaluation
- Staff Supervision and Development
- Facilitation and Training
- Grants Management and Compliance
- Human Capital Management
- Strategic Communications
- Fundraising

PROFESSIONAL EXPERIENCE

Senior Vice-President

National Park Foundation

Washington, DC 2013 - present

Serve as a member of the senior management team for the congressionally chartered non-profit philanthropic partner to the National Park Service. Lead the Foundation's efforts to strengthen local national park philanthropy by building and driving the strategy for partnership with the local park partners.

- **Senior Leadership:** Serve as a senior member of the leadership team guiding strategic decisions and future direction of the organization with respect to organization operations, portfolio management and staff allocation and growth. Serve as a best practice internal consultant on organizational structure and mission alignment, and a subject-matter expert on national park service business management and overall human capital issues, policies and regulations.
- **Portfolio and Business Development:** Set inaugural strategic direction and benchmarks for team's portfolio and business model. In preparation for the National Park Service's Centennial in 2016, create and implement the inaugural strategy that constructs a philanthropic network and support system for the almost 200 local park units' "Friends of" organizations including capacity building, online support portals, fundraising consulting, coaching and mentoring of their leadership, staff and board members.
- **National Strategic Alliances:** Build key urban and diverse collaborative partnerships to expand reach and deepen impact in the conservation community. Serve as a key liaison to national park friends groups, cooperating associations, and other nonprofit and corporate national park partners. Solicited and received \$400,000 grant from WK Kellogg Foundation for racial healing program within the national parks. Orchestrated the 3rd annual Latino Expedition (#ALEX14) to Grand Teton National Park with over \$200,000 in corporate sponsorships. Oversight of two Trustee Boards for the African American Experience Fund and the American Latino Heritage Fund.
- **Team Management:** Drive comprehensive strategic planning effort, redefining focus and scope of the Foundation's relationship with the local park partners, which has led to clarity and alignment of vision, programs, messaging and increased support for park system. Lead the design and implementation of a comprehensive Community Partnerships team including development of staff to support portfolio growth. Manage the team's fundraising activities, team budgets and operations.

WILLIAMSON, SOL

Vice-President, Center for Park Management
National Parks Conservation Association (NPCA)

Washington, DC 2011 - 2013

Led efforts to grow and direct the National Park Service's external capacity-building team through execution of organizational development training, leadership consulting, and creation of business management plans.

- **Project Management and Coordination:** Ensured operational productivity, quality, and continuity for \$3 million budget, geographically dispersed team of 20 and external consulting pool who built system-wide management capacity strategies for the 20,000 National Park system staff. Served as cross-practice area lead with oversight of all projects, including contracts, budgets and timelines. Connected project resources, and directed activities of project personnel to ensure the project progressed on schedule and within the prescribed budget. Managed implementation of goals and objectives needed to adopt best-in-class transformation processes and technologies across projects and client portfolios. Developed project measures to evaluate progress and final projects.
- **Capacity Building:** Oversaw the management of multiple large enterprise initiatives, including *Best Places to Work* assessment and action plan, overhaul of intranet communications system and multiple training programs. Created an urban parks outreach plan in conjunction with the Centennial Call to Action. Worked directly with the Directorate to build organizational development systems and tools for Workforce, Relevancy, Diversity and Inclusion team. Managed a \$2M grant from the Robertson Foundation that built a workforce enrichment program. Served as subject matter expert in the revamp of the Fundamentals program – base training curriculum across the park service system.

Senior Program Manager
Partnership for Public Service

Washington, DC 2009 – 2011

Inaugural manager established fee-for-service Advisory business unit within a national non-profit chartered to engage the federal government in identifying and integrating industry standard best practices.

- **Assessing Management Effectiveness:** Created an entrepreneurial fee-for-service model that provided workplace consulting to federal agencies utilizing a team of four in-house consultants. Oversight of creation of human capital management diagnostic tools, techniques and business initiatives to provide recommendations for greater efficiency for federal agencies. Identified and provided strategies to Federal Human Capital Officers and project leads on business transformation initiatives in the areas of onboarding, attrition/retention, succession planning, diversity and leadership. Developed strategies to help achieve performance outcomes and reinforce the agency's mission.
- **Subject-Matter Expertise:** Provided subject-matter guidance on human capital, diversity, program planning and evaluation in the production of non-partisan research reports. Provided guidance to agencies for improving work processes, program reviews, capturing management best practices, and outlining processes for improvement on human capital management. Reviewed current policies and regulatory guidance structures to determine performance measures, identify redundancies and provide guidance on best-in-class practices from government and private industry. Clients included FDIC, Department of Education, Department of Treasury, US Supreme Court and Department of Interior.
- **Transformation Integration:** Oversight and guidance provided to agencies with respect to rating and analysis of Employee Viewpoint Survey issued by Office of Management and Budget and the "Best Places to Work in the Federal Government" employee satisfaction rankings. Supported federal human capital professionals in assessing hiring practices and developing strategies for improvement. Synthesized complex data and information into summaries and reports while adhering to strict deadlines. Prepared and delivered presentations to clients.



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- **Project Planning, Management and Evaluation:** Served as organization lead for a one-year, internal business planning initiative with the Bridgespan Group involving all staff and the Board of Directors, to identify the organization's theory of change, intended impact and evaluation metrics. Provide guidance to organizational change efforts by serving as lead coordinator. Conduct quantitative and qualitative financial analysis to determine efficacy of programmatic structures and financial management. Conduct trend analysis with attrition and retention data to assess current organizational staff management barriers and develop operational strategies based on data analysis. Assess business planning program effectiveness and management processes.

President and Founder

Julie Williams & Associates, LLC

Silver Spring, MD 2005 – 2009

Managed multiple client initiatives focused on organizational development/design, systems, and training. Subject matter expert on diversity inclusion, cultural competency, and employee resource groups.

- **Change Management:** Provided executive-level coaching, developed tools designed to integrate vision/mission with human resources goals. Managed training programs with organization and department-wide impact. Developed detailed plans, goals, and objectives for long-range planning and implementation of change management initiatives, including program administration and evaluation. Worked with senior management to identify and prioritize change integration opportunities for clients including Monsanto, Dominion Power, and General Dynamics.
- **Personnel Recruitment and Executive Search:** Spearheaded an executive search for organization leadership, including creation of job criteria, job postings, recruiting, interviewing, selection criteria, Board of Directors interview selection processes and references. Composed narrative summaries of candidates' qualifications and experiences. Searches included: Executive Director for first Hartford, Connecticut Local Education Fund and Chief of Management for Psychological Assessment Practice.
- **Human Capital Management:** Implemented improvements to clients' business effectiveness by analyzing human capital performance and team alignment. Provided expertise to improve policies and procedures, and implemented new systems for performance management, cultural diversity management and performance appraisal systems. Managed complex performance-related issues and provided guidance to senior executives and Board of Directors. Noted accomplishments: served as strategist for Commercial Real Estate Women (CREW); creation, management and execution of NASCAR Diversity Internship for three years; and development and delivery of the first performance management curricula for an international law firm.

Director, External Initiatives

The Harwood Institute for Public Innovation

Bethesda, MD 2001-2005

Served as deputy to the organization's founder and President in a non-profit, non-partisan group focusing on civic engagement.

- **Strategic Partner Alignment:** Developed and executed an organizational positioning strategy. Maintained client and foundation partnerships and engaged in cultivation activities. Chaired project management meetings that included reviewing programs and processes with financial sponsors, grant managers, community managers and internal staff. Responded to partner inquiries and provided information pertaining to the status of projects.
- **Program Integration:** Directed and managed multi-disciplinary teams in the development of plans, goals, objectives, policies, and procedures for completion of projects. Facilitated, planned, and implemented process improvements in community of Flint, Michigan. Developed project schedules and budgets and reviewed project proposals to determine time requirements and allotment of available resources to various phases of the project.



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- **Communications:** Managed external communications, launched social media efforts and executed other communication strategies. Wrote and edited opinion articles published in Washington Post, Christian Science Monitor and other periodicals. Managed the editorial process and launched the founder's first published book, including media and public appearances.
- **Curriculum and Tool Development:** Developed a community engagement curriculum from 15 years of harvested research materials, including text and online resources. Built new training tools for non-profit leadership, highlighting lessons learned from community engagement initiatives. Authored and presented analytical findings to senior leadership within multiple community organizations. Developed short- and long-term marketing and development strategies for fee-based Harwood Public Leadership Schools, with national launch of schools in multiple communities across America.

Vice-President/General Manager

Silver Spring, MD 1997 – 2001

LearnCom HR Consulting & Training (formerly BNA Communications)

Transformed a product vendor to a full-service training and consulting firm for the Fortune 1000 in the areas of diversity, sexual harassment prevention and employment law. Provided leadership for the business unit's program design and implementation, including marketing, budget allocations and day-to-day operations.

- **Strategic Direction:** Responsible for developing unit's strategies and priorities, organizational strategic direction and consultant network. Unit contributed over 6% total revenue and gross profit margins of 61% in its first operational year. Charted the blueprint of policies and implemented them for the improvement of the firm. Provided knowledge of research and organizational change management models and techniques to drive transformational change across the multiple organizations' departments to boost employee efficiency and garner additional funding.
- **Key Stakeholder Collaboration:** Collaborated with and led client human resource and executive officers through integration of diversity initiatives and the human resources mission and corporate strategic direction. Enhanced strategic relationships that advanced organizational goals. Created and implemented a strategic plan for external engagements, requiring outreach to trade associations, think tanks, industry coalitions, business partners, and issues advocacy organizations. Sample client list: General Dynamics, NASCAR, Virginia Power, Ford Motor Company.
- **Staff and Portfolio Management:** Supervised staff of 30 consultants and account representatives. Designed, coordinated and delivered facilitated workshops. Coordinated the selection of project staff, evaluated performance and provided feedback to departmental managers regarding staff performance. Ensured that the work culture was conducive to promoting a positive work environment.
- **Subject-Matter Expertise:** Nationally recognized expert on diversity and sexual harassment prevention. Wrote, edited, and managed the production of proposals and presentation materials. Directed and contributed to the development of new product line that produced award winning training programs. Appeared as a speaker and presenter at national conferences. Featured as a subject-matter expert in national media.

Administrative Director

National Multicultural Institute

Corporation for National Service AmeriCorps Project

Washington, DC 1993 – 1997

Established and directed national diversity training and technical assistance provider for 50 state commissions, campus communities, AmeriCorps sites and facilities.

- **Training Management:** Provided strategic direction to AmeriCorps sites' cultural diversity programs, including development and implementation of training workshops. Created and advanced new



training and technical assistance programs for community-based and campus partners. Instituted a robust training initiative to agency staff under the direction of the Chief Human Capital Officer. Conducted quarterly organizational assessments, including financial, programmatic, mission alignment and program effectiveness. Provided quarterly status reports to the Project Officer and Deputy Secretary regarding the selection and implementation of all major initiatives.

- **Program Assessment and Expansion:** Built a federal training grant contract from a one-person operation to a staff of five. Monitored budget and marketing strategies. Established new tracking systems, curricula development, policy and compliance monitoring, and supervised staff and volunteers. Actively worked with agency grant managers to assess the value of key programs relative to pre-established outcomes. Managed budgets, program review and oversight process that empirically assessed the value and requirements of program costs, schedules and performance objectives.
- **Business Development:** Coordinated the grant management, oversight of government regulatory requirements and contract management process. Hired and supervised outside consultants and developed relationships with other third parties.

OTHER PROFESSIONAL EXPERIENCES

Personnel Consultant
Teachers College, Columbia University
New York, New York 1989-1992

Human Resources Associate
Metropolitan Life Insurance Company
New York, New York 1986-1989

EDUCATION

Teachers College, Columbia University
New York, NY
Master of Arts, 1992
Counseling Psychology

Clark Atlanta University
Atlanta, GA
Bachelor of Arts, 1987
Mass Communications/Public Relations

SELECT PUBLICATIONS

Carpenter, M., Capole, D., Williams, J.P.
The Diversity Council Companion
LearnCom, Inc., 2002

Williams, J.P. and Capole, D. (eds.).
Unfinished Business
BNA Communications Inc., 1999

SELECT PRODUCTIONS

Executive Producer
Diverse Communications Investing in Relationships
BNA Communications Inc., 2000

Supervising Producer
Jack Cade's Nightmare III: Caught in the Crossfire
BNA Communications Inc., 1999

REFERENCES

Available Upon Request



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Questions to Help Inform Discussion

1	How many employees does your company have? ☐ 100- 10,000 ☐ 10,001 – 50,000 ☐ 51,001 – 100,000 ☐ 100,001 – 300,000 ☐ 300,001 or more
2	Which of the following feedback from employees have you experienced regarding schedules? (Please check all that apply) ☐ Employees are highly satisfied with their schedules ☐ Employees are relatively satisfied with their schedules ☐ Employee concern about constant changing schedule ☐ Employee concern about lack of work hours ☐ Employee concern about excessive work hours ☐ Employee concern about favoritism ☐ Employee concern about schedule alteration with minimal notification ☐ Other: Please Specify: _____
3	What do you believe to be the primary cause(s) of labor scheduling practices that negatively affect employees? (Please check all that apply) ☐ Incorrect or ineffective use of scheduling software ☐ Pressure on supervisors ☐ High employee turnover or absenteeism resulting in last-minute schedule changes ☐ Unpredictable customer traffic resulting in fluctuating demand for workers and last-minute schedule changes ☐ Other: Please Specify: _____
4	What causes resistance to changing labor scheduling practices within your organization? (Please check all that apply) ☐ Need for increased definition and executive clarity of issues ☐ Disruption to current store operating model ☐ Reduced customer satisfaction and sales ☐ Fear that changing practices will be costly ☐ Resistance to "changing ways of doing business" ☐ Uneven adoption of corporate policies at the front line ☐ Lack of understanding of how to improve technology ☐ Lack of understanding of how to address scheduling challenges ☐ Other: Please Specify: _____

5	What changes do you believe would most improve labor scheduling practices within your organization? (Please check all that apply) ☐ Establish a minimum daily rest period ☐ Provide advance notice of schedules ☐ Minimize or eliminate use of on-call or call-in shifts ☐ Guarantee a minimum number of hours per week ☐ Guarantee a minimum number of hours per shift ☐ Promote full-time work over part-time work spread out across a larger workforce ☐ Eliminate preferential assignment of hours to workers with open availability ☐ Schedule shifts based on seniority ☐ Offer more paid sick or personal time off ☐ Hire more full time workers ☐ Hire more part time workers ☐ Other: Please Specify: _____
6	How does your organization operate around scheduling? (Please check all that apply) ☐ Paper schedule spreadsheets and rosters ☐ Manual scheduling with electronic spreadsheets (ex: Microsoft Excel) ☐ Commercial Scheduling Software which automates some functions while others remain manual ☐ Highly optimized, automated commercial scheduling software that creates and assigns schedules with minimal human effort
7	Does your organization's scheduling solution track any of the following? (Please check all that apply) ☐ Employee shift less than the minimum length ☐ Employee shift more than the maximum length ☐ Employee total hours per week are less than their expected FTE hours ☐ Employee shifts in week more than max hours or shifts ☐ Employee without skill match scheduled ☐ Active employee not scheduled in week ☐ Insufficient rest between scheduled shifts ☐ Consecutive opening / closing shifts in week ☐ Other: Please Specify: _____
8	Does your organization's scheduling solution support the following processes? (Please check all that apply) ☐ Self-scheduling ☐ Tracking scheduled changes ☐ Tracking whether you can tell if a person is called in because of an absence or due to increased labor demand ☐ Automate paying a premium when an employee has an unscheduled shift ☐ Other: Please Specify: _____
9	What outcomes do you expect from your current scheduling software systems? (Please check all that apply) ☐ Optimized staffing to drive revenue increase ☐ Overtime Cost Reduction ☐ DOL Compliance ☐ Reduced headcount by more efficient labor supply and demand scheduling ☐ Improved management of non-employee labor ☐ Compliance with Collective Bargaining Agreements ☐ Business Intelligence ☐ Increased Employee Engagement ☐ Reduced employee turnover ☐ Improved Employee Work Life Balance ☐ Other: Please Specify: _____

10	Does your organization create schedules following any of these employee preferences? (Please check all that apply) ☐ Time Availability ☐ Shift Preference ☐ Day Preference ☐ Activity Preference ☐ Skill Preference ☐ Location Preference ☐ Shift Duration Preference ☐ Other: Please Specify: _____
11	What process do you use to switch employees who have been previously scheduled? Please Specify: _____
12	What is your process for notifying employees of un-requested schedule changes? Please Specify: _____
13	If your organization were to commit to adopting improved scheduling practices, what do you believe is a feasible timeframe to change business processes in order to implement these practices? ☐ 3 to 6 months ☐ 6 to 1 year ☐ 1 to 2 years ☐ Longer than 2 years
14	To what extent do you think your organization's public commitment to scheduling practices would impact your brand? (Please check all that apply) ☐ Significant improvement ☐ Improvement ☐ Moderate improvement ☐ Minimal improvement ☐ No improvement ☐ Negative impact
15	How do you believe your business will be impacted by changing your scheduling practices? (Please check all that apply) ☐ Reduced costs for employers due to less turnover and absenteeism ☐ Loss of competitive advantage from optimized labor model ☐ Gain of competitive advantage from optimized labor model ☐ Lower productivity ☐ Higher productivity ☐ Increased training ☐ Increased costs for employers ☐ Reduced costs for employers ☐ Improved public brand for employers ☐ Increased number of jobs ☐ Reduced number of jobs ☐ Maintain independence without legislation ☐ Other: Please Specify: _____

Press Reimbursement Spreadsheet

Date of Travel	Price of lowest Y-Coded ND/NR Ticket	Price We Charged	Y-Coded Ticket We Used	Variance	Comments
6/27/2014	\$4,505.00	\$4,505.00	ND/NR	\$0.00	
6/26/2014	\$4,505.00	\$4,505.00	ND/NR	\$0.00	
6/17/2014	\$2,001.00	\$2,001.00	ND/NR	\$0.00	
6/17/2014	\$2,766.00	\$2,766.00	ND/R	\$0.00	This was the only available "Y-Coded" fare
6/17/2014	\$2,194.00	\$2,194.00	ND/NR	\$0.00	
6/16/2014	\$7,004.00	\$7,004.00	ND/NR	\$0.00	
6/13/2014	\$5,572.00	\$5,572.00	ND/NR	\$0.00	
6/13/2014	\$4,760.00	\$4,760.00	ND/NR	\$0.00	
6/11/2014	\$3,007.00	\$3,007.00	ND/NR	\$0.00	
5/28/2014	\$2,338.00	\$2,338.00	ND/NR	\$0.00	
5/28/2014	\$2,338.00	\$2,338.00	ND/NR	\$0.00	
5/23/2014	\$3,587.00	\$3,587.00	ND/NR	\$0.00	
5/22/2014	\$2,671.00	\$2,671.00	ND/NR	\$0.00	
5/22/2014	\$4,011.00	\$4,011.00	ND/NR	\$0.00	
5/15/2014	\$2,194.00	\$2,194.00	ND/NR	\$0.00	
5/14/2014	\$2,194.00	\$2,194.00	ND/NR	\$0.00	
5/9/2014	\$7,336.00	\$7,336.00	ND/NR	\$0.00	
5/8/2014	\$1,566.00	\$1,566.00	ND/NR	\$0.00	
5/8/2014	\$3,063.00	\$3,063.00	ND/NR	\$0.00	
5/7/2014	\$4,394.00	\$4,394.00	ND/NR	\$0.00	
5/7/2014	\$5,792.00	\$5,792.00	ND/NR	\$0.00	
4/16/2014	\$2,001.00	\$2,001.00	ND/NR	\$0.00	
4/16/2014	\$2,001.00	\$2,001.00	ND/NR	\$0.00	
4/11/2014	\$2,194.00	\$549.00	ND/NR	(\$1,645.00)	inadvertently used quote from 2/29/14
4/11/2014	\$2,194.00	\$549.00	ND/NR	(\$1,645.00)	inadvertently used quote from 2/29/14
4/10/2014	\$1,849.00	\$1,849.00	ND/NR	\$0.00	
4/10/2014	\$5,377.00	\$5,377.00	ND/NR	\$0.00	
4/9/2014	\$5,358.00	\$5,358.00	ND/NR	\$0.00	
4/9/2014	\$1,984.00	\$1,984.00	ND/NR	\$0.00	
4/2/2014	\$2,905.00	\$1,134.00	ND/R	(\$1,771.00)	inadvertently selected restricted fare
4/2/2014	\$2,260.00	\$2,260.00	ND/NR	\$0.00	
4/2/2014	\$3,587.00	\$1,468.00	ND/R	(\$2,119.00)	inadvertently selected restricted fare

Press Reimbursement Spreadsheet

3/20/2014	\$4,113.00	\$1,343.00	ND/R	(\$2,770.00)	inadvertently selected restricted fare
3/20/2014	\$2,127.00	\$1,127.00	ND/NR	(\$1,000.00)	correct fare but recorded fare in error (typo)
3/20/2014	\$4,540.00	\$4,540.00	ND/NR	\$0.00	
3/11/2014	\$2,194.00	\$549.00	ND/NR	(\$1,645.00)	inadvertently used earlier of two AMEX quotes
3/11/2014	\$2,194.00	\$549.00	ND/NR	(\$1,645.00)	inadvertently used earlier of two AMEX quotes
3/9/2014	\$4,540.00	\$4,540.00	ND/NR	\$0.00	
3/7/2014	\$4,540.00	\$4,540.00	ND/NR	\$0.00	
3/5/2014	\$2,654.00	\$2,654.00	ND/NR	\$0.00	
3/5/2014	\$1,075.00	\$1,075.00	see comment	\$0.00	only D/R fares for this travel; selected median
3/5/2014	\$3,007.00	\$3,007.00	ND/NR	\$0.00	
2/26/2014	\$1,012.00	\$1,012.00	ND/NR	\$0.00	only received one quote prior to travel
2/26/2014	\$1,012.00	\$1,012.00	ND/NR	\$0.00	only received one quote prior to travel
2/17/2014	\$7,004.00	\$7,050.00	ND/NR	\$46.00	did not selected cheapest ND/NR fare
2/14/2014	\$7,173.00	\$7,173.00	ND/NR	\$0.00	
2/14/2014	\$2,474.00	\$2,474.00	ND/NR	\$0.00	
2/10/2014	\$1,246.00	\$954.00	D	(\$292.00)	inadvertently selected discounted fare
2/10/2014	\$1,246.00	\$954.00	D	(\$292.00)	inadvertently selected discounted fare
2/7/2014	\$3,193.00	\$1,026.00	ND/R	(\$2,167.00)	inadvertently selected restricted fare
2/7/2014	\$3,193.00	\$1,026.00	ND/R	(\$2,167.00)	inadvertently selected restricted fare
1/30/2014	\$3,693.00	\$1,171.00	D	(\$2,522.00)	inadvertently selected discounted fare
1/30/2014	\$3,269.00	\$1,019.00	D	(\$2,250.00)	inadvertently selected discounted fare
1/30/2014	\$3,463.00	\$1,190.00	D	(\$2,273.00)	inadvertently selected discounted fare
1/29/2014	\$2,001.00	\$2,001.00	ND/NR	\$0.00	
1/29/2014	\$2,001.00	\$2,001.00	ND/NR	\$0.00	
1/15/2014	\$2,215.00	\$1,062.00	ND/R	(\$1,153.00)	prior to AMEX explanation of "restricted" codes
1/15/2014	\$2,215.00	\$1,062.00	ND/R	(\$1,153.00)	prior to AMEX explanation of "restricted" codes
1/5/2014	\$2,394.00	\$2,394.00	ND/NR	\$0.00	
12/20/2013	\$2,394.00	\$2,394.00	ND/NR	\$0.00	
11/26/2013	\$1,923.00	\$1,923.00	ND/NR	\$0.00	
11/25/2013	\$1,259.00	\$1,259.00	ND/NR	\$0.00	
11/25/2013	\$876.00	\$876.00	ND/NR	\$0.00	
11/24/2013	\$1,852.00	\$1,852.00	ND/NR	\$0.00	
11/14/2013	\$999.00	\$1,100.00	ND/NR	\$101.00	did not selected cheapest ND/NR fare
11/14/2013	\$959.00	\$959.00	ND/NR	\$0.00	

Press Reimbursement Spreadsheet

11/14/2013	\$730.00	\$730.00	ND/NR	\$0.00	
11/9/2013	\$1,227.00	\$1,227.00	ND/NR	\$0.00	
11/8/2013	\$1,241.00	\$1,270.00	ND/NR	\$29.00	did not selected cheapest ND/NR fare
11/8/2013	\$1,129.00	\$1,129.00	ND/NR	\$0.00	
11/6/2013	\$1,442.00	\$1,502.00	ND/NR	\$60.00	did not selected cheapest ND/NR fare
11/6/2013	\$1,442.00	\$1,502.00	ND/NR	\$60.00	did not selected cheapest ND/NR fare
10/30/2013	\$842.00	\$842.00	ND/NR	\$0.00	
10/30/2013	\$842.00	\$842.00	ND/NR	\$0.00	
10/25/2013	\$754.00	\$864.00	ND/NR	\$110.00	did not selected cheapest ND/NR fare
10/25/2013	\$754.00	\$864.00	ND/NR	\$110.00	did not selected cheapest ND/NR fare
9/24/2013	\$754.00	\$864.00	ND/NR	\$110.00	did not selected cheapest ND/NR fare
9/23/2013	\$754.00	\$864.00	ND/NR	\$110.00	did not selected cheapest ND/NR fare
9/20/2013	\$1,316.00	\$1,365.00	ND/NR	\$49.00	did not selected cheapest ND/NR fare
9/20/2013	\$1,316.00	\$1,365.00	ND/NR	\$49.00	did not selected cheapest ND/NR fare
8/23/2013	\$918.00	\$918.00	ND/NR	\$0.00	
8/22/2013	\$1,101.00	\$1,101.00	ND/NR	\$0.00	
8/18/2013	\$1,099.00	\$951.00	ND/R	(\$148.00)	prior to AMEX explanation of "restricted" codes
8/10/2013	\$1,296.00	\$1,343.00	ND/NR	\$47.00	did not selected cheapest ND/NR fare
8/10/2013	\$1,247.00	\$1,247.00	ND/NR	\$0.00	
8/7/2013	\$1,883.00	\$1,883.00	ND/NR	\$0.00	
8/6/2013	\$2,302.00	\$2,302.00	ND/NR	\$0.00	
8/6/2013	\$859.00	\$859.00	ND/NR	\$0.00	
7/30/2013	\$1,314.00	\$1,314.00	ND/NR	\$0.00	
7/30/2013	\$1,314.00	\$1,314.00	ND/NR	\$0.00	
7/25/2013	\$1,362.00	\$1,411.00	ND/NR	\$49.00	did not selected cheapest ND/NR fare
7/25/2013	\$1,362.00	\$1,411.00	ND/NR	\$49.00	did not selected cheapest ND/NR fare
7/24/2013	\$1,436.00	\$1,436.00	ND/NR	\$0.00	
7/24/2013	\$1,410.00	\$1,410.00	ND/NR	\$0.00	
7/24/2013	\$1,316.00	\$1,365.00	ND/NR	\$49.00	did not selected cheapest ND/NR fare
6/12/2013	\$841.00	\$879.00	ND/NR	\$38.00	did not selected cheapest ND/NR fare
6/12/2013	\$1,437.00	\$1,457.00	ND/NR	\$20.00	did not selected cheapest ND/NR fare
6/12/2013	\$1,227.00	\$1,227.00	ND/NR	\$0.00	
6/9/2013	\$1,770.00	\$1,810.00	ND/NR	\$40.00	did not selected cheapest ND/NR fare
6/7/2013	\$849.00	\$849.00	ND/NR	\$0.00	

Press Reimbursement Spreadsheet

6/7/2013	\$1,161.00	\$1,040.00	D	(\$121.00)	prior to AMEX explanation of "restricted" codes
6/6/2013	\$1,100.00	\$1,092.00	ND/R	(\$8.00)	prior to AMEX explanation of "restricted" codes
6/6/2013	\$1,100.00	\$1,100.00	ND/NR	\$0.00	
	\$243,805.00	\$216,145.00			

Total Invoices:	103	
Total ND/NR:	86	
Total ND/R:	10	
Total D:	6	
Total other:	1	(only D fares avail)
Press overpaid:	\$1,126.00	
Press underpaid:	(\$28,786.00)	
Press Net	\$27,660.00	

Attn:
Ashley R. Tate-Gilmore
Director -- White House Travel Office
Executive Office of the President

Total per person cost roundtrip --	\$1004.66 – Lowest
	\$1413.96 – Median
	\$4277.20 – Highest

• Leave ANA ^{for class} ~~FARE~~ 7-14 days 807

Memo: Kald zu DENNIS
K. EMMERT

Attn:
Ashley R. Tate-Gilmore
Director -- White House Travel Office
Executive Office of the President

Total per person cost roundtrip --	\$4019.54 – Lowest
	\$4335.82 – Median
	\$14,429.77 – Highest

Withdrawal Marker

Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Background Information of Financial Assets - To: Ryan Harvey, et al. - From: Ramin Toloui	4	12/19/2013	P5;

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COLLECTION:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-04 (White House Counsel)

FOLDER TITLE:

1200701

FRC ID:

8489

OA Num.:

8077

NARA Num.:

7319

FOIA IDs and Segments:

22-16598-F

22-16595-F

22-17709-F

RESTRICTION CODES

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	[P6/b(6)] - To: POTUS - From: Bobby Schmuck	13	03/19/2015	P5; P6/b6;

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When are you “seeking employment” by discussing potential business ideas?

You are seeking employment if you make an unsolicited communication to any person regarding possible “employment” with that person, or if you make a response other than a rejection to an unsolicited communication with any person regarding possible employment with that person.

“Employment” means any form of non-federal employment or business relationship involving the provision of personal services by the employee. The definition of “employment” is not limited to established employers or businesses. Rather, it includes relationships involving the provision of personal services. Accordingly, you would be seeking employment by engaging in discussions to form a business or to have a role in a person’s potential business venture.

Informational Interviews: In contrast, you are not yet seeking employment by engaging in discussions akin to informational interviews. These types of conversations must remain broad, focusing on the organization or the industry in general and not on a potential role in the organization.

How do you stop “seeking employment” once discussions have begun?

You end employment discussions by rejecting the possibility of employment and ending all discussions of potential employment with the business contact: “I am not discussing employment opportunities until January 2017.”

Rules to follow once you begin “seeking employment”

Recuse: Recuse yourself from participating personally and substantially in any official matter that could affect the financial interests of the prospective business. This means that you may not work on particular matters that have a direct and predictable effect on the financial interests of the entity, including particular matters of general applicability (i.e., government matters affecting an identifiable group of persons or companies).

Report:

- File a notification and recusal form with WHCO within three days of beginning negotiations to take on a role in the potential business. For these purposes, “negotiating employment” is slightly narrower than “seeking employment” but is broader than what you might think of as “negotiating.” You are “negotiating employment” when you enter into a discussion or communication with another person with a view toward reaching agreement about possible employment. “Negotiating employment” is not limited to discussions of specific terms and conditions of employment or for employment for a specific position. Essentially, you begin moving toward “negotiating employment” once you respond to an unsolicited contact or your unsolicited contact is met with a response
- Once you enter into an employment arrangement, you are required to report this agreement or arrangement on your next public financial disclosure report.
- Interview and other expenses in connection with bona fide employment discussions can be accepted without submitting a gift/travel request once you have complied with the disqualification requirements in subpart F. However, you are required to report these gifts/travel expenses on your next public financial disclosure report if they are over the reporting threshold (currently \$375).

Additional Rules

You may not perform services for the business while a government employee

You may not receive compensation for services to the business while a government employee

You may not permit the use of your name to be used by any entity that provides professional services involving a fiduciary relationship.

You may not use your public office for the private gain of the potential business:

- You may not use your title, position, or authority for your private gain or that of others;
- You may not disclose confidential or non-public information without authorization, and you cannot use that non-public information in a financial transaction to further someone's private interests;
- You may not use government property and time for unauthorized purposes; and
- You may not use, or permit the use of, your official title/position/authority to imply a White House endorsement of a non-Federal entity, event, product, service, or enterprise.

Attachment 2

January 2014 Pay Adjustments

The President has signed an Executive order to implement the January 2014 pay adjustments. (See [Attachment 1](#).) The Executive order authorizes a 1 percent across-the-board increase for statutory pay systems and provides that locality percentages will remain at 2013 levels. The 2014 pay schedules will become effective the first day of the first applicable pay period beginning on or after January 1, 2014 (January 12, 2014, based on the standard payroll cycle). The following reviews relevant portions of the Executive order and provides general information on the 2014 pay rates.

The General Schedule and Other Statutory Pay Systems

The Executive order provides an across-the-board increase of 1 percent in the rates of basic pay for the statutory pay systems—the General Schedule (GS), the Foreign Service schedule, and certain schedules for the Veterans Health Administration of the Department of Veterans Affairs. Special base rates for law enforcement officers at GS grades 3 through 10 also are increased by 1 percent. (These law enforcement officers are assigned the “GL” pay plan code.)

Executive Schedule

Under 5 U.S.C. 5318, Executive Schedule (EX) rates of pay will be increased by 1 percent (rounded to the nearest \$100). The EX salary table is available on OPM’s website at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2014/executive-senior-level/>.

Senior Executive Service

Under 5 U.S.C. 5382, the minimum rate of basic pay for the Senior Executive Service (SES) rate range will be adjusted to be consistent with the increase in the minimum rate of basic pay for senior-level positions under 5 U.S.C. 5376 (\$120,749 in 2014). The applicable maximum rate of basic pay for the SES will be \$181,500 (EX-II) for SES members covered by a certified SES performance appraisal system and \$167,000 (EX-III) for SES members covered by an SES performance appraisal system that has not been certified. An SES member at the minimum rate of the SES rate range must receive a pay increase of 1 percent in January 2014, since an SES member may not receive less than the minimum rate of the SES rate range. An agency’s determination to adjust the rate of basic pay for an SES member that is approved by the end of the first pay period in January 2014 (January 25, 2014) may be made effective as of the first day of that first pay period (January 12, 2014). Determinations to adjust SES pay that are approved after January 25, 2014, will become effective at the beginning of the next pay period following the approval. OPM’s regulations for setting and adjusting SES pay are available at 5 CFR part 534, subpart D.

Senior-Level and Scientific and Professional Positions

The minimum rate of basic pay for the senior-level (SL) and scientific and professional (ST) rate range will be increased by 1 percent (\$120,749 in 2014), which is the amount of the across-the-board GS increase. The applicable maximum rate of basic pay will be \$181,500 (EX-II) for SL or ST employees covered by a certified SL/ST performance appraisal system and \$167,000 (EX-III) for SL or ST employees covered by an SL/ST performance appraisal system that has not been certified. An SL or ST employee at the minimum rate of the SL/ST rate range must receive a pay increase of 1 percent in January 2014, since an SL or ST employee may not receive less than the minimum rate of the SL/ST rate range. OPM's regulations for setting and adjusting SL/ST pay are available at 5 CFR part 534, subpart E.

Administrative Law Judges

The Executive order reflects a decision by the President to increase the rates of basic pay for administrative law judges (ALJs) by 1 percent, rounded to the nearest \$100. The rate of basic pay for AL-1 will be \$157,100 (equivalent to the rate for EX-IV). The rate of basic pay for AL-2 will be \$153,300. The rates of basic pay for AL-3/A through 3/F will range from \$104,900 to \$145,100. The ALJ salary table is available on OPM's website at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2014/executive-senior-level/>.

Administrative Appeals Judges

Under 5 U.S.C. 5372b, the rates of basic pay for administrative appeals judge (AAJ) positions must be set at a rate not less than the minimum rate of basic pay for level AL-3 and not more than the maximum rate of basic pay for level AL-3 of the ALJ pay system established under 5 U.S.C. 5372. At 5 CFR 534.603, OPM's regulations link the structure of the AAJ pay system directly to the structure for level AL-3 of the ALJ pay system. The AAJ pay system includes six rates of basic pay—AA-1, 2, 3, 4, 5, and 6. These rates correspond to the rates of basic pay for AL-3/A, B, C, D, E, and F of the ALJ pay system. The AAJ salary table is available on OPM's website at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2014/executive-senior-level/>.

Locality Payments

The 2014 locality pay percentages are the same as the percentages that applied in 2013. (See Schedule 9 of the Executive order.)

On November 1, 2013, OPM issued a memorandum on behalf of the President's Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and OPM) that continues GS locality payments for ALJs and certain other non-GS employee categories in 2014. By law, EX officials, SES members, employees in SL/ST positions, and employees in certain other equivalent pay systems are not authorized to receive locality payments. (Note: An exception applies to certain grandfathered SES, SL, and ST employees stationed in a nonforeign

area on January 2, 2010.) The locality pay percentages continued for non-GS employees have not been increased in 2014. The memo is available at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2013/continuation-of-locality-payments-for-non-general-schedule-employees-nov-2013.pdf>.

The 2014 locality pay tables for the General Schedule and certain other pay systems are available at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2014/general-schedule/>. Locality pay area definitions are posted at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2014/locality-pay-area-definitions/>.

Cost-of-Living Allowance Rates for Nonforeign Areas

The 2014 cost-of-living allowances (COLAs) and locality percentages for employees in nonforeign areas remain at 2012 levels. The locality and COLA rates in each COLA area are provided at <http://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/nonforeign-areas/#url=COLA-Rates>.

Special Rates

We are issuing a separate memorandum announcing the results of OPM's annual review of special rates and the 2014 special rate adjustments.

Prevailing Rate Pay Adjustments

Congress is currently considering legislation affecting prevailing rate adjustments taking effect after the statutory pay freeze ends. We will issue a separate memorandum on pay adjustments for certain prevailing rate (wage) employees.

Aggregate Limitation on Pay

The aggregate limitation on pay for calendar year 2014 will be \$201,700 (equivalent to the rate for EX-1). SES members and employees in SL/ST positions who are covered by a certified performance appraisal system are subject to a higher aggregate limitation on pay of the Vice President's salary (\$233,000 in 2014). (See 5 U.S.C. 5307 and 5 CFR part 530, subpart B.) Information on obtaining certification of performance appraisal systems is available at <http://www.opm.gov/policy-data-oversight/senior-executive-service/certification/>.

2014 Premium Pay Caps

Under 5 U.S.C. 5547(a) and 5 CFR 550.105, GS and other covered employees may receive certain types of premium pay in a biweekly pay period only to the extent that the sum of basic pay and such premium pay for the pay period does not exceed the greater of the biweekly rate payable for (1) GS-15, step 10 (including any applicable locality payment or special rate supplement), or (2) the rate payable for EX-V (\$147,200 in 2014). In certain emergency or mission-critical situations, an agency may apply an annual premium pay cap instead of a

biweekly premium pay cap, subject to the conditions prescribed in law and regulation. (See 5 U.S.C. 5547(b) and 5 CFR 550.106–550.107.) We have posted the 2014 biweekly premium pay caps on OPM's website at <http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/#url=Biweekly-Pay-Caps>.

We will notify agencies separately about any reauthorization for 2014 of the premium pay cap that may be applied to certain employees who perform work while in certain overseas locations. See CPM 2013-04 for information regarding this authority for calendar year 2013.

Post-Employment Restrictions

Agencies are required to notify SES members, SL and ST employees, and other individuals who are paid at a rate of basic pay equal to or greater than 86.5 percent of the rate for EX-II (\$181,500 x 86.5 percent = \$156,998 in 2014) that they are subject to certain post-employment restrictions in 18 U.S.C. 207(c)(2)(A)(ii). OPM's regulations requiring notification of post-employment restrictions are available at 5 CFR part 730. Agencies may continue to use the sample notice OPM provided in its memorandum of January 6, 2004 (CPM 2004-01), to notify an SES member, an SL or ST employee, or other individual that he or she is subject to the post-employment restrictions in 18 U.S.C. 207(c). (Agencies will need to update the pay system, salary threshold, and effective date, as appropriate.) The sample notice is available at http://archive.opm.gov/oca/compmemo/2004/2004-01_attach1.asp.

Order for Processing Pay Actions

The general pay adjustments that take effect in January 2014 must be processed **before** any individual pay action (e.g., a within-grade increase or promotion) that takes effect on the same date. General pay adjustments include across-the-board increases under 5 U.S.C. 5303 and increases in locality payments or other geographic adjustments, special rate supplements, and retained rates. If multiple individual pay actions become effective on the date of the January 2014 pay adjustment, those actions must be processed in the order applicable to the employee's pay system (e.g., the simultaneous action rule for GS employees in 5 CFR 531.206).

Pay Administration

We are providing the following examples of pay computations to assist agencies in administering the 2014 pay adjustments for GS employees:

Examples of January 2014 Pay Computations – See <http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/January-2014-pay-examples/>.

How to Compute Rates of Pay – See

<http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/how-to-compute-rates-of-pay/>.

How to Compute Fair Labor Standards Act Overtime Pay – See

<http://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/how-to-compute-flsa-overtime-pay/>.

Questions

Agency headquarters-level human resources offices may contact OPM at pay-leave-policy@opm.gov. Employees should contact their agency human resources offices for assistance.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Outline	[strategic planning notes]	2	N.D.	P5;

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Ping Fu

From Wikipedia, the free encyclopedia

Ping Fu (born 1958) is a Chinese-American entrepreneur. She is the co-founder of 3D software development company Geomagic, and was its chief executive officer until February 2013 when the company was acquired by 3D Systems Inc. As of March 2014, she is the Vice President and Chief Entrepreneur Officer at 3D Systems. Fu grew up in China during the Cultural Revolution and moved to the United States in 1984. She co-founded Geomagic in 1997 with her then-husband Herbert Edelsbrunner, and has been recognized for her achievements with the company through a number of awards, including being named *Inc.* magazine's 2005 "Entrepreneur of the Year". In 2013, she published her memoir, *Bend, Not Break*, co-authored with MeiMei Fox.

Contents

- 1 Early life and education
- 2 Career
 - 2.1 National Center for Supercomputing Applications
 - 2.2 Geomagic
 - 2.3 Other roles
- 3 Memoir
- 4 Awards and recognitions
- 5 References

Early life and education

Ping Fu was born in 1958 in Nanjing, China,^{[5][6]} where her father was a professor at the Nanjing University of Aeronautics and Astronautics (NUAA).

^[7] Fu spent her childhood and early adulthood in China. She grew up during the Cultural Revolution, during which she was separated from both her parents for several years.^{[8][9]} After the end of the Cultural Revolution, she attended the college that later became the Suzhou University^{[6][10]} studying Chinese literature.^[11] Fu has related in interviews and in her memoir that she chose to research China's one-child policy for her thesis and traveled to the countryside, where she found that infanticide of female infants was common, as was abortion, even late into pregnancy.^{[12][13]} Fu said that, after turning in her research, she believes it was passed to a newspaper editor who wrote an editorial on the infanticide of female children.^{[10][14]} Fu has stated that she was later briefly imprisoned by government officials and was told to leave the country.^{[15][16]} After this event, she left school, without graduating.^[17]

Fu left China and arrived in the United States in January 1984.^[9] She initially enrolled at the University of New Mexico (UNM) in Albuquerque^[14] but later moved to San Diego to study computer science as an undergraduate at the University of California, San Diego.^[6] During her time in San Diego, Fu worked part-time at a software company called Resource Systems Group as a programmer and database software consultant.^[18] Following her graduation from UC San Diego with a bachelor's degree in

Ping Fu



Born	1958 (age 55–56) ^[1] Nanjing, China
Residence	Chapel Hill, North Carolina
Ethnicity	Chinese
Citizenship	American
Education	University of California, San Diego, University of Illinois at Urbana-Champaign
Alma mater	University of California, San Diego
Occupation	Vice President and Chief Entrepreneur Officer, 3D Systems ^{[2][3][4]}
Employer	3D Systems
Notable work(s)	<i>Bend, Not Break: A Life In Two Worlds</i>
Board member of	Long Now Foundation National Advisory Council for Innovation and Entrepreneurship

computer science, she moved to Illinois, where she took a job with Bell Labs.^[6] The company offered a Ph.D assistance program, through which Fu enrolled in the computer science Ph.D program at the University of Illinois at Urbana-Champaign (UIUC). At UIUC she completed a master's degree in computer science.^{[19][20]}

Career

National Center for Supercomputing Applications

In the early 1990s, Fu began working at the National Center for Supercomputing Applications (NCSA) at UIUC.^{[8][9]} Her focus was on computer graphics and visualization,^[20] including projects such as developing the morphing software for animation of the liquid metal T-1000 robot in the film *Terminator 2: Judgment Day*.^[12] While at NCSA, she hired student researcher Marc Andreessen and was his supervisor on the project developing NCSA's Mosaic, an early multimedia web browser credited with popularizing the World Wide Web.^{[12][21]} According to her supervisor, Joseph Hardin, Fu was one of the managers involved in the discussions from which the idea for the browser was developed.^[21] In 1994 Ping took a temporary position at the Hong Kong University of Science and Technology, returning to NCSA in 1995.^[22]

Geomagic

In 1996, Marc Andreessen's success with his own company, Netscape, inspired UIUC to encourage entrepreneurship and Fu developed the idea for a company that would combine manufacturing and digital technology, including 3D modeling software, the concept of which she called the "Personal Factory".^[23] She founded Geomagic with her then-husband, Herbert Edelsbrunner, whose research formed the basis for the initial software to be developed by the company. In 1997, she left the NCSA to begin operations at Geomagic, taking on the role of CEO.^{[5][9]} The company was originally named Raindrop Geomagic^[9] and was based in Champaign-Urbana, Illinois.^[6] It was founded with the aim of developing 3D imaging software that could enable customized manufacturing using 3D printers.^[14] Initially, Fu and Edelsbrunner funded Geomagic themselves, along with investment from Fu's sister Hong and her husband, and later from a group of angel investors.^[6]

In 1999, Fu relocated Geomagic from Illinois to the Research Triangle Park, North Carolina. That year, Franklin Street Partners committed to invest \$6.5 million in Geomagic.^[6] Fu then hired an experienced executive as CEO who ran Geomagic for two years before stepping down when the company was close to bankruptcy.^[14] Fu returned to the role of CEO in 2001, investing her own money into Geomagic and working without a salary in order to continue paying the company's employees. She was able to lead Geomagic back to stability, gaining a significant contract with Align Technology, and Geomagic returned to profitability over the following two years.^[9]

From 2001 to 2003, Geomagic's sales tripled under Fu's leadership.^[9] The company became known as a leader in digital shape sampling and processing.^{[6][24][25]} After she divorced Edelsbrunner,^[26] he continued to serve as an advisor at Geomagic.^[27]

In February 2013, Fu sold Geomagic to 3D Systems Corporation, a 3D printing company. She became the Chief Strategy Officer and Vice-President of 3D Systems.^{[2][3][28][29]}

Other roles

In addition to leading Geomagic, Fu has held a number of advisory roles relating to technology and entrepreneurship and with charitable organizations. She has served on the U.S. National Advisory Council on Innovation and Entrepreneurship since 2010 and is also a member of the National Council on Women in Technology.^[30] In 2012, she was appointed to the board of the Long Now Foundation, a non-profit organization focused on long-term thinking and enduring technology.^[31] She also serves on the board of the Frank Hawkins Kenan Institute of Private Enterprise at the University of North Carolina^[32] and is an advisor at Modern Meadow, an organization focused on tissue engineering.^[33]

Memoir

On December 31, 2012, Fu published a memoir, *Bend, Not Break: A Life in Two Worlds*.^[34] Co-authored with MeiMei Fox, the book told the stories of her life, from her early childhood in China to her experiences as an entrepreneur, including founding and leading Geomagic.^{[35][36]} The book received positive reviews from outlets including *The Wall Street Journal*^[16] and Oprah.com.^[35]

Beginning in January 2013, commentators in the Amazon.com reviews for the memoir began posting critical reviews, accusing Fu of lying about events in her past.^[16] Around the same time, first in English,^[14] then in Chinese^[37] on *Forbes China*, *Forbes* published an interview with Fu that discussed Fu's memoir and her early life, which contained an inaccurate interpretation of where Ping Fu lived during the cultural revolution.^{[38][39][40]} Chinese netizens responded to the piece with criticisms regarding alleged fabrication of events and inconsistencies in media coverage of Fu,^{[38][41]} which raised questions in the media about the veracity of details included in the memoir.^[42] Chinese blogger Fang Zhouzi was among the critics^[43] and he later raised further questions and criticisms based on earlier media coverage of Fu.^[41] Following the initial criticisms from Fang Zhouzi and other critics, commentators appearing to be non-native English speakers knowledgeable about Chinese history posted hundreds of negative comments in the memoir's Amazon.com reviews, leading *The Daily Beast* and *New York Times*^[44] to conclude that Ping was the subject of an online attack.^{[16][45]}

Fu responded to the criticisms through a public statement,^[46] and a post on the *Huffington Post* website answering questions that were raised about her childhood, education and being forced to leave China.^[10] She acknowledged that there were some inaccuracies in the book.^[26] She also acknowledged that the Red Guard atrocity she related in the memoir and media interviews regarding a teacher being pulled apart by four horses may have been an emotional memory, the result of hearing tales of such barbarity in old China as a child and having nightmares about it, or seeing it in a movie, rather than actually seeing it.^{[40][47][48]} In response to questions about accuracy of details in the book, her publisher stated that the book is a memoir, rather than a journalistic account of the Cultural Revolution.^{[43][47]} Fu has said that a second print of the memoir will correct inaccuracies that have been pointed out.^[48]

Awards and recognitions

For her work with Geomagic, Fu has received a number of awards. In 2003 she was named the Ernst & Young "Entrepreneur of the Year" for the Carolinas and received the Entrepreneurial Inspiration Award from North Carolina's Council for Entrepreneurial Development.^[9] The following year, *Fast Company* named her a 2004 "Fast 50" winner.^{[9][49]} In 2005, *Inc.* magazine named Ping its "Entrepreneur of the Year".^[7]

The America China Business Women's Alliance awarded Fu its "Business Innovation Award" in 2008^[50] and she received the 2010 "Leadership Award" from the CAD Society.^[49] The next year, she was given a "Lifetime Achievement" award by the *Triangle Business Journal*.^[5] In 2011 she was given the William C. Friday Award at North Carolina State University,^[51] and in 2012, the United States Citizenship and Immigration Services named Fu as an "Outstanding American by Choice".^[30]

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Autodesk Says Chinese Rival Copied Software Code

Share us on: [Twitter](#) [Facebook](#) [LinkedIn](#) By **Kat Greene** 0 Comments

Law360, Los Angeles (March 28, 2014, 4:40 PM ET) -- American design software-maker [Autodesk Inc.](#) accused a Chinese company of copying wholesale its source code for computer-assisted design software in a copyright infringement suit filed Wednesday in California federal court.

ZWCad Software Co. Ltd. released an “original” design program that, the Chinese company claims, was built from the ground up using new, ZW-written source code, but Autodesk says it’s such an exact copy of its copyrighted codes that it contains the exact same quirks.

The ZW software contains bugs that are identical to those in AutoCAD, the program sold by the American company, according to the lawsuit.

“This duplication, which is at the source code level, could not have been accomplished through coincidence or the application of similar programming logic,” Autodesk said in its suit. “[ZW] did not accomplish this remarkable transformation through innovation and honest labor, but by misappropriating significant portions of Autodesk’s proprietary source code.”

AutoCAD is used by all of the Fortune 100 companies and most of the Fortune 500 companies, and is sold in 138 countries, Autodesk said. The company’s headline product, AutoCAD’s source code is heavily protected even from Autodesk employees, according to the suit.

The AutoCAD technology is protected by “well over a hundred” registered U.S. copyrights, the company said.

Inside Autodesk’s walls, employees are required to sign agreements to keep the source code a secret, and are only granted access to the code on an “as-needed” basis, according to the suit.

“The AutoCAD source code is one of the company’s most valuable and closely guarded assets and trade secrets, and Autodesk has gone to great lengths to protect it,” the company said.

Still, ZW’s new program reeks of AutoCAD code, bearing not only some of the same boast-worthy features, but also, the same bugs, according to the suit.

Autodesk says the ZWSoft program has quirks that don’t even correlate to its software’s functionality. For example, the software displays a warning message nearly identical to one in AutoCAD, but its software doesn’t perform the function that necessitates the warning itself, the company said in its suit.

“Just as the existence of mutations and other anomalies can demonstrate genetic lineage, the existence of ‘bugs,’ programming remnants, and other idiosyncrasies in software code can establish programming lineage,” the company said in its suit. “All software code has quirks, but no two independently developed pieces of code should have identical quirks.”

The suit is the latest bomb thrown in the infringement war between American and Chinese companies.

In January, Chinese police said they rounded up 60,000 suspects and seized \$28 billion in copyrighted goods in 2013.

With the Asian economic powerhouse's unbridled piracy and manufacturing of fake goods straining its relationship with trading partners, Chinese authorities confiscated over 90 million tons of bogus and substandard merchandise, including phony pharmaceuticals, and broke up over 1,200 criminal counterfeiting networks last year, the Xinhua News Agency said, citing Ministry of Public Security official Gao Feng.

Autodesk's suit includes copyright and trade secret claims, and seeks a series of injunctions and damages.

A spokesman for ZW did not immediately respond to a request for comment on Friday.

Autodesk is represented by Michael A. Jacobs and Richard S.J. Hung of Morrison & Foerster LLP.

Counsel information for the defendants could not be immediately determined.

The case is Autodesk Inc. v. ZWCad Software Co. Ltd. et al., case number 3:14-cv-01409, in the U.S. District Court for the Northern District of California.

--Additional reporting by Dan Prochilo. Editing by John Quinn.

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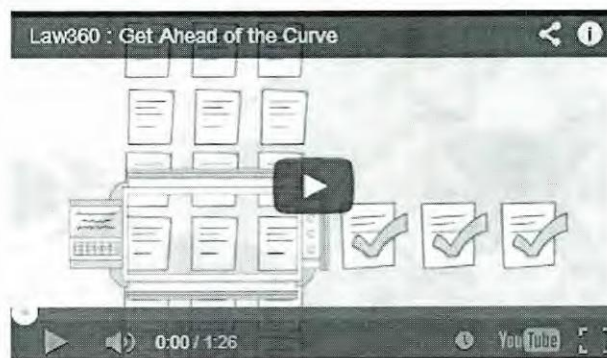
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22-16595-F

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Section 8 - Termination of a Lobbyist/ Termination of a Registrant

Termination of a Lobbyist

The LDA is not specific as to how far into the future the registrant should project an expectation that an individual will act as a lobbyist. It seems neither realistic nor necessary to expect registrants to make such projections beyond the next succeeding quarterly reporting period. Accordingly, if a registrant reasonably expects an individual to meet the definition of lobbyist in either the current or next quarterly period, the lobbyist should remain in an "active" status. If a registrant does not believe this to be the case, the lobbyist can be removed from the list of lobbyists for the registrant. A registrant may remove a lobbyist only when (i) that individual's lobbying activities on behalf of that client did not constitute at the end of the current quarter, and are not reasonably expected in the upcoming quarter to constitute, 20 percent of the time that such employee is engaged in total activities for that client; or (ii) that individual does not reasonably expect to make further lobbying contacts. In order to properly terminate a lobbyist, the registrant must complete Line 23 of LD-2, which is used to remove names of employees who are no longer expected to act as lobbyists for the client due to changed job duties, assignments, or employment status. Amending the LD-1 or LD-2 to erase a lobbyist listed on lines 10 or 18, respectively, is not a proper termination.

Example 1: Lobbying Firm "Y" registers for Client "Z" on March 15, 2008, listing employees "A," "B," "C," and "D" on line 10 of Form LD 1. For the first quarterly reporting period in 2008, "Y" will list "A," "B" and "C" on Line 18 of LD 2. "D" has no lobbying activities for that quarterly period, so he would not be listed. During the second quarter of 2008, "D" leaves firm "Y" to start his own lobbying business. For the second quarterly period, "Y" will report that "D" no longer meets the definition of "lobbyist" for Client "Z" on Line 23 of LD-2.

Example 2: Lobbying Firm "Y" registers for Client "Z" as above listing the aforementioned "A," "B," "C," and "D" as lobbyists on March 15, 2008. One month after registration, "C" and "D," who engaged in lobbying activities for "Z" as partners of "Y," decide to leave the partnership effective June 1, 2008. On the Q2 Report for 2008, "Y" would report any lobbying activity for "C" and "D" on Line 18 of LD-2. "Y" would also reflect "C" and "D's" departure by listing them on Line 23 of LD-2 in the same filing.

An individual who no longer meets the definition of lobbyist under 2 U.S.C. § 1602(10) can be relieved from having to file an LD-203 for future semiannual periods by proper removal from the registrant's active lobbyists list. This is accomplished by the registrant listing such an individual on line 23 of the LD-2 quarterly report for each client for which the individual was previously listed. The obligation to file a LD-203 arises from being listed as a lobbyist and not being terminated by the registrant/employer. Thus, if a lobbyist has not been properly terminated by being listed on Line 23 of the LD-2 for every client for which the lobbyist was listed, the Secretary and Clerk will expect to receive a semi-annual report from him/her.

Example: Registrant "A" employs Lobbyist "C" who has lobbying activity on behalf of Client "R" in January and February 2008. In March Lobbyist "C" no longer expects to engage in lobbying activities for "R" or any other client in the firm, although "C" will continue to do non-

lobbying consultation for numerous clients. "A" removes Lobbyist "C" as an active lobbyist by listing "C" on line 23 of the LD-2 form for the Q1 reporting period and not listed on subsequent quarterly LD-2 reports. However in July, Lobbyist "C" is required to file an LD-203 report due July 30 disclosing his activity from January 1 through the date of his termination.

Termination of a registrant/client relationship

Under Section 4(d) of the LDA, a lobbying firm may terminate a registration for a particular client when it is no longer employed or retained by that client to conduct lobbying activities and anticipates no further lobbying activities for that client. An organization employing in-house lobbyists may terminate its registration when in-house lobbying activities have ceased and are not expected to resume. Similarly, in situations in which a registration is filed in anticipation of meeting the registration threshold that subsequently is not met, a registrant also has the option of termination. Just as we have been interpreting that the obligation to report quarterly under the LDA arises from active status as a registrant, we believe that a report disclosing the final lobbying activity of a registrant is mandatory. In order to terminate the registration, the registrant must file Form LD 2 by the next quarterly filing date, checking the "Termination Report" box, and supplying the date that the lobbying activity terminated. A valid termination report discloses lobbying income or expenses and any lobbying activity by lobbyists during the period up to and including the termination date.

Example 1: Lobbying Firm "A" accepted a contract with Client "B" on January 1, 2008, began lobbying activities, and timely registered on or before February 14. On March 31, the contract with "B" ended. Lobbying Firm "A" must file Form LD 2 by April 20, 2008, disclosing the lobbying income from and lobbying activity for Client "B" that took place during the period January 1 through March 31. The firm will check the "Q1" box on Line 8, the "Termination Report" box on Line 10, and fill in "3/31/2008" in the Termination Date space (also on Line 10).

Example 2: Corporation "C" filed its registration on February 14, 2008, listing employee AE@ as its only lobbyist. Through March 31, "E" spends less than 20 percent of her total time in lobbying activities. "C" would not have filed a registration if it had foreseen that its lobbying activities would be so limited, and there is no expectation that "E" or any other employee of "C" will meet the Section 3(10) definition of "lobbyist" for the April – June quarterly period nor that lobbying expenses will exceed \$11,500. While Corporation "C" as a registrant must file a report for January March 2008, "C" will check the "Termination Report" box on Form LD 2, write in 3/31/08, disclose the amount of expenses for the reporting period, and "E's" lobbying activity for the reporting period.

Lobbying Disclosure Act Guidance

Effective January 1, 2008

Reviewed/Last Revised June 15, 2011¹

http://lobbyingdisclosure.house.gov/amended_lda_guide.html



1 of 1 DOCUMENT

UNITED STATES CODE SERVICE
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*** Current through PL 112-60, approved 11/23/11 ***

TITLE 2. THE CONGRESS
 CHAPTER 26. DISCLOSURE OF LOBBYING ACTIVITIES

Go to the United States Code Service Archive Directory

2 USCS § 1603

§ 1603. Registration of lobbyists

(a) Registration.

(1) General rule. No later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, or on the first business day after such 45th day if the 45th day is not a business day, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Secretary of the Senate and the Clerk of the House of Representatives.

(2) Employer filing. Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) Exemption.

(A) General rule. Notwithstanding paragraphs (1) and (2), a person or entity whose--

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed \$ 2,500; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed \$ 10,000,

(as estimated under section 5 [2 USCS § 1604]) in the quarterly period described in section 5(a) [2 USCS § 1604(a)] during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) Adjustment. The dollar amounts in subparagraph (A) shall be adjusted--

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this Act [enacted Dec. 19, 1995]; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period, rounded to the nearest \$ 500.

(b) Contents of registration. Each registration under this section shall contain--

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that--

(A) contributes more than \$ 5,000 to the registrant or the client in the quarterly period to fund the lobbying activities of the registrant; and'

2 USCS § 1603

(B) actively participates in the planning, supervision, or control of such lobbying activities;

(4) the name, address, principal place of business, amount of any contribution of more than \$ 5,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that--

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) a statement of--

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 20 years before the date on which the employee first acted as a lobbyist on behalf of the client, the position in which such employee served.

No disclosure is required under paragraph (3)(B) if the organization that would be identified as affiliated with the client is listed on the client's publicly accessible Internet website as being a member of or contributor to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities. If a registrant relies upon the preceding sentence, the registrant must disclose the specific Internet address of the web page containing the information relied upon. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act [2 USCS §§ 1601 et seq. generally; for full classification, consult USCS Tables volumes] or an organization identified under that paragraph.

(c) Guidelines for registration.

(1) Multiple clients. In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) Multiple contacts. A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) Termination of registration. A registrant who after registration--

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Secretary of the Senate and the Clerk of the House of Representatives and terminate its registration.

HISTORY:

(Dec. 19, 1995, P.L. 104-65, § 4, 109 Stat. 696; Sept. 14, 2007, P.L. 110-81, Title II, §§ 201(b)(2), (5), 207(a)(1), (b), 208, 121 Stat. 742, 747.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Effective date of section:

This section became effective on Jan. 1, 1996, pursuant to Act Dec. 19, 1995, P.L. 104-65, § 24(a), 109 Stat. 705, which appears as 2 USCS § 1601 note.

Amendments:

Act Sept. 14, 2007 (applicable with respect to registrations under Act Dec. 19, 1995 having an effective date of 1/1/2008, or later and with respect to quarterly reports covering calendar quarters beginning on or after 1/1/2008, as provided by § 215 of Act Sept. 14, 2007, which appears as 2 USCS § 434 note), in subsec. (a), in para. (1), inserted "or on the first business day after such 45th day if the 45th day is not a business day," in para. (3)(A), in cl. (i), substituted "\$ 2,500" for "\$ 5,000", in cl. (ii), substituted "\$ 10,000" for "\$ 20,000", and in the concluding matter, substituted "quarterly period" for "semiannual period"; and, in subsec. (b), in paras. (3)(A) and (4), substituted "\$ 5,000" for "\$ 10,000".

Such Act further (applicable as above), in subsec. (b), added the concluding matter, in para. (3), substituted subparas. (A) and (B) for ones which read:

"(A) contributes more than \$ 5,000 toward the lobbying activities of the registrant in a semiannual period described in section 5(a); and

"(B) in whole or in major part plans, supervises, or controls such lobbying activities.", and
in para. (6), substituted "in the 20 years before the date on which the employee first acted" for "in the 2 years before the date on which such employee first acted (after the date of enactment of this Act)".

NOTES:

Related Statutes & Rules:

This section is referred to in 2 USCS §§ 1604, 1609, 1610.

Research Guide:

Am Jur:

17A Am Jur 2d, Contracts § 267.

51 Am Jur 2d, Lobbying § 8.

Interpretive Notes and Decisions:

Former 2 USCS § 264, which required contributions reports, and former 2 USCS § 267, which required registration of any person employed for purpose of influencing passage of legislation, were not unconstitutional on grounds of violating freedom to speak, publish, and petition government. *United States v Harriss (1954) 347 US 612, 98 L Ed 989, 74 S Ct 808.*

In case in which industrial trade association sought judicial review of district court's denial of its motion for judgment on pleadings in its challenge to constitutionality of § 207 of Honest Leadership and Open Government Act of 2007, which amended 2 USCS § 1603(b)(3), under First Amendment, association argued unsuccessfully that statute was unconstitutional on its face; amended § 1603(b)(3) satisfied requirements of strict scrutiny where purpose of lobbying disclosure statute was to provide greater public information about who was lobbying Congress and what they were lobbying about, and government had compelling interest in providing public and its elected representatives with information regarding who was being hired, who was putting up money, and how much they were spending to influence public officials; amended § 1603(b)(3) effectively advanced interest government proffered in support of it, and it was not fatally underinclusive; and it was narrowly tailored. *Nat'l Ass'n of Mfrs. v Taylor (2009, App DC) 582 F3d 1, 37 Media L R 2249.*

In case in which industrial trade association sought judicial review of district court's denial of its motion for judgment on pleadings in its challenge to constitutionality of § 207 of Honest Leadership and Open Government Act of 2007, which amended 2 USCS § 1603(b)(3), association's facial and as-applied First Amendment challenges failed since risks that association claimed its members would suffer if their participation in controversial lobbying were revealed were no different from those suffered by any organization that employed or hired lobbyists itself. *Nat'l Ass'n of Mfrs. v Taylor (2009, App DC) 582 F3d 1, 37 Media L R 2249.*

In case in which industrial trade association sought judicial review of district court's denial of its motion for judgment on pleadings in its challenge to constitutionality of § 207 of Honest Leadership and Open Government Act of 2007, which amended 2 USCS § 1603(b)(3), association unsuccessfully argued that statute was unconstitutionally vague; neither term actively participates nor term lobbying activities rendered amended § 1603(b)(3)(B) impermissibly vague. *Nat'l Ass'n of Mfrs. v Taylor* (2009, App DC) 582 F3d 1, 37 Media L R 2249.

Section 207 of Honest Leadership and Open Government Act of 2007 (HLOGA), Pub. L. No. 110-81, 121 Stat. 735, which amends 2 USCS § 1603(b)(3), part of Lobbying Disclosure Act of 1995, does not constitutionally burden First Amendment rights of lobbying groups to speak, to petition government, and to join in expressive association; HLOGA is narrowly tailored to serve compelling government interest by requiring quarterly registration of affiliates that actively participate in planning, supervision, or control of client's lobbying activities and contribute \$ 5,000 or more to such activities each quarter and by requiring disclosure of name, address, and principal place of business of any such affiliate. *Nat'l Ass'n of Mfrs. v Taylor* (2008, DC Dist Col) 549 F Supp 2d 33, stay den, injunction den (2008, DC Dist Col) 549 F Supp 2d 68.

Section 207 of Honest Leadership and Open Government Act of 2007 (HLOGA), Pub. L. No. 110-81, 121 Stat. 735, which amended 2 USCS § 1603(b)(3), part of Lobbying Disclosure Act of 1995, did not constitutionally burden First Amendment rights of national nonprofit trade association to speak, to petition government, and to join in expressive association; HLOGA was narrowly tailored to serve compelling government interest by requiring quarterly registration of affiliates, such as trade association, that actively participated in planning, supervision, or control of client's lobbying activities and contributed \$ 5,000 or more to such activities each quarter and by requiring disclosure of name, address, and principal place of business of trade association's thousands of members nationwide. *Nat'l Ass'n of Mfrs. v Taylor* (2008, DC Dist Col) 549 F Supp 2d 33, stay den, injunction den (2008, DC Dist Col) 549 F Supp 2d 68.

National trade association's motion for stay and injunction pending its appeal of court order finding to Honest Leadership and Open Government Act of 2007, Pub. L. No. 110-81, 121 Stat. 735, which amended 2 USCS § 1603(b)(3), part of Lobbying Disclosure Act of 1995, constitutional was denied; public interest would be harmed by injunction or stay because either would delay association's quarterly disclosure report and would wreak havoc on other lobbying registrants that were required to file timely reports. *Nat'l Ass'n of Mfrs. v Taylor* (2008, DC Dist Col) 549 F Supp 2d 68.

Because states may not invade field which belongs exclusively to Congress, state act requiring registration of persons collecting money to be used in influencing passage of legislation by Congress is void, since state had no authority to enact legislation in face of Congress' previous enactment of former Regulation of Lobbying Act, 2 USCS §§ 261 et seq. *Smith v Faubus* (1959) 230 Ark 831, 32 Ark L 542.



1 of 2 DOCUMENTS

FEDERAL REGISTER

Vol. 76, No. 193

Notices

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Management and Budget (OMB)

Final Guidance on Appointment of Lobbyists to Federal Boards and CommissionsView PDF of Federal Register Print Version 

76 FR 61756

DATE: Wednesday, October 5, 2011**ACTION:** Notice of Final Guidance.

SUMMARY: The Office of Management and Budget (OMB) is issuing final guidance to Executive Departments and agencies concerning the appointment of federally registered lobbyists to boards and commissions. On June 18, 2010, President Obama issued "Lobbyists on Agency Boards and Commissions," a memorandum directing agencies and departments in the Executive Branch not to appoint or re-appoint federally registered lobbyists to advisory committees and other boards and commissions. The Presidential Memorandum further directed the Director of OMB to "issue proposed guidance to implement this policy to the full extent permitted by law." Proposed guidance was posted on November 2, 2010 and the final guidance was formulated after review of the comments received to the proposed guidance. The Presidential Memorandum is available at <http://www.whitehouse.gov/the-press-office/presidential-memorandum-lobbyists-agency-boards-and-commissions>.

DATES: *Effective Date:* The final guidance will be effective 30 days from the date of issuance in the **Federal Register**

A. Final Guidance

On June 18, 2010, President Obama signed a Presidential Memorandum directing agencies in the Executive Branch not to appoint or re-appoint federally registered lobbyists to advisory committees and other boards and commissions. That memorandum directed the Office of Management and Budget to propose implementing guidance, which follows in the form of questions and answers:

Q1: Who is affected by the policy directed in the June 18, 2010 Presidential Memorandum (the "Memorandum")?

A1: This policy applies to federally registered lobbyists and does not apply to individuals who are registered as lobbyists only at the state level. A lobbyist for purposes of the Memorandum is any individual who is subject to the registration and reporting requirements of the Lobbying Disclosure Act of 1995 (LDA), as amended, 2 U.S.C. 1605, at the

time of appointment or reappointment to an advisory board or commission. Agencies may rely on appropriate searches of databases maintained by the House of Representatives and the Senate in identifying federally registered lobbyists. n1 Alternatively, agencies may consider including in their recruitment process for appointing members a way of obtaining written certification from the individual that he or she is not a federally registered lobbyist.

n1 Lobbying Disclosure, Office of the Clerk, U.S. House of Representatives: <http://lobbyingdisclosure.house.gov>; LDA Reports, U.S. Senate: http://www.senate.gov/legislative/Public_Disclosure/LDA_reports.htm.

Any individual who previously served as a federally registered lobbyist may be appointed or re-appointed only if he or she has either filed a bona fide de-registration or has been de-listed by his or her employer as an active lobbyist reflecting the actual cessation of lobbying activities or if they have not appeared on a quarterly lobbying report for three consecutive quarters as a result of their actual cessation of lobbying activities.

Q2: Does the policy restrict the appointment of individuals who are themselves not federally registered lobbyists but are employed by organizations that engage in lobbying activities?

A2: No, the policy established by the Memorandum applies only to federally registered lobbyists and does not apply to non-lobbyists employed by organizations that lobby.

Q3: What entities constitute "boards and commissions" under the policy?

A3: The policy directed in the Memorandum applies to any committee, board, commission, council, delegation, conference, panel, task force, or other similar group (or subgroup) created by the President, the Congress, or an Executive Branch department or agency to serve a specific function to which appointment is required, regardless of whether it is subject to the Federal Advisory Committee Act, as amended (5 U.S.C. App.). Appointment includes appointment required or permitted by law or regulation, including appointment at the discretion of the department or agency. Additionally, the ban also applies to established workgroups and subcommittees for boards and commissions, which may or may not require formal appointment.

Q4: Does the policy apply to non-Federal members of delegations to international bodies?

A4: Yes, delegations organized to present the United States' position to international bodies are considered to be boards or commissions for the purposes of this policy, regardless of whether they constitute advisory committees for purposes of the Federal Advisory Committee Act, as amended (5 U.S.C. App.). Therefore, agencies should not appoint federally registered lobbyists to these delegations.

Q5: Which "members" of those boards and commissions are covered by the policy?

A5: The policy applies to all members of boards and commissions who are not full-time Federal employees, including both those who have been designated to serve in a representative capacity on behalf of an interested group or constituency and those who have been designated to serve as Special Government Employees, and who are appointed by the President or an Executive Branch agency or official. However, the policy is not intended to be inconsistent with provisions of Federal law or international agreements. Accordingly, even where provisions exist that allow private organizations to designate their representatives or require their consultation on appointments, the appointing authority should, to the extent permissible by law, require such organizations to agree to the appointment of individuals who are not federally registered lobbyists.

Members of boards and commissions do not include individuals who are invited to attend meetings of boards or commissions on an ad hoc basis.

Q6: How does the policy apply if a statute or presidential directive provides for appointments to be made by State Governors or by members of Congress?

A6: While the discretion of appointing authorities outside of the Executive Branch will be respected, those appointing authorities should be encouraged to appoint individuals who are not federally registered lobbyists whenever possible.

Q7: How does the policy apply when a statute or presidential directive requires the appointment of a specific representative from an organization and that representative is a federally registered lobbyist?

A7: The policy does not supersede board or commission membership requirements established by statute or presidential directive. However, committee charters in effect prior to the new policy that require a lobbyist to be ap-

pointed as a member of the committee should, wherever possible and at the earliest possible time, be amended to conform to the policy, consistent with statutes and presidential directives.

Q8: How will the guidance affect lobbyists who were serving on boards and commissions at the time the policy was established?

A8: The prohibition on the appointment of federally registered lobbyists to boards and commissions established by the Memorandum applies to appointments and re-appointments made after June 18, 2010. In order to ensure that there is no disruption of ongoing work of boards and commissions, federally registered lobbyists who already were serving on boards and commissions on that date may serve out the remainder of their terms, but may not be reappointed so long as they remain registered lobbyists.

Q9: Does this policy also restrict the participation of lobbyists as members of a subcommittee or other work group that performs preparatory work for its parent board or commission?

A9: Yes, the policy does not permit the appointment of federally registered lobbyists to a subcommittee or any other subgroup that performs preparatory work for a parent board or commission, whether or not its members [*61757] are appointed in the same manner as are members to the parent committee. The goal of the Memorandum is to restrict the undue influence of lobbyists on Federal government through their membership on boards and commissions, which would include subcommittees and other bodies regardless of whether those positions require formal appointment.

Q10: Does this policy also restrict the participation of lobbyists as witnesses or experts who appear before boards and commissions or submit advice or materials to them?

A10: No, lobbyists may still appear before or otherwise communicate with a board or commission to provide testimony, information, or input in the same manner as non-lobbyists who are not members of or appointees to the board, commission, or any of its subgroups, to the extent permitted by law and regulation. The purpose of the policy is to prevent lobbyists from being in privileged positions in government. It is not designed to prevent lobbyists or others from petitioning their government. When lobbyists do testify, boards and commissions should make reasonable efforts to ensure that they hear a balance of perspectives and are not gathering information or advice exclusively from registered lobbyists.

Q11: What should an agency do if it appoints to a board or commission an individual who is not a federally registered lobbyist at the time of appointment, but who, after appointment, becomes a federally registered lobbyist?

A11: Agencies should make clear to all board and commission members, whether appointed as representatives or Special Government Employees, that their conduct of activities that would require them to be federally registered lobbyists after appointment would necessitate their resignation or removal from membership on boards or commissions. The appointing officers or their delegates shall ensure, at least annually, that board or commission members are not federally registered lobbyists and, upon reappointment of the members, either shall require each member to certify that he or she is not a federally registered lobbyist or shall check the Federal lobbyist databases to confirm that each member has not registered as a lobbyist since appointment. If it is found that, following appointment to a board or commission, a member subsequently has become a federally registered lobbyist or has engaged in activities that would require registration, the agency shall request the resignation of the member.

Q12: Will there be any waivers available for circumstances in which a federally registered lobbyist possesses unique or exceptional value to a board or commission?

A12: The policy makes no provisions for waivers, and waivers will not be permitted under this policy.

Office of Management and Budget

Boris Bershteyn,

General Counsel, Office of Management and Budget

[FR Doc. 2011-25736 Filed 10-4-11; 8:45 am]

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Home • Briefing Room • Presidential Actions • Executive Orders

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 21, 2009

EXECUTIVE ORDER

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2009, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

"As a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

"1.*Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

"2.*Revolving Door Ban -- All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

"3.*Revolving Door Ban -- Lobbyists Entering Government.* If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

(a)participate in any particular matter on which I lobbied within the 2 years before the date of my appointment;

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[handwritten letter]	3	05/16/2012	P5; P6/b6;

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FOIA IDs and Segments:

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22-16595-F

22-17709-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
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Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Lifting the Pay Freeze for Title 3 Components in the Executive Office of the President - To: Anita Decker Breckenridge, et al. - From: Katherine Platt, et al.	2	10/01/2015	P5;

**This marker identifies the original location of the withdrawn item listed above.
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COLLECTION:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-04 (White House Counsel)

FOLDER TITLE:

1200701

FRC ID:

8489

OA Num.:

8077

NARA Num.:

7319

FOIA IDs and Segments:

22-16598-F

22-16595-F

22-17709-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal Marker

Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Reporting Requirements for Discretionary Trusts - To: Designated Agency Ethics Officials - From: Walter M. Shaub, Jr	6	04/09/2013	P5;

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Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-04 (White House Counsel)

FOLDER TITLE:

1200701

FRC ID:

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INTERPRETER : Factors: ?

- ① Normal Biz hours
- ② work RELATED
- ③ mandatory
 - EX. ALL STAFF ATTENDING
 - OFFICE Bulding TV
- ④ OFFICIAL function / off. funds ?

KFG DEPARTURE: TRANSFERRING TASKS

TASK	POINT PERSON	TIME COMMITMENT	NOTES
Legal Compliance Training	Beau	Minimal	Flag for Jennie Fay/Alex Crabtree; add Beau to new hire report distribution list
WAVES	Beau	Minimal	
Conference Rooms/Office Supplies	Beau	Minimal	
Tech Requests	Beau	Minimal	
Non-Federal Travel/1353 Report	Sarah	Moderate	Save Outside Source Travel forms to shared drive; prepare biannual report for OGE
Assigning Ethics Requests	Sam/Germaine	Moderate	Assign requests to an intern/attorney on an ongoing basis; keep an eye out for urgent requests; field questions from staff; POC on request form must be updated (add Germaine to new request email alerts)
Assisting Leslie/Leslie's Schedule	Brenda	Moderate	Calendar; phone; files; etc. (send Brenda file list)
PEEPS Data Entry	Germaine	Moderate	
Nominee/Appointee Label & Filing	Germaine	Moderate	
Sending Draft Nominee/Appointee Paperwork	Beau	Moderate	Beau will prepare 278 memos send draft paperwork to agency cc'ing Rishi and Germaine
State Packages	Rishi/Germaine	Minimal	Packages addressed to Rishi; Germaine will distribute/file
WH Financial Disclosure Files	Germaine/Beau	Moderate	Germaine will do SharePoint data entry and save to shared drive; Beau will send final reports to filer & OGE
Scheduling Exit Debriefings	Brenda	Moderate	Phone number on check out form must be updated (flag for WH Personnel)
Standards of Conduct POC	Rishi	Minimal	Place in file (flag for HR/Irene Porada)
Recusal File POC	Rishi	Minimal	Get Leslie's signature; place in file
EOP Web Site Maintenance	Rishi	Minimal	Email Joi Coleman and Leigh Heyman with edits/additions
FN-WHO-Disclosures (Disclosures@who.eop.gov)	Beau	Minimal	Respond to public requests for public financial disclosure reports; flag for COMs (give Beau inbox access)
278 Transaction Report Reminder	Rishi/Beau	Minimal	Reminder sent to 278 filers monthly
Ethics Meeting Agenda	Brenda	Minimal	Email ethics team weekly to collect agenda items; meeting occurs every Thursday at 11am (send agenda template)

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Discretionary Trusts - To: Designated Agency Ethics Officials - From: Robert I. Cusick	2	08/06/2008	P5;

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SERIES:

Subject Files - FG006-04 (White House Counsel)

FOLDER TITLE:

1200701

FRC ID:

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22-17709-F

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United States Department of Energy
Office of Assistant General Counsel
for General Law, GC-77

FACSIMILE TRANSMISSION FORM

Facsimile from: FORRESTAL BUILDING (202) 586-1510
Forrestal Building, Room 6A-211
1000 Independence Avenue, SW
Washington, DC 20585

Facsimile: 202-586-8688

To: Simon Hershkovitz

Facsimile number to: (202) 586-2231

Date: 7/15/15

Pages: 5 (including cover page)

Message:

As attached

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Plessner, Brian

From: Hymer, Christina
Sent: Tuesday, September 22, 2015 2:06 PM
To: Plessner, Brian
Subject: FW: Commercialization of a Patent to Produce Aluminum

Follow Up Flag: Follow up
Flag Status: Flagged

Please respond to Heidi.

From: Vangenderen, Heidi
Sent: Tuesday, September 22, 2015 2:01 PM
To: Hymer, Christina
Subject: FW: Commercialization of a Patent to Produce Aluminum

Tina,

Could you please advise me of an appropriate response to this?

Glad to chat by phone if that makes greater sense.

Obviously, I am now fully available to set up meetings for her father with aluminum companies.

I do not know Kathy Branch - she is with the WH Office of Public Engagement which is overseen by Valerie Jarrett.

Thanks

Heidi Vangenderen | Director of External Affairs
U.S. Department of Energy
Desk: 202-586-7711 [REDACTED]
heidi.vangenderen@hq.doe.gov

P6/b(6)

From: Kelly K Dibble [mailto:kdd2@ntrs.com]
Sent: Wednesday, September 16, 2015 5:38 PM
To: Vangenderen, Heidi <Heidi.Vangenderen@Hq.Doe.Gov>
Subject: Commercialization of a Patent to Produce Aluminum

Dear Heidi,

I obtained your contact information from Kathy Branch in Valerie Jarrett's office. My father, Harry King, has filed a provisional patent for an "Improved Method for Fabricating Wettable Cathode Substrate *in Situ*". This proven method will reduce the cost of producing aluminum and reduce the carbon levels typically released during the production of aluminum. We prematurely shared this provisional patent with Alcoa to no avail. I would like your assistance to help my father connect with other aluminum companies that may be interested in the commercial viability of this patent.

I am interested in arranging a conference call with you to discuss this matter at your earliest convenience. Please suggest a time that you are available within the next couple of weeks.

Best regards,
Kelly K Dibble



Northern Trust | 125 YEARS

Kelly King Dibble, Esq., | Senior Vice President | Public Affairs and Government Relations
800 Connecticut Avenue, NW, Suite 200, Washington, D.C. 20006 | Direct (202) 303-1710 | [Fax \(202\) 303-1789](mailto:kkd2@ntrs.com)
kkd2@ntrs.com
Please visit www.northerntrust.com

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Original message sent to: [redacted] on 09/25/2015 13:07



United States Department of Energy
Office of Assistant General Counsel
for General Law, GC-77

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Facsimile from:

William C. Plessner (202) 586-1316
Forrestal Building, Room 6A-211
1000 Independence Avenue, SW
Washington, DC 20585

Facsimile: 202-586-8685

To: Sam DeShazer

Facsimile number to: (202) 586-1234

Date: 9/28/2015

Pages: 5 (including cover page)

Message:

Please see attached.

W

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Plessner, Brian

From: Hymer, Christina
Sent: Tuesday, September 22, 2015 2:06 PM
To: Plessner, Brian
Subject: FW: Commercialization of a Patent to Produce Aluminum

Follow Up Flag: Follow up
Flag Status: Flagged

Please respond to me if

From: Vangenderen, Heidi
Sent: Tuesday, September 22, 2015 2:01 PM
To: Hymer, Christina
Subject: FW: Commercialization of a Patent to Produce Aluminum

Tina,

Could you please advise me in an appropriate response to this?

Glad to hear my phone bill makes greater sense?

Obviously, I am unwilling and unable to set up meetings for her father with aluminum companies.

I do not know Kathy Branch. She is with the WHI Office of Public Engagement which is overseen by Val...

Thanks,

Heidi VanGenderen, Director of External Affairs
U.S. Department of Energy
Desk: 202 486 7277
heidi.vangenderen@hq.doe.gov

P6/b(6)

From: Kelly K Dobre [<mailto:kellyd2@ntfs.com>]
Sent: Wednesday, September 16, 2015 5:18 PM
To: Vangenderen, Heidi <Heidi.Vangenderen@Hq.Doe.Gov>
Subject: Commercialization of a Patent to Produce Aluminum

Dear Heidi

I obtained your contact information from Kathy Branch in Valerie Jarrett's office. My father, Harry King, has filed a provisional patent for an "Improved Method for Fabricating Wettable Cathode Substrate *In Situ*". This proven method will reduce the cost of producing aluminum and reduce the carbon levels typically released during the production of aluminum. We prematurely shared this provisional patent with Alcoa to no avail. I would like your assistance to help my father connect with other aluminum companies that may be interested in the commercial viability of this patent.

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Best regards,
Kelly K Dibble



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Kelly King Dibble, Esq. | Senior Vice President | Public Affairs and Government Relations
800 Connecticut Avenue, NW Suite 200, Washington, D.C. 20006 • Direct (202) 303-1710 • [Facsimile \(202\) 303-1786](mailto:kkd2@ntts.com)
kkd2@ntts.com
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United States Department of Energy
Office of Assistant General Counsel
for General Law, GC-77

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Stephen E. Fleischer (202) 586-1586
Forrestal Building, Room 6A-211
1000 Independence Avenue, SW
Washington, DC 20585

Facsimile: 202-586-8685

To: Sam Henshaw

Facsimile number to: (202) 456-2239

Date: 7/28/2015

Pages: 5 (including cover page)

Message:

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ST. TIME	09 25 13:07
TIME USE	00'49
PAGES SENT	3
RESULT	OK

CONFIDENTIAL

Fax Cover Sheet

Date: 9/22/15
To: Carol Borden
From: Michelle Lacko

Fax #: 202 - 456 - 2239
Pages: 8 + cover sheet
Phone Contact: 202-456-5033

CONFIDENTIAL

*****-MEDIA AFFAIRS - *****

001 OK 912022736388 009/009 00:05:40

STN. COMM. ONE-TOUCH/ STATION NAME/TEL NO. PAGES DURATION

FILE NO.=772

MODE = MEMORY TRANSMISSION START=SEP-04 03:04 END=SEP-04 03:10

*****-COMM. JOURNAL- ***** DATE SEP-04-2009 ***** TIME 03:10 *****

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CONFIDENTIAL

Fax Cover Sheet

Date: 9/22/15
To: Carol Borden
From: Michelle Lacko

Fax #: 202 - 456 - 2239
Pages: 8 + cover sheet
Phone Contact: 202-456-5033

CONFIDENTIAL

***** - MEDIA AFFAIRS - *****

STN	COMM.	ONE-TOUCH/	STATION NAME/TEL NO.	PAGES	DURATION
001	STOP	2022736388	000/009	00:00:00	

FILE NO.=771

MODE = MEMORY TRANSMISSION START=SEP-04 02:56 END=SEP-04 02:57

***** - COMM. JOURNAL - ***** DATE SEP-04-2009 ***** TIME 02:57 *****

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Memorandum of Interview	2	08/24/2010	P3/b3; P6/b6; b7d;

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COLLECTION:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-04 (White House Counsel)

FOLDER TITLE:

1200701

FRC ID:

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	[P6/b(6)] - To: Jeannine H Turenne - From: Julie S Moore	1	05/21/2010	P6/b6;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Handwritten Note	[handwritten note] - From: Jeannine Turenne	1	05/24/2010	P6/b6;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Form	Confidential Financial Disclosure Report [with reviewer's notes]	9	04/15/2010	P6/b6;

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SERIES:

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FOLDER TITLE:

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FRC ID:

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- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Board of Governors
Financial Disclosure Reporting
Tracking Sheet

Governors	Position	Reporting Status	Filing Year	Filer Status	Reviewer Status	Certifier Status	Ext.	Exc.
Carolyn Lewis Gallagher	Member		2010					
Louis J. Giuliano	Chairman		2010					
Mickey D. Barnett	Member		2010					
James H. Bilbray	Member		2010					
Alan C. Kessler	Member		2010					
Thurgood Marshall, Jr.	Vice Chairman		2010					
James C. Miller III	Member	Complete	2010	4/15/2010	5/21/2010	5/24/2010	7/1/2010	
Ellen C. Williams	Member		2010					

Withdrawal Marker

Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Form	Executive Branch Personnel Public Financial Disclosure Report [with reviewer's notes]	16	N.D.	P6/b6;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-04 (White House Counsel)

FOLDER TITLE:

1200701

FRC ID:

8489

OA Num.:

8077

NARA Num.:

7319

FOIA IDs and Segments:

22-16598-F

22-16595-F

22-17709-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

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- B. Closed by statute or by the agency which originated the document.
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Withdrawal Marker

Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Memorandum of Interview	6	07/20/2010	P3/b3; P6/b6; b7d;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
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Turenne, Jeannine H - Washington, DC

From: Jim Miller [jim@jimmler.org]
Sent: Friday, October 30, 2009 8:21 PM
To: Turenne, Jeannine H - Washington, DC
Subject: RE: New Affiliation

Thanks. Jim

From: Turenne, Jeannine H - Washington, DC [mailto:jeannine.h.turenne@usps.gov]
Sent: Friday, October 30, 2009 5:55 PM
To: 'jim@jimmler.org'
Cc: Gibbons, Mary Anne - Washington, DC
Subject: RE: New Affiliation

Hello, Gov. Miller:

I have noted this new affiliation in your file.

Regards,

Jeannine Turenne
202-268-3077

From: Gibbons, Mary Anne - Washington, DC
Sent: Friday, October 30, 2009 5:21 PM
To: 'jim@jimmler.org'
Cc: Turenne, Jeannine H - Washington, DC
Subject: Re: New Affiliation

Jim, Jeannine Turenne, our new Chief Counsel for Ethics, will add this information to the file. This sounds like a very interesting and enjoyable assignment. Mary Anne
Mary Anne Gibbons
Via Blackberry Wireless handheld device.

From: Jim Miller <jim@jimmler.org>
To: Gibbons, Mary Anne - Washington, DC
Sent: Fri Oct 30 16:00:26 2009
Subject: New Affiliation

Mary Anne —

I have just accepted an assignment to chair a three-person commission to review and assess the fiscal structure of the Cayman Islands Government and to draw conclusions and make recommendations.

The time frame is a few months, but it will occupy a good deal of my time.

Just wanted to report this for SF-178 (?) purposes.

Jim

11/1/2009

Weds, Nov. 4, 2009
11:00 am EST

Gov. Miller called to say his on the Cayman Islands Commission. He had forgotten he had already emailed us about it.

He explained that Cayman Islands is a British Protectorate with 55,000 residents. Foreign office wants to raise taxes - dispute has arisen. They want an independent Committee to look at finances.

I reminded Gov. Miller he had already emailed us about it - & I told him I didn't see a conflict.

Turenne, Jeannine H - Washington, DC

From: Turenne, Jeannine H - Washington, DC
Sent: Sunday, November 15, 2009 12:11 PM
To: Gibbons, Mary Anne - Washington, DC
Cc: Grant, Helen R - Washington, DC; Moore, Julie S - Washington, DC
Subject: CY 2009 Governor Ethics Training is Completed

Hi Mary Anne:

This email is to confirm that last week we completed OGE's required annual ethics training for each of our Governors. We accomplished this while the Governors were in DC for the November Board of Governors meeting.

Helen and I sat with Govs. Marshall, Williams, Billbray, Miller & Barnett in the Ben Franklin Room on the afternoon of Thursday, November 12, 2009.

Later the same day, Helen and I sat with Gov. Kessler in the Board room of the Governors' Office.

The following day, Friday, November 13, 2009, you and I met with Gov. Gallagher in an office within the Governors' Office, and later that morning we did the same thing with Gov. Giuliano.

Please let me know if you have any questions or concerns.

Jeannine H. Turenne
Chief Counsel, Ethics & Federal Requirements
USPS Law Department, Civil Practice Section
475 L'Enfant Plaza, SW, Room 6209
Washington, DC 20260-1127
(202) 268-3077 (office)

(202) 268-6279 (facsimile)
jeannine.h.turenne@usps.gov

P6/b(6)



November 13, 2009

GOVERNOR MILLER

SUBJECT: CY 2009 Ethics Training

It was a pleasure to meet you this week while you were being provided with your required annual ethics training for calendar year 2009.

Attached is a package containing ethics information for you to review and/or consult at your convenience.

I am also including one of my business cards, as well as a "rolodex" card with my identifying information in case you might find it to be useful.

I look forward to assisting you with any ethics-related questions or concerns. Please feel free to call or email me at any time. My office phone number is (202) 268-3077 and my blackberry number is [REDACTED] My email address is jeannine.h.turenne@usps.gov.

A handwritten signature in black ink, appearing to read "Jeannine H. Turenne".

Jeannine Turenne
Chief Counsel
Ethics & Federal Requirements

P6/b(6)

Enclosures

Ms. Gibbons
Ms. Grant

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Reference Material:

Summary of the Standards of Ethical Conduct for Employees of the Executive Branch	TAB 1
Supplemental Standards of Ethical Conduct for Employees of the United States Postal Service	TAB 2

THE SPECIAL GOVERNMENT EMPLOYEE

Definition of Special Government Employee: 18 U.S.C. § 202(a):

Generally speaking, a Special Government Employee is defined by statute as one who is appointed to perform temporary duties for no more than 130 days a year.¹ The employee classification of Special Government Employee was created by law early in the 1960's as a part of a comprehensive revision of the federal conflict of interest laws. Its purpose was to create a way to impose less stringent restrictions on the financial interests and economic activities of persons who work for the Government on an occasional or part-time basis than those that exist for regular, full-time Government employees. In 1981 the Office of Government Ethics, the independent agency which exercises oversight of the Ethics Programs of departments and agencies of the Executive Branch, concluded that the Postal Service's Governors are Special Government Employees for purposes of the conflict of interest statutes.²

Special Government Employees are covered by the ethics laws and regulations without regard to their pay status. In addition, the conduct regulations that govern the private activities of Special Government Employees (representational services, expert witness activities, etc.) apply equally on days when they serve the Government and days when they do not, in contrast to the restrictions of the Hatch Act, which apply only when a Special Government Employee is on official duty. 5 C.F.R. §734.601.³

Counting Workdays:

The manner in which an agency prospectively determines the number of days a Special Government Employee is expected to work, as well as the manner in which a Special Government Employee accounts for his actual workdays, is a matter of considerable debate at this time. The Office of Government Ethics relies on the individual agency to develop a tracking system that is practical and reliable under the particular circumstances upon which the agency employs its Special Government Employees. Under the existing guidelines issued by the Office of Government Ethics, an agency is required to count "a part of a day" as an entire day.⁴ Certain officials at the Office of Government Ethics believe there is no minimum amount of time required to meet the "part of the day" criteria, and opine that five minutes of time directed at reading emails could constitute a workday for this purpose. Yet, others have a more practical

¹ 18 U.S.C. § 202(a).

² OGE Informal Opinion 81 x 24 (July 23, 1981).

³ Caution should be applied by the Special Government Employee who encroaches upon the 130 workday threshold in that the Office of Special Counsel (OSC) takes the position that a Special Government Employee who works more than 130 days is no longer a Special Government Employee for Hatch Act purposes. It should be noted that the Chief Counsel for the Hatch Act Unit at OSC concedes that OSC has no legal support for this conclusion and agrees that the conclusion is not grounded in any case law or regulatory interpretation. In fact, OGE materials do not support OSC's position. Nonetheless, for the purposes of proceeding with an abundance of caution, Special Government Employees should seek a written advisory opinion from the General Counsel on the matter before engaging in any political activities that are prohibited for regular employees once the Special Government Employee nears the 130 workday threshold.

⁴ The present position of OGE is based primarily on a 1963 opinion of the Office of Legal Counsel, Department of Justice. 2 Op. O.L.C. 151, 155n (1978).

perspective and propose that the measurement should be more closely tied to substantive contributions to the agency's business and suggest that ministerial or administrative tasks should not be considered as work performance for this purpose.

The Postal Service, as well as other Executive Branch departments, has sought more direction and clarity on the proper definition of "a part of a day." We believe that an agency should define a workday with both a quantitative and qualitative measurement that considers the telecommunications capabilities of the current business environment, agency-specific expectations, and the work habits and preferences of its Special Government Employee workforce. The Office of Government Ethics agrees that a more contemporaneous examination of the workday definition is needed. We continue to engage officials at the Office of Government Ethics in discussions regarding this issue and we plan to secure an opinion from the Office of Legal Counsel.

In that the number of workdays a Governor works in any preceding 365-day period impacts how certain laws and regulations apply to the Governors, we will keep you updated on any development in this area. In the interim, we suggest that you address any questions or concerns about this issue with the Office of the Board of Governors.

The Standards of Ethical Conduct for Employees of the Executive Branch

The Standards of Ethical Conduct for Employees of the Executive Branch (hereinafter referred to as the "Standards of Conduct") are found at 5 C.F.R. Part 2635. In brief, the Standards of Conduct are divided into the following subparts:

- General Provisions – The Principles of Ethical Conduct
- Gifts from Outside Sources
- Gifts Between Employees
- Conflicting Financial Interests
- Impartiality in Performing Official Duties
- Seeking Other Employment
- Misuse of Position
- Outside Activities

Generally speaking, Special Government Employees are treated the same as regular employees under the Standards of Conduct. However, as a Special Government Employee, some of the regulations found in these subparts apply to you in a less restrictive manner, and in some cases, not at all. This document will address a few notable points which we believe most commonly represent issues you will encounter in your official position and will point out how these regulations apply differently to a Special Government Employee.

Also, for your reference, attached at Tab A, you will find a document which more fully summarizes the Standards of Conduct and identifies the most common exceptions and exclusions to the general rules.

Special Government Employees and Gifts

A. Gifts from Outside Sources

Special Government Employees, like all regular employees, are subject to the "gift rules" set out in 5 C.F.R. § 2635.201 et seq. The term gift has a very broad definition in the Standards of Conduct.⁵ The general gift rule prohibits the acceptance of gifts from a prohibited source and gifts given because of an employee's official position. The definition of prohibited source includes *any person* seeking official action from the employee's agency, doing or seeking to do business with the employee's agency, conducting activities regulated by the employee's agency, or having interests that may be substantially affected by the employee's official duties. The definition also includes *organizations*, if the majority of its members fall within any of the aforementioned categories.⁶

While not treated differently than any other postal employee under this section, there are three exceptions to the general rule that are of particular significance to Governors: the exception for gifts based on a personal relationships, the exception for gifts based on outside business or employment relationships and the exception for widely attended gatherings.

An employee may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pays for the gift.⁷ Likewise, an employee may accept a gift resulting from his outside business or employment activities when it is clear that such benefits have not been offered or enhanced because of his official status.⁸

As a Governor, you will receive invitations from non-postal sources to attend events, conferences, lunches or dinners and other activities of entertainment interest, often at no cost to you or your guest. While the invitation may be a "gift" under these rules due to its value and/or the source of the invitation, there are times when it is in the best interest of the Postal Service for you to accept the invitation. Ethics counsel will review the facts and circumstances surrounding the event and determine if the event qualifies as a "widely attended gathering." If so, you are permitted to accept the invitation upon written authorization from an ethics official. The test applied to the majority of these determinations is whether the agency's interest in your participation outweighs any concern that acceptance may, or may appear to, improperly influence your official performance.

⁵ Gift includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. 5 C.F.R. § 2635.203(b).

⁶ See 5 C.F.R. § 2635.203(d).

⁷ 5 C.F.R. § 2635.204(b).

⁸ 5 C.F.R. § 2635.204(e)(2).

B. Gifts Between Employees

The general rule is that gifts may not be accepted from a subordinate employee or from an employee who receives less pay. Like all the regulations at issue, there are exceptions to the general rule. Most gifts of a value up to \$10 may be given and accepted on traditional gift giving occasions. Also, appropriate gifts of greater value may be given on special, infrequent occasions of personal significance, such as marriage, illness, the birth of a child, or retirement.

A good rule of thumb is to check with Ethics Counsel any time a gift is offered to you to ensure that you do not inadvertently violate the gift rules.

Special Government Employees and Conflicting Financial Interests

This subpart of the Standards of Conduct, as well as the criminal conflict of interest statute,⁹ prohibits all employees, including Special Government Employees, from participating personally and substantially in any particular matter¹⁰ that has a direct and predictable effect on their own financial interests or the financial interests of others with whom they have certain relationships. In addition to an employee's own personal financial interests, the financial interests of the following persons or organizations are also disqualifying: spouse, minor child, general partner, or organization for which the individual serves as an officer, director, trustee, general partner or employee; and a person or organization with which the employee is negotiating or has any arrangement concerning prospective employment.

Any direct and predictable effect on a financial interest can trigger a violation, even those that are expected to reduce the value of the interest. Further, the degree or actual amount of the gain or loss is not important. Rather, the relevant consideration is whether the particular matter would have any "direct and predictable effect" on the financial interest. If so, the employee has a "disqualifying financial interest" and, while pending a resolution, is unable to participate in that particular matter.¹¹

A conflict may be resolved in several ways. For example, there are certain statutory exemptions which allow for the employee's participation and are based upon the dollar amount of the disqualifying holding. There is a de minimis exemption for interests in securities if the securities are publicly traded or are long-term Federal Government or municipal securities and the aggregate market value of the holdings of the employee, his spouse, and his minor children in the disqualifying financial interest does not exceed \$15,000. There also is a de minimis exemption for matters involving non-parties, which is an exemption for interests in securities if securities are publicly traded or are long-term Federal Government or municipal securities and the aggregate market value of the holdings of the employee, his spouse, and his minor children in the disqualifying financial

⁹ 18 U.S.C. § 208 (a) reads in part: Expect as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government...including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with which he is serving as an officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest - Shall be subject to the penalties set forth in section 216 of this title [18 USCS § 216].

¹⁰ The term particular matter includes only matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. The term may include matters which do not involve formal parties and may extend to legislation or policy making that is narrowly focused on the interests of a discrete and identifiable class of persons. It does not, however, cover consideration or adoption of broad policy options directed to the interests of a large and diverse group of persons. The particular matters covered by the conflict of interest regulations also include a judicial or other proceeding, application or request for a ruling or other determination, contract, claim, controversy, charge, accusation or arrest. See 5 CFR 2640.103(a)(1).

¹¹ 5 C.F.R. § 2635.401 et. seq.

interest does not exceed \$25,000. An example of such a situation involving non-parties may arise when the particular matter before the Board involves direct competitors of a company in which the Governor holds significant interests.

If a statutory exemption is not appropriate, an employee may divest the asset, secure a written waiver issued by an agency ethics official or recuse him/herself from participating in the matter. A few points regarding each of these options are worth noting.

Divestiture: If a Governor decides to divest the asset, he/she is no longer prohibited from participating in the particular matter. It is important to note that a Special Government Employees is not eligible for a Certificate of Divestiture, a tax benefit that allows the deferral of non-recognition of capital gain where an employee divests a financial interest in order to comply with conflict of interest requirements.¹² For this reason, there may be tax implications to a divestiture.

Waiver: A Governor may be granted a waiver only if an ethics official determines that the conflict of interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the employee. Among the factors the responsible ethics official must consider are: the type of interest, the owner of the interest (the employee or a relative, employer, partner, etc.), the dollar value of the interest, the value of the holding and its relationship to the individual's assets, the nature and importance of the employee's role in the matter, the sensitivity of the matter, and the need for the employee's services in the matter.

Disqualification: Unless the Governor is authorized to participate in the particular matter by virtue of an exemption or waiver, or the interest has been divested, he or she must recuse himself/herself from participation. A recusal should be done in writing and in cooperation with an ethics official to ensure that all postal business correspondence and communications involving the disqualifying financial interest are not improperly directed to the Governor's attention or discussed in his/her presence.

Identifying Potential Conflicts of Interest

To assist you in identifying potential financial conflicts of interests, before each Board of Governors meeting, the Ethics Office will provide you with a list of those matters on the meeting agenda and the non-postal parties involved in those matters. You should review the list at your earliest convenience to determine if you, or anyone whose interests are imputed to you, have a financial interest in any Board related matter. If you wish, this list can be provided to your financial advisors and financial managers as an additional precaution.

Additionally, as yet another check, the Ethics Office will compare those non-postal parties with matters coming before the Board with the financial interests you identified on your most recent Financial Disclosure Report. If any match is identified, you will be notified in sufficient time to resolve the potential conflict. Because the Financial Disclosure Report captures only a specific period of time, and is limited to only certain financial interests, the Governors are invited to periodically submit updated financial information to the Ethics Office to ensure that this gatekeeper process considers any

¹² Congress specifically excluded Special Government Employees from the applicable provision of the tax code. See 26 USC 1043(b)(1)(A).

financial interests that are not apparent on the face of the Financial Disclosure Report. This is particularly useful for those Governors who have large, fluid portfolios and those with frequently changing outside affiliations and client relationships.

If you suspect that you have a disqualifying financial interest, you should notify the Vice President, General Counsel or the Chief Counsel, Ethics and Federal Requirements, as soon as possible. These ethics officials will assist you identifying the most appropriate resolution for the specific situation.

Impartiality In Performing Official Duties

All Executive Branch employees covered by the Standards of Conduct are required to take appropriate steps to avoid an appearance of the loss of impartiality in the performance of their official duties. This provision covers those times when a criminal financial conflict of interest is not present, but other facts and circumstances warrant the employee to remove himself from participating in a matter. Unless granted prior authorization, an employee may not participate in any particular matter, involving specific parties:

- (1) that he knows is likely to affect the financial interests of a member of his household;
- (2) that he knows a person with whom he has a covered relationship¹³ is either a party or represents a party, if he determines that a reasonable person with knowledge of the relevant facts would question his impartiality in the matter.
- (3) for a period of two years, if the federal employee received an extraordinary severance or other payment from a former employer prior to entering the subject government service, and the matter involves that former employer, as either a party or the representative of a party.

A Governor, who becomes aware of the need to disqualify himself from participating in any particular matter, should notify the Vice-President, General Counsel or the Chief Counsel, Ethics and Federal Requirements, as soon as possible. Except in those circumstances involving the extraordinary payments set out in example three above, an ethics official may authorize the Governor's participation in the matter based on a *determination, made in light of all relevant circumstances, that the interest of the Postal Service in the Governor's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations.* Otherwise, the Governor will be disqualified from participation.

In situations involving extraordinary payments from a former employer, the Governor will be disqualified unless an ethics official *determines that the payment was not so substantial as to cause a reasonable person to question the employee's ability to act impartially.*

Finally, there is an additional requirement in this chapter that acts as a catch-all provision. The regulations requires that a government employee, who is concerned that "other circumstances" would raise a question regarding his/her impartiality, should use

¹³ An employee has a covered relationship with: (1) a person, other than a prospective employer described in §2635.603(c), with whom the employee has or seeks a business, contractual or other financial relationship that involves other than a routine consumer transaction; (2) a person who is a member of the employee's household, or who is a relative with whom the employee has a close personal relationship; (3) a person for whom the employee's spouse, parent or dependent child is, to the employee's knowledge, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; (4) any person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; or (5) an organization, other than a political party, in which the employee has been an active participant... See 5 C.F.R. § 2635.502(b)(1).

the process described in this section to determine whether he should or should not participate in a particular matter. In other words, if you have any doubt that your participation in a particular matter will appear impartial to the reasonable person, you may be required to recuse yourself and, therefore, you should seek advice from an ethics official before participating.

Seeking Other Employment

This regulation requires all Executive Branch employees covered by the Standards of Conduct, including Special Government Employees, to disqualify themselves from participating in a particular matter when *seeking employment* with persons whose financial interests would be directly and predictably affected by the employee's official duties. You may recall that the criminal conflict of interest law and related ethics regulations prohibit an employee from participating in a particular matter involving a party "with whom the employee *is negotiating for or has an arrangement* concerning prospective employment." The regulations under the Seeking Other Employment subpart also address the issue of the lack of impartiality that arises when the employee's actions fall short of actual negotiations.

A Governor who becomes aware of the need to disqualify himself from participation in a particular matter to which he has been assigned because he has decided to seek employment with a party involved in that particular matter, or who becomes aware that a prospective employer has business coming before the Board, should immediately notify ethics counsel. Ethics counsel will determine if the conflict presents a potential violation of the criminal statute or if it gives rise to an appearance of impartiality and advise the Governor of the appropriate options to resolve the conflict.

In certain situations, a Governor may obtain a waiver to participate from agency counsel. Generally, a waiver may be granted if the ethics official determines that the conflict in the particular matter or matters is *"not so substantial as to be deemed likely to affect the integrity of the service which the government may expect from such employee."*¹⁴ If a waiver is not appropriate and a recusal is necessary, counsel will coordinate the necessary internal notifications required by these regulations.

If, however, the matter does not give rise to a potential criminal violation, but rather requires an analysis under the appearance of impartiality regulations, based on the specific facts and circumstances involved, ethics counsel may determine that the *"interests of the Postal Service in the Governor's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations."*¹⁵

Because the line between a criminal violation and an appearance of impartiality when seeking employment is a fine one, with the former having criminal sanctions attached to a violation, great caution should be exercised in this area and a written ethics opinion should be secured before participating in the matter at hand.

¹⁴ 5 C.F.R. § 2635.402(d).

¹⁵ 5 C.F.R. § 2635.502 (d).

Misuse of Position

The subpart sets forth standards relating to the use of public office for private gain, the use of nonpublic information, the use of government property and the use of official time.

Use of Public Office for Private Gain

An Executive Branch employee covered by the Standards of Conduct may not use, or permit the use of, his position or title to induce or coerce benefits for himself or others, in any way that could reasonably be construed to imply that the Postal Service sanctioned his personal activities; or to endorse any product, service or enterprise, except as authorized by policy.

Use of Nonpublic Information

An Executive Branch employee covered by the Standards of Conduct may not engage in a financial transaction nor allow the improper use of nonpublic information to further his own or others private interests.

Use of Government Property

An Executive Branch employee covered by the Standards of Conduct must protect and conserve government property and ensure that it is used only for authorized purposes.

Use of Official Time

An Executive Branch employee covered by the Standards of Conduct must use official time in an honest effort to perform official duties and not encourage, direct, coerce or request a subordinate to use official time to perform activities other than official duties of the agency.

Outside Activities

Outside Employment - Supplemental Standards of Ethical Conduct for Employees of the United States Postal Service

The Postal Service has adopted Supplemental Standards of Ethical Conduct ("Supplemental Standards") relating to outside employment and business activities. These Supplemental Standards are intended to prevent postal employees from engaging in private activities which compete with the Postal Service or which involve too close a private relationship with their postal duties. Examples include an outright prohibition against acting as a private consultant or providing subcontracting services with respect to postal matters to any postal contractor and also forbid a postal employee from working off the clock for a person or entity engaged in the delivery of mailable matter. Somewhat more flexible are provisions requiring approval before engaging in various outside activities, including doing business with or being employed by a person whose interests are dependent on postal rates or classifications. The Supplemental Standards apply to all Officers, regular employees and Governors.

Outside Expert Witness Activities

Unless authorized by the Designated Agency Ethics Official, an employee may not participate as an expert witness, other than on behalf of the United States, in any proceeding before a Federal court or agency in which the United States is a party or has a direct and substantial interest. For Special Government Employees, however, the restriction is narrowed substantially. With respect to the Governors, the restriction only applies in a proceeding in which the Postal Service is a party or has a direct and substantial interest, or if the Governor has participated in the particular proceeding or in the particular matter that is the subject of the proceeding.

Teaching, Speaking and Writing

Employees are prohibited from receiving compensation for speaking, teaching or writing activities that relate to the employee's official duties. This rule is applied broadly to regular employees, but in a less restrictive manner for Special Government Employees. Further, its application depends on the number of days a Special Government Employee is expected by the agency to work in a year, as follows:

This provision applies to a Special Government Employees expected to work 60 or fewer day a year insofar as the matter upon which the Special Government Employee is expected to teach, speak or write is related to any particular matter involving specific parties in which the Special Government Employee participated "personally and substantially."

If the Special Government Employees is expected to work more than 60 days a year, the provision applies insofar as the matter upon which the Special Government Employee is expected to teach, speak or write is related to any matter to which the Special Government Employee is or was assigned to during the Special Government Employee's current appointment.

Because the terms "particular matter involving specific parties" and "personally and substantially" are terms of art in ethics related matters, the rule of thumb should be to seek ethics counseling anytime you are asked to teach, speak or write, in your personal capacity, on any matter that is related to the Postal Service or associated with any of its business activities.

Fundraising

Fundraising, for purposes of the Standards of Conduct, means: the raising of funds for a nonprofit organization, other than a political organization as defined by 26 U.S.C. § 527(e), through the solicitation of funds or sale of items, or participation in the conduct of an event by an employee where any portion of the cost of attendance or participation may be taken as a charitable tax deduction by a person incurring that cost.¹⁶

Fundraising In An Official Capacity

Postal Service employees, including Governors, are limited in their ability to conduct or participate in fundraising while in an official capacity. An employee may participate in fundraising while on official duty only if the fundraising is done in accordance with a statute, Executive order, regulation, or otherwise as determined by the agency.¹⁷

For the most part, while on official duty, the only permissible fundraising in which an individual employee can engage is in accordance with the Combined Federal Campaign (CFC).¹⁸ However, the Postal Service participates in other charitable causes such as the National Association of Letter Carriers' Food Drive, the Bone Marrow Drive and supports the Postal Service Employees Relief Fund (PERF).

Fundraising In A Personal Capacity

All Postal Service employees, including Governors, are restricted from using their official title, their position, or their authority in any personal fundraising activity.

Also, all Postal Service employees, including Governors, are restricted from soliciting from any of their subordinate employees in any personal fundraising activity.

Postal Service employees, except Governors, are prohibited from soliciting from any person or organization that meets any of the definitions of a prohibited source under the gift rules.

However, for the purposes of personal fundraising, the definition of a prohibited source is more narrowly drawn for Special Government Employees. Special Government Employees are prohibited from personally soliciting persons whose interests may be affected substantially by the performance or nonperformance of the Governor's official duties.

¹⁶ 5 C.F.R. § 2635.808 a).

¹⁷ 5 C.F.R. § 2635.808(b).

¹⁸ As background information, in March of 1982, former President Ronald Reagan issued an Executive Order directing the Office of Personnel Management to create the Combined Federal Campaign (CFC). A February 1983 Executive Order provided that there would be only one annual Combined Federal Campaign.

Important Criminal Statutes

In addition to the provisions in Title 18 of the United States Code that govern financial conflicts of interests, Title 18 also contains several other statutory provisions that apply to federal government service. A brief reference to the key provisions you should be familiar with follow:

Representational Restrictions – 18 U.S.C. §§ 203 and 205 restrict the ability of Special Government Employees to represent others in matters in which the United States is a party or has a direct and substantial interest and to receive compensation for such representational services.

18 U.S.C. § 205: prohibits all employees, including Governors, from acting as an agent or attorney in connection with any covered matter involving a specific party in which the Governor participated personally and substantially as a Governor. If the Governor ***exceeded 60 workdays during the immediately preceding period of 365 consecutive days***, he may not personally act as an agent or attorney in connection with any matter involving a specific party that was pending before the Postal Service while he was a Governor.

18 U.S.C. § 203: at any time during the Governors tenure, a Governor is prohibited from receiving compensation from representational services rendered, by the Governor or other member of his firm, in connect with any particular matter in which the Governor personally and substantially participated. If the Governor ***exceeded 60 workdays during the immediately preceding period of 365 consecutive days***, he may not receive any compensation related to any particular matter that was pending before the Postal Service while he was a Governor.

Even where representational services are not barred by 18 U.S.C. §§ 203 or 205, a Special Government Employee must be careful not to violate 5 C.F.R. §2635.702, which prohibits the use of public office for private gain. Therefore, Governors were cautioned in a Presidential Memorandum to alert a responsible government official when contemplating such activities.¹⁹

Post Employment Restrictions – 18 U.S.C. § 207 places restrictions on the activities of former Special Government Employees.

18 U.S.C. §207(b) – referred to as the ***"one-year cooling off period"*** - prohibits former senior employees from representing anyone before their former agency or department for one year after terminating their senior position, in connection with any matter. The provision only applies to former Special Government Employees who served 60 or more days during the one-year period before terminating their services as a senior employee.

18 U.S.C. § 207(f) imposes a one year prohibition on senior employees from representing, aiding, or advising certain covered foreign entities in connection with any official decision of an officer or employee of the United States. This provision only applies to former Special Government Employees who served 60 days or more during the last year before they terminated from their senior position.

¹⁹ See Presidential Memorandum issued shortly after the relevant legislative enactment at 28 Federal Register at 4542.

18 U.S.C. § 207(a)(1) places a lifetime prohibition on representing others in connection with the same particular matter involving specific parties in which the former Special Government Employee participated personally and substantially.

18 U.S.C. § 207(a)(2) places a two-year prohibition on representing others in connection with the same particular matter involving specific parties that was pending under the Special Government Employee's official responsibility during the last year of the Special Government Employee's term.

Supplementation of Salary – 18 U.S.C. § 209

Special Government Employees are not subject to 18 U.S.C § 209 which prohibits federal employees from receiving any salary, or any contribution to or supplementation of salary from an outside source as compensation for their Government services. This means, for example, that Special Government Employees may continue to collect their regular salary from an outside employer for days on which they are providing services to the Government. However, Special Government Employees are prohibited from receiving outside compensation for teaching, speaking, or writing when the activity is undertaken as part of the employee's official duties. 5 C.F.R. § 807(a)(2)(i)(A).

Anti-Lobbying Act – 18 U.S.C. § 1913

The Anti-Lobbying Act prohibits the use of the government's funds to communicate with Congress on an issue except "through the proper official channels." It is a violation of this statute to use government funds to urge a private citizen to communicate with Congress about an issue, or to generate a grass roots lobbying campaign.

Miscellaneous

Special Government Employees are subject to the criminal bribery and illegal gratuity statute, which prohibits, under certain circumstances, the receipt of anything of value in connection with official acts. 18 U.S.C. § 201(b)(c).

Special Government Employees are prohibited from acting as an agent of a foreign principal under certain circumstances. Unlike regular employees, however, Special Government Employees may be eligible for a special exemption from this prohibition. 18 U.S.C. § 219.

Special Government Employees may be subject to the Emoluments Clause of the U.S. Constitution, Article I, § 9, cl. 8, which prohibits persons who "hold offices of profit or trust" in the Federal Government from having any position in or receiving any payment from a foreign government.

Financial Disclosure

Special Government Employees are covered by the financial disclosure provisions of the Ethics in Government Act of 1978, 5 U.S.C. app. §§ 101-111, as implemented by 5 C.F.R. § 2634. All Special Government Employees are required to file an annual Financial Disclosure Report. Notwithstanding the requirement in 39 C.F.R. §10.4 that the members of the Postal Service's Board of Governors must use Standard Form 278, Public Financial Disclosure Report, for these purposes, a Governor's Financial Disclosure Report is not subject to disclosure unless the Governor has performed the duties of his office for more than 60 days in the applicable reporting year.

The Hatch Act and Political Activity

The Hatch Act, 5 U.S.C. § 7321 et seq., generally permits most federal employees, including Postal Service employees, to actively participate in partisan political management and partisan political campaigns. Covered employees, however, are prohibited from engaging in political activity while on duty, in a government office or building, while wearing an official uniform, or using a government vehicle. Political activity has been defined as activity directed toward the success or failure of a political party, or a candidate for a partisan political office or partisan political group. Because Postal Service Governors are Special Government Employees, the Hatch Act restrictions apply to them ONLY when they are engaged in Postal Service business.²⁰

While On Official Duty, a Governor MAY NOT:

- Mix official travel and political activities without written justification and prior authorization from the General Counsel
- Concurrently engage in political activity
- Engage in political activity while in any government office
- Engage in political activity while using a government vehicle
- Run as a candidate for public office in partisan elections
- Wear political buttons
- Use their official title, authority or influence to interfere with an election
- Solicit, accept, or receive political contributions unless both the Governor and the candidate are members of the same federal labor organization or employee organization and the person solicited is not a subordinate employee
- Knowingly solicit or discourage the political activity of any person who has business before the agency

Frequently Asked Questions:

May I help organize a political fundraiser?

- Yes, in your personal capacity you may organize a fundraiser.

Can my name appear on invitations to a political fundraiser as a sponsor or point of contact?

- Yes, as long as you do not carry out the activities of the sponsorship or contact while concurrently engaged in postal business, and your postal role is not mentioned on the invitation.

May I speak at a political fundraiser, or attend a party convention?

- Yes, as long as you are not engaged in postal business at the function.

²⁰ If a Special Government Employee (SGE), such as a member of the U.S. Postal Service Board of Governors, works more than 130 days in this capacity during any preceding 365 day period, the Office of Special Counsel asserts that the Hatch Act prohibitions apply to the SGE at all times, including while acting in a non-postal capacity.

Gibbons, Mary Anne - Washington, DC

From: Turenne, Jeannine H - Washington, DC
Sent: Wednesday, July 14, 2010 10:02 AM
To: Gibbons, Mary Anne - Washington, DC
Subject: Updated contact list for emoluments clause

Attachments: 2010 07-14 Contacts for Emoluments Clause Issues.doc



2010 07-14
contacts for Emolum.

Mary Anne, attached is an updated contact list. Dan Koffsky advised us to work directly with Arthur Goldberg of the Federal Programs Branch of the Civil Division at DOJ. His boss is a man named Jody Hunt - Dan said we'd be welcome to contact Jody first since this is a high level matter. I have to run to my arbitration.

Contacts for Emoluments Clause Issues

- (1) Dan Koffsky, Department of Justice's Office of Legal Counsel
(202) 514-2030
Daniel.L.Koffsky@usdoj.gov
- (2) Chip Brooks, Department of State
(202) 663-3191
- (3) Arthur Goldberg, Federal Programs Branch of the Civil Division of DOJ
(202) 514-4783
- (4) Joseph "Jody" Hunt, Director, Federal Programs Branch of the Civil Division of DOJ (Arthur's supervisor)
(202) 514-1259

Withdrawal Marker

Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Fwd: Emoluments Clause -[P6/b(6)] Memo - To: Mary Anne Gibbons - From: Jim Miller	3	07/14/2010	P6/b6;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-04 (White House Counsel)

FOLDER TITLE:

1200701

FRC ID:

8489

OA Num.:

8077

NARA Num.:

7319

FOIA IDs and Segments:

22-16598-F

22-16595-F

22-17709-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Handwritten Note	[handwritten note]	1	N.D.	P6/b6;

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Gibbons, Mary Anne - Washington, DC

From: Gibbons, Mary Anne - Washington, DC
Sent: Thursday, July 15, 2010 3:25 PM
To: Jim Miller
Subject: RE: Is there a good time to call you and, if so, at what number?

Will do

From: Jim Miller [mailto:jim@jimmler.org]
Sent: Thursday, July 15, 2010 3:24 PM
To: Gibbons, Mary Anne - Washington, DC
Subject: Re: Is there a good time to call you and, if so, at what number?

Please call me at 3:45 p.m. At [REDACTED]

Thanks.

Jim

James C. Miller III



P6/b(6)

Sent from my iPad

On Jul 15, 2010, at 3:04 PM, "Gibbons, Mary Anne - Washington, DC"
<Mary.Anne.Gibbons@usps.gov> wrote:

7/15/2010

M

Gibbons, Mary Anne - Washington, DC

From: Gibbons, Mary Anne - Washington, DC
Sent: Thursday, July 15, 2010 3:53 PM
To: 'Jim Miller'
Subject: FW: Updated contact list for emoluments clause
Attachments: 2010 07-14 Contacts for Emoluments Clause Issues.doc



2010 07-14
ontacts for Emolum.

Contacts for Emoluments Clause Issues

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Daniel.L.Koffsky@usdoj.gov
- (2) Chip Brooks, Department of State
(202) 663-3191
- (3) Arthur Goldberg, Federal Programs Branch of the Civil Division of DOJ
(202) 514-4783
- (4) Joseph "Jody" Hunt, Director, Federal Programs Branch of the Civil Division of DOJ (Arthur's supervisor)
(202) 514-1259

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	FW: Personnel Issue - To: Thomas J Marshall - From: Mary Anne Gibbons	2	07/17/2010	P6/b6;

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SERIES:

Subject Files - FG006-04 (White House Counsel)

FOLDER TITLE:

1200701

FRC ID:

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Memorandum of Interview	5	08/17/2010	P3/b3; P6/b6; b7d;

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SERIES:

Subject Files - FG006-04 (White House Counsel)

FOLDER TITLE:

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FRC ID:

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Date of NYC Travel SUBJECT TO FOIA EXEMPTIONS 4, 6 AND 7 - To: Mary Anne Taylor, et al. - From: Alan Charles Raul	2	08/17/2010	P6/b6;

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 11, 2014

PRIMER FOR EOP LEGAL STAFF

FROM: Geovette Washington, General Counsel
John Simpkins, Deputy General Counsel
Jonathan Rackoff, Assistant General Counsel

SUBJECT: Federal Agency Rulemaking and the Role of OIRA

BASIC FRAMEWORK OF FEDERAL AGENCY RULEMAKING—

- Legislative authority delegated by Congress—Congress delegates to administrative agencies the authority to engage in legislative rulemaking.
- Procedural Floor—The Administrative Procedure Act of 1946 (APA) establishes minimum procedural requirements for “informal” rulemaking, unless an exemption applies:
 - Notice—A notice of proposed rulemaking must be published in the Federal Register that includes a statement of time, place, and nature of the public rulemaking proceedings; a reference to the legal authority under which the rule is proposed; and either the terms or a description of the subjects and issues to be addressed by the proposed rule, *see* 5 U.S.C. § 553(b);
 - Public participation—Interested persons must be given an opportunity to submit written data, view, or argument on the proposal, *see* 5 U.S.C. § 553(c);
 - Preamble—A “concise general statement” of the “basis and purpose” must accompany the final rule, *see* 5 U.S.C. § 553(c); and
 - Publication—Subject to certain exceptions, publication of the final rule must take place “not less than 30 days before its effective date,” *see* 5 U.S.C. § 553(d).
- Exemptions—Narrowly construed, not mandatory.
 - “[M]ilitary or foreign affairs function of the United States,” 5 U.S.C. § 553(a)(1).
 - “[A] matter relating to **agency management or personnel or to public property, loans, grants, benefits, or contracts**,” 5 U.S.C. § 553(a)(2).
 - “[R]ules of **agency organization, procedure or practice**,” 5 U.S.C. § 553(b)(A).
 - “[I]nterpretative rules, general statements of policy,” 5 U.S.C. § 553(b)(A).
 - Good cause exemption—“when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,” 5 U.S.C. § 553(b)(B) and (d)(3).
- Components of rulemakings—
 - Preamble
 - Regulatory Text (Reg Text)

- Regulatory Impact Analysis (RIA)
- Administrative record
- Regulatory Flexibility Act (RFA) analysis, where applicable (i.e., minimization of small business impacts)
- Unfunded Mandates Reform Act (UMRA) statement (i.e., consideration of impacts on state and local governments and cost-benefit analysis for rules with an impact of more than \$100 million)
- Types of rules:
 - ANPRM – Advance Notice of Proposed Rulemaking
 - NPRM – Notice of Proposed Rulemaking
 - IFR – Interim Final Rule
 - Final Rule
 - DFR – Direct Final Rule
 - *Other vocab you may encounter:*
 - Joint proposals
 - Supplemental proposals (SNPRM)
 - Final Final rules
 - Co-proposals
 - Something called “immediate” final (probably doesn’t really exist)....

Type of rule	Preamble?	Reg Text?	Comment Period Before?	Comment Period After?	Becomes effective?
ANPRM	Yes	No	No	Yes	No
NPRM	Yes	Yes	No	Yes	No
IFR	Yes	Yes	Maybe	Yes	Yes
Final Rule	Yes	Yes	Yes	No	Yes
DFR	Yes	Yes	No	Yes	Maybe

OIRA REGULATORY PROCESS—

See “U.S. Rulemaking Process” and “OIRA Regulatory Review Process” slides.

- Recent History of Presidential Review:
 - President Clinton: Issued Executive Order 12866, which focused OMB oversight on “significant” rules and increased the disclosure of contacts with outside parties.
 - President George W. Bush: Maintained the Clinton Executive Order that requires the agencies to do RIAs and send significant regulations to OMB for review.
 - President Obama: Issued Executive Order 13563, which affirms EO 12866 and outlines his regulatory strategy to support continued economic growth and job creation.
- About OIRA
 - OMB statutory office charged with regulatory oversight and interagency review of agency rulemaking.
 - Also develops and oversees government-wide policies in the areas of information collection, information policy, privacy, and statistical and science policy.

- Led by Administrator (Howard Shelanski), Associate Administrator (Allison Orris), and Deputy Administrator (Dominic Mancini),
 - ~40 career analysts in 5 branches: Food, Health and Labor; Natural Resources and Environment; Transportation and Security; Information Policy; Statistical and Science Policy.
- Sources of authority: E.O. 12866, 13563, and 13610
- What regulations may/must OIRA review?
 - “Significant” Rules:
 - Create a serious inconsistency or otherwise interfere with another agency’s actions.
 - Materially alter the budgetary impact of Federal programs.
 - Raise novel legal or policy issues.
 - OIRA reviews 500-700 proposed and final regulations per year—those they determine to be significant—out of about 6,500 published in the Federal Register.
 - “Economically” Significant Rules:
 - Subset of “significant” rules.
 - Annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.
 - About 70-100 of the regulations reviewed are “economically significant.”
 - Independent regulatory agencies not covered.
- Deadlines: E.O. 12,866 has deadlines for OIRA review (usually 90 days), but extensions are common (and controversial).
- Interagency Process:
 - **Sneak peeks.**
 - OIRA desk officers circulate draft rules to EOP offices and agencies and requests comments by a deadline.
 - OIRA may suggest revisions to draft rules, return rules to the agency for further consideration if not consistent with the requirements of EO’s 12866 and 13563 (must provide agency with written explanation), or conclude review as submitted.
 - After OIRA has concluded review, agencies may publish the rule in the Federal Register.
- No “approval or disapproval”; rather, merely “conclusion of review”:
 - The rulemaking agencies are vested with authority by Congress to issue rules, and E.O. review does not displace that grant.
 - Changes made to draft rules as a result of OIRA review are *made by the rulemaking agency*.
 - Critically important for litigation.

- E.O. 12,866 philosophy of review:
 - "...in deciding whether and how to regulate, agencies should *assess all costs and benefits of available regulatory alternatives*, including the alternative of not regulating."
 - "...in choosing among alternative regulatory approaches, agencies should *select those approaches that maximize net benefits*."
- E.O. 12,866 principles of review:
 - Identification and substantiation of problem or issue (e.g., market failure)
 - Consideration of alternatives, including (non-regulatory, or non-federal) means of addressing it
 - Establish a baseline (benefits and costs are defined in comparison with a clearly stated alternative: i.e., what the world will be like if the proposed rule is not adopted; comparisons to a "next best" alternative can also be especially useful)
 - Analysis of risks, costs, benefits, cost effectiveness, and impacts (including any unintended consequences) for each alternative
 - Use of performance objectives rather than specific compliance technologies
 - Use of best available science and economics
 - Respect for Federalism and consideration of international impacts
 - Consistency with regulations of other Federal agencies
 - Transparent and easy to understand
 - Impose the least burden on society consistent with meeting the regulatory objective.
- Economic analysis: E.O. 12,866 requires economic analysis, which is more challenging for economically significant rules. OIRA examines the RIA and suggests methodological and substantive changes to bolster the rule's cost-effectiveness, ensure adherence to the E.O.'s principles, and consistency with the President's priorities.
- Transparency:
 - The **Unified Agenda** of Regulatory and Deregulatory Actions—the semi-annual publication about agencies' upcoming regulatory actions (available at Regulations.gov and RegInfo.gov).
 - The annual **Regulatory Plan**—explains the regulatory priorities of agencies (available at Regulations.gov and RegInfo.gov).
 - Communications with outside parties:
 - Meetings with outside parties – OIRA will meet with external stakeholders upon request regarding rules under review:
 - Agency staff required to be invited.
 - OMB's website notes which outside groups have met with OIRA, including EOP participants.
 - All written information given to OMB while a rule is under review is sent to the agency, placed in OIRA's docket, and posted online.

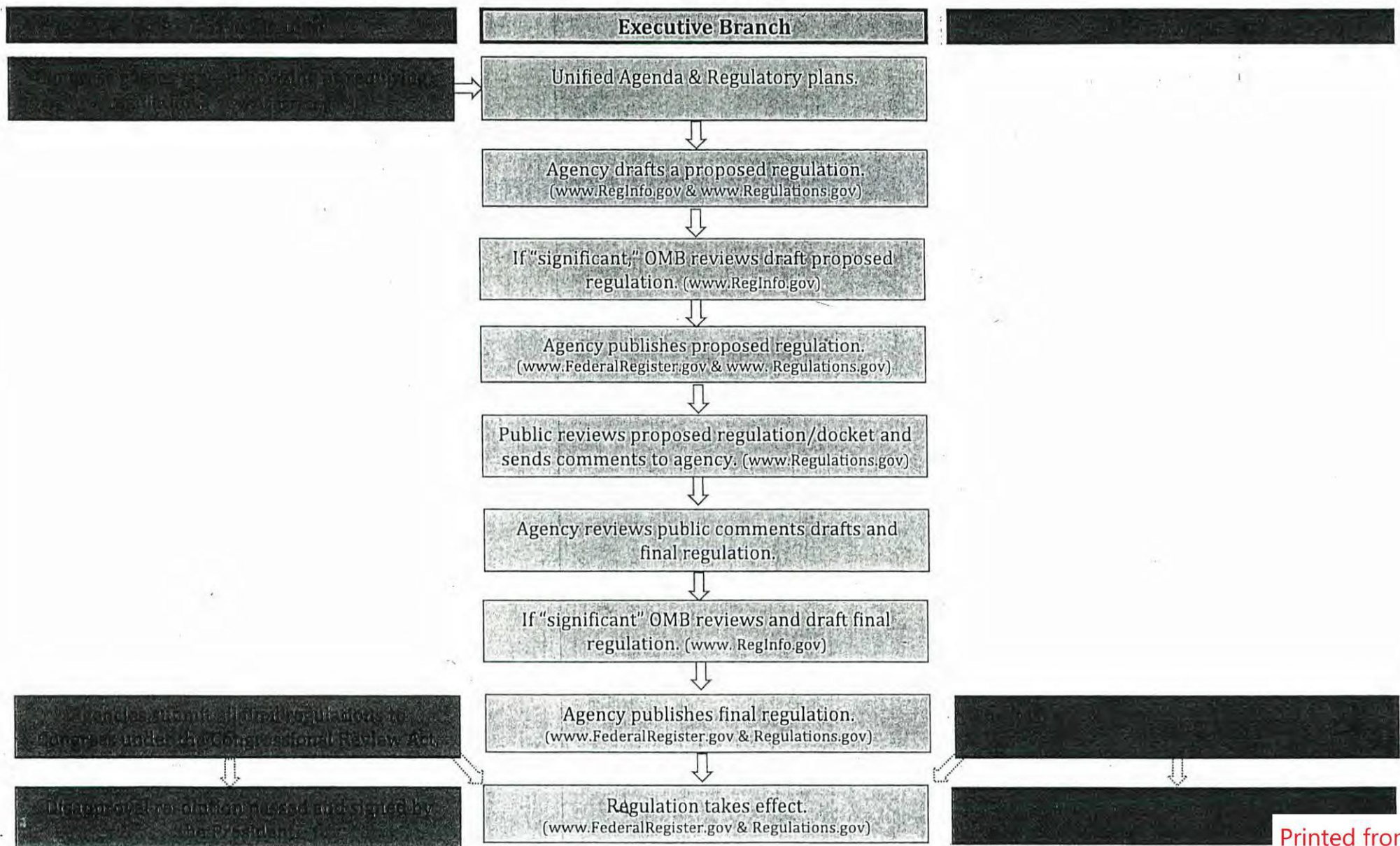
- Disclosure:

- After the regulatory action has been published in the FR, OIRA makes available to the public
 - The draft as originally submitted;
 - Any material submitted by the agency during the review
 - Pages where changes occurred in the course of review
 - Correspondence between OIRA and the agency exchanged during the review, but only exchanges made by OIRA staff at the *branch chief level and above*.
- OIRA disclosure and contacts restrictions generally do not apply to the agencies or EOP staff, although OIRA prefers discussion of rules under review with outside parties, including Congress, to be minimized, and requested advance notice/consultation.
- Internal Coordination
 - Rules often have budget or policy implications of concern to OMB RMOs and other EOP components;
 - OIRA analysts work closely with both to ensure consistent messaging to agencies, maintenance of OMB equities, and coordination w/ other EOP stakeholders.
 - OMB OGC works in close partnership with WHCO and OIRA staff to achieve ensure legality, defensibility, and forge consensus on policy issues with legal dimensions.

- Frequently encountered legal issues:

- Disputes about significance determinations.
- Concerns about Congressional review under the CRA.
- Disputes about applicability of section 553 exemptions.
- Concerns about logical outgrowth.
- Concerns about sufficiency of the record.
- Disputes about levels of acceptable litigation risk between stakeholders.
- Disputes about the permissibility of considering costs, or the use of cost-benefit analysis in particular contexts.
- Disputes arising from conflicts between the E.O.'s animating principle (cost-benefit analysis) and certain agencies' enabling statutes, which embody the precautionary principle.
- Retroactivity concerns.
- Guidance resembling legislative rules.
- Chevron deference asserted as a defense to EOP review.
- Reg Neg issues (less common)
- Waiver or lengthy/indefinite delay of effective dates.
- Settlement of APA litigation—key issues:
 - OMB OGC and OIRA reviews all agency settlements in advance.
 - Settlement agreements versus consent decrees.
 - Advance notice of settlement negotiations (i.e., before the terms are baked).
 - Preservation of OIRA review period (i.e., full 90 days).

U.S. Rulemaking Process



UNITED STATES OFFICE OF
GOVERNMENT ETHICS



Preventing Conflicts of Interest
in the Executive Branch

02x2: Public Financial Disclosure Reporting Requirements for Trustees and Executors Who Have Beneficial Interest in a Trust or Estate



Link to PDF

Office of Government Ethics

02 x 2

Letter to a Deputy Inspector General
dated May 14, 2002

This is in response to the memorandum that you transmitted to me on April 30, 2002. Your memorandum raises certain questions concerning your financial disclosure obligations with respect to a trust for which you serve as trustee and an estate for which you serve as executor, in light of a recent DAEOgram issued by the Office of Government Ethics (OGE).¹

On April 24, 2002, OGE issued DAEOgram DO-02-008 [OGE Informal Advisory Memorandum 02 x 1], which explained certain financial disclosure issues pertaining to trustees, executors and administrators. The main purpose of the DAEOgram was to explain OGE's position that filers of financial disclosure statements are not required to report the holdings or income of any trust or estate merely because they serve as trustee, executor or administrator of the trust or estate. We reiterate this advice in connection with the questions posed in your memorandum: the mere fact that you serve as trustee of a trust or executor of an estate does not give rise to an obligation to report the holdings or income of the trust or estate.

Your memorandum points out, however, that trustees and executors—as well as their spouses and dependent children—may have certain beneficial interests in the trust or estate. Consequently, you are concerned that OGE's recent advice is “overbroad,” insofar as it does not take into account such beneficial interests.

We want to make clear that nothing in DAEOgram DO-02-008 affects any prior guidance with respect to the reporting of beneficial interests in a trust or estate. As we stated in footnote 1 of that DAEOgram, section 102(f)(1) of the Ethics in Government Act “requires the reporting of trust assets and income where the filer, spouse or dependent child has a beneficial interest in the trust, without regard to whether any of these individuals serves as trustee.” DO-02-008, at 2 n.1. The point of the DAEOgram was not to cast doubt on the express statutory requirement to report beneficial interests under section 102(f)(1), but rather to clarify that section 102(a)(3) of the Act does not require the disclosure of assets and income just because a reporting individual serves as trustee, executor or administrator of a trust or estate, in the absence of any beneficial interest.

Turning to the specifics of your questions, you indicate that you are the trustee of a generation-skipping trust under which your child is a beneficiary. You acknowledge that DO-02-008 does not affect the requirement that you report your trusteeship as an outside position on Schedule D of your SF 278. However, you ask whether there is also a

requirement to report information concerning the holdings and income of the trust, on Schedules A and B. You state: "If a dependent child owned the stock outright, the filer would have to report it; but because of the trust, it would seem under DO-02-008 that the filer does not have to report it—even though the filer has immediate authority over the asset as trustee and it affects the financial interest of a child." We do not agree with this statement.

Whether you must report any information about the holdings and income of the trust does not depend on whether you are the trustee. See DO-02-008. Rather, it depends on whether you, your spouse or your dependent child has a beneficial interest in (or receives any income from) the trust. See 5 U.S.C. app. 102(f)(1); 5 C.F.R. § 2634.310(a). If, as you posit in the sentence quoted above, a dependent child is the beneficiary of the trust, then you must report all the appropriate information on Schedules A and B concerning the holdings and income of the trust. However, in a footnote, you raise the further question of how the reporting requirements would apply if the child were not a dependent. In this scenario, there would be no reporting obligation, because the Ethics in Government Act does not require filers to disclose the property and income of non-dependent children. Again, the conclusion is not affected, in either scenario, by whether or not you serve as trustee.

Of course, trustee positions still may carry the potential for conflicts of interest under 18 U.S.C. § 208. As we explained more fully in DAEogram DO-01-029 (December 19, 2001) [OGE Informal Advisory Memorandum 01 x 12], there are some circumstances in which a trustee may be said to have a "personal" financial interest in the property of a trust, whether the trustee is the employee, the employee's spouse, or any other person or organization whose financial interests are imputed to the employee. Furthermore, where the employee is the trustee, he or she always will have an imputed "organizational" interest in any particular matter affecting the trust property. See Memorandum of Edward Whelan III, Acting Assistant Attorney General, to Marilyn L. Glynn, General Counsel, OGE, November 2, 2001 (available on OGE's website under the "Other Ethics Guidance" category in the "Laws and Regulations" section, www.usoge.gov).² However, the fact that a particular position may result in personal or imputed financial interests under section 208 does not necessarily mean that those interests must be disclosed under section 102 of the Ethics in Government Act.³

You also state that you are the executor of a parent's estate. You ask what the reporting obligations are, "during the term of the executorship," with respect to property in the estate. As we discussed in DO-02-008, the mere fact that a filer is an executor does not itself give rise to any duty to report the holdings or income of an estate, although we noted that filers still must report executorships as outside positions on Schedule D of the SF 278.

Even though a filer has no duty to report the holdings and income of an estate merely because he or she is the executor, we would note that there are situations in which an executor nevertheless could have a personal financial interest in an estate, under 18 U.S.C. § 208. For example, executors sometimes receive fees that are dependent on the value of the estate, see OGE Informal Advisory Letter 82 x 6, and such an executor would have a personal financial interest in any particular matter that directly and predictably affects the value of any property in the estate.

Unlike trustees, however, executors are not listed in section 208(a) as one of the positions that give rise to an imputed "organizational" interest on the part of an employee. Compare 18 U.S.C. § 208(a) (listing trustee but not executor); with 18 U.S.C. §§ 203(d), 205(e) (listing both trustee and executor). Therefore, an employee would not have an imputed financial interest in all particular matters affecting an estate which he or she serves as executor. See Memorandum of Beth Nolan, Deputy Assistant Attorney General, to Marilyn L. Glynn, General Counsel, OGE, August 24, 1998, at 3 ("We are far from certain that a position other than one specified in § 208—'officer, director, trustee, general partner or employee'—could be the basis for imputing an organization's financial interest to the employee, even if that other position created a fiduciary duty to the organization.")

You indicate, however, that you are not only the executor but also a beneficiary of the estate. As explained above, filers are required to report any beneficial interest in a financial arrangement, including an estate. See 5 U.S.C. app. 102(f)(1); 5 C.F.R. § 2634.310(a).⁴ Again, this reporting obligation with respect to beneficial interests does not depend on whether the filer is also the executor.

It has not always been easy for OGE to specify the level of disclosure required for beneficial interests in an estate that is still in probate or otherwise undistributed. At one time, OGE attempted to require filers to report their proportional share of all property and income of the estate, including the specific identity of all assets and the appropriate and income amounts. See OGE, Public Financial Disclosure: A Reviewer's Reference 7-31 (1996). However,

experience has proven this approach to be unworkable in the great majority of cases. In some instances, it has been difficult or impossible to determine which estate assets ultimately will be distributed to the filer, for example, because of potential disputes under the will or the more routine business of satisfying creditors of the estate and paying expenses. In many cases, filers also have reported difficulties in obtaining specific information about the contents of the estate and their particular share of any given asset. Furthermore, privacy interests of other beneficiaries—besides the filer, the filer's spouse and dependent children—sometimes are implicated, thus making it even more difficult to obtain certain information and making the potential public disclosure on an SF 278 more problematic.

As a result of this experience, OGE now requires that the financial disclosure report indicate only that the filer (or the filer's spouse or dependent child) is the beneficiary of a particular estate that has not been distributed. The filer must identify the decedent, but need not attempt to identify specific assets or report specific value or income categories. This level of disclosure recognizes that filers have an interest, and it alerts ethics officials to the need to provide counseling, as appropriate, about possible conflicts issues.⁵ However, this approach does not require filers to provide more specific information that may be difficult or impossible to ascertain, or that could even present a misleading picture of the true interest the beneficiary ultimately may receive after distribution of the estate.

We hope this has been helpful in clarifying your financial disclosure obligations. If you have further questions, please do not hesitate to contact me.

Sincerely,

Marilyn L. Glynn
General Counsel

-
1. It is not clear to us which of the facts set out in your memorandum are derived specifically from your own circumstances or which are hypothetical. Because the final sentence in your memorandum specifically refers to "Parts A and B of my SF-278," we will assume that you are principally seeking guidance with respect to your own current financial disclosure obligations.
 2. In this regard, we do not agree with your characterization of the DAEOgrams and the OLC opinion cited above, with respect to which you state that OGE and OLC "concentrate on the possible imputed interest that might arise from the position of trustee" and "conclude that there is no such interest as a matter of trust law." On the contrary, all of the aforementioned documents emphasize that an employee who serves as trustee has an imputed organizational interest in all particular matters that directly and predictably affect the interests of the trust. See DO-02-008, at 2; DO-01-029, at 2; Memorandum of Edward Whalen III, at 2ff.
 3. Although there is substantial overlap between those financial interests that must be reported, under section 102 of the Ethics in Government Act, and those that give rise to potential conflicts of interest, under 18 U.S.C. § 208, the coverage of these two provisions has never been identical. For example, the interests of an employee's general partner or outside employer are covered by section 208 but are not reportable under section 102.
 4. Please note, however, that a beneficiary has no reportable interest in the estate of a person still living. The beneficiary of a living testator does not have any vested interest but rather a "mere expectancy." See, e.g., *In re Estate of Finlay*, 430 Mich. 590, 600-01 (1988). Likewise, OGE has determined that an employee does not have a disqualifying financial interest, under 18 U.S.C. § 208(a), as a result of being named a beneficiary in the will of a person still living; in such cases, "the employee's interest in the assets to be distributed under the will is merely speculative since he may never inherit them." 60 Federal Register 47208, 47209 (September 11, 1995)(preamble to proposed 5 C.F.R. part 2640).
 5. OGE agrees with you that a beneficial interest in an undistributed estate sometimes may present a conflict of interest. In the past, OGE has advised ethics officials and filers that there could be a disqualifying financial interest, under 18 U.S.C. § 208, if the beneficiary has sufficient knowledge of an identified asset in a decedent's estate sufficient certainty that he or she will receive a distribution affected by the value or income of that asset.

U.S. Office of Government Ethics

1201 New York Avenue, NW. Suite 500

Washington, DC 20005

Withdrawal Marker

Obama Presidential Library

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For a complete list of items withdrawn from this folder, see the
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Records Management, White House Office of (WHORM)

SERIES:

Subject Files - FG006-04 (White House Counsel)

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- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

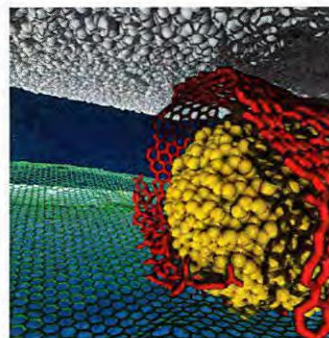
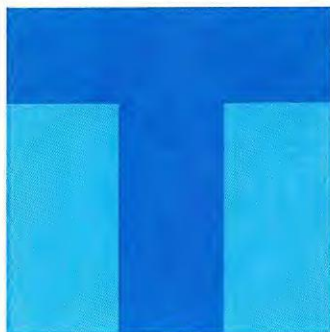
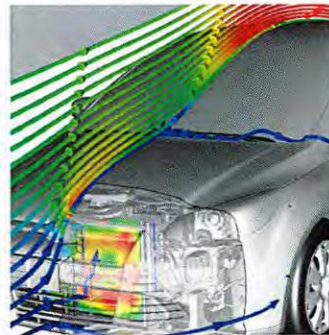
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]





Executive Summary

Introduction

The United States is in the midst of an energy revolution. Over the last decade, the United States has slashed net petroleum imports, dramatically increased shale gas production, scaled up wind and solar power, and cut the growth in electricity consumption to nearly zero through widespread efficiency measures. Emerging advanced energy technologies provide a rich set of options to address our energy challenges, but their large-scale deployment requires continued improvements in cost and performance. Technology is helping to drive this revolution, enabled by years to decades of research and development (R&D) that underpin these advances in the energy system.

The energy revolution underway creates additional opportunities for technologies and systems with superior performance and reduced costs. The convergence of many energy sectors—such as the electric grid, electricity production, buildings, manufacturing, fuels, and transportation—into systems linked through information and communications technologies (ICT), advanced modeling and simulation, and controls, has the potential to revolutionize energy services throughout the economy. These advances can enable the United States to address pressing national energy challenges—security, economic vitality, and climate change.

The 2015 Quadrennial Technology Review (QTR) examines the status of the science and technology that are the foundation of our energy system, together with the research, development, demonstration, and deployment (RDD&D) opportunities to advance them. It focuses primarily on technologies with commercialization potential in the midterm and beyond. It frames various trade-offs that all energy technologies must balance across such dimensions as cost, security and reliability of supply, diversity, environmental impacts, land use, and materials use. Additionally, it provides data and analysis on RDD&D pathways to assist decision makers as they set priorities, within budget constraints, to develop more secure, affordable, and sustainable energy services. Policies and regulations are examined separately by the Quadrennial Energy Review (QER).

National Energy System Strategic Objectives

Three enduring strategic objectives are foundational to our nation's energy system: energy security, economic competitiveness, and environmental responsibility.

Secure and resilient: There are four interrelated dimensions to energy security: physical, cyber, supply, and conflict-related. Physical security risks are related to damage to energy supply, storage, and delivery infrastructures, such as the electric grid, pipeline networks, and rail and marine systems. Cybersecurity vulnerabilities are related to the compromise of ICT-based controls that operate and coordinate energy supply, delivery, and end-use systems. Supply security risks are related to price shocks and international supply disruptions of energy commodities, critical materials, and/or equipment. Conflict-related security risks are associated with unrest in foreign countries linked to, or impacting, energy. Climate change increases physical security risks with sea level rise and intensification of extreme weather.



Economically competitive: Energy underpins every facet of the nation's economy and modern way of life. Low energy costs are beneficial to consumers and therefore the broader economy. Decades of research have gone into reducing the capital, operating, and fuel costs of conventional and advanced energy technologies. The benefits of this research are evident in the recent price declines of natural gas, domestic oil, wind turbines, photovoltaics, and efficient lighting. Progress in a broader array of advanced technologies could increase the diversity and stability of energy supplies, and spark competition to drive further price declines.

Environmentally responsible: Development of a clean energy system will rely on increasingly advanced technologies to minimize its environmental footprint. Over the last several decades, the United States has made significant progress in reducing pollution—atmospheric, water, land—from energy-related activities. For example, energy-related atmospheric emissions of conventional pollutants such as particulates, sulfur, and nitrogen compounds have been reduced through improved combustion strategies and “end-of-pipe”—e.g., scrubbers, catalytic converters—emissions controls. Additional emissions reductions have been achieved by improving efficiency and transitioning to cleaner fuels and low-carbon resources. These successes demonstrate what can be accomplished with RDD&D and policy. Advanced technologies can have a significant impact on the next generation of challenges, especially deep reductions in greenhouse gas (GHG) emissions to moderate the otherwise increasing damage from climate change and ocean acidification. The United States can demonstrate the viability of sustainable energy systems to the global community and provide leadership in creating vibrant economies, enhancing human progress, and assuring a sustainable biosphere.

Developing energy systems that balance trade-offs to simultaneously advance toward these objectives requires RDD&D across a diversified portfolio of technologies. It also requires understanding the multiple dimensions of each of these objectives.

Energy System Perspective

To help identify where RDD&D can have the greatest impact, it is first necessary to understand how energy is used in the United States. A complex and vast array of systems and associated technologies extract energy resources; convert them into usable forms of energy; and deliver them to end users to provide desired services such as manufactured goods, thermal comfort, lighting, and mobility. The current state of energy supplies and end uses is described in Chapter 1.

Increasing the interconnectedness and resulting interdependency among energy sectors creates both opportunities and challenges that should be approached from an energy system perspective. Strategies for advancing technology across the entire energy system, in contrast to individual energy technologies, are necessarily broad.

First, certain technologies affect the energy system by impacting more than one energy sector. Application of an energy system view of technology can help to identify the crosscutting impacts of technologies developed for a particular application as applied to other sectors, as well as the elements of the value chain that must be in place for success. Realizing the full benefit of developing these crosscutting technologies requires the involvement of stakeholders from across the energy economy.

Second, the systems perspective can illuminate opportunities to improve performance and/or mitigate risk through sector integration. Success requires advancing the operation, planning, modeling, and simulation of technical systems integrated across sectors.

Finally, application of an energy system view can be used to develop solutions to complex energy challenges. New paradigms based on the science of large and complex systems can help enable the prediction and control of emergent properties and behaviors, including disruptions that arise from sector and technical system interconnectedness. The focus of Chapter 2 is *Energy Sectors and Systems*.

Overarching Themes, Energy Sectors, and Crosscutting RDD&D Opportunities

By studying the whole energy system and the interdependency of the energy sectors, four overarching themes, six sets of core RDD&D opportunities (organized by energy sector), and twelve crosscutting technology areas are identified and presented.

Overarching Themes

Four overarching themes emerged from the QTR and associated technology assessments: 1) the convergence of energy systems across sectors; 2) diversification within energy supplies and services; 3) confluence of R&D, computational tools, and analysis of complex systems; and 4) energy efficiency.

Convergence: Virtually all sectors of the energy system are becoming increasingly interdependent. Further, the power, grid, buildings, manufacturing, fuels, and transportation sectors of the energy system are necessarily coupled to water systems, material flows, waste products, and energy financial markets. Properly tuned and integrated energy sectors and technology systems have the potential to improve their overall operations, increase their efficiency, and enable fundamentally new concepts in the structure of the energy economy.

Diversification: Most energy sectors in the United States are experiencing a trend toward increased diversification. For example, electricity, hydrogen, natural gas, and biofuels are entering the transportation sector, while the power sector is shifting to greater use of natural gas and renewables. This diversification creates challenges for energy infrastructures, but it can also provide flexibility.

Confluence: The confluence of advances in computing power and software, theory, modeling, synthesis and characterization is rapidly ushering in a new era of “systems by design” for materials, chemicals, and biological science. This transformation from observation to control and design of complex systems has the potential to accelerate development of these systems with desired properties. This set of concepts—generalized to new classes of sensors, big data management, and computational modeling—is applicable across the spectrum of complex systems topics encountered in the energy system.

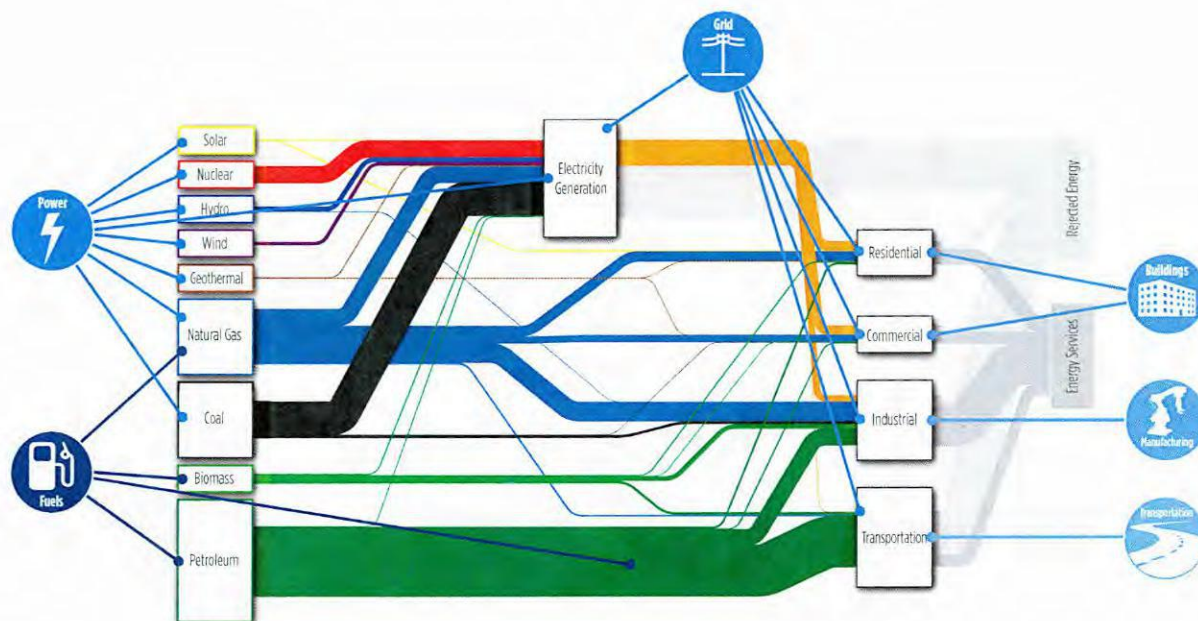
Efficiency everywhere: Achieving greater efficiency is a proven means to help achieve national energy security, cost, and environmental goals. As raw energy resources are transformed into services and products, losses compound along the energy value chain. Efficiency improvements in any step along the value chain can materially impact costs, consumption, and emissions. RDD&D opportunities to advance cost-effective efficiency technologies permeate all of the energy sectors and systems.

Energy Sectors

The QTR describes the national energy system as comprising six individual sectors: 1) the electric grid, 2) electricity production (power), 3) buildings (residential and commercial), 4) manufacturing (the majority of the larger industrial sector), 5) fuels (with an emphasis on fuels for transportation), and 6) transportation. Each of these sectors comprises numerous technical systems, sub-systems, and component technologies. The QTR dedicates a chapter to each of these six sectors, exploring its related technologies, challenges, and RDD&D opportunities.

Figure ES.1 Sankey Diagram of the U.S. Energy System Depicting Major Areas of Coverage by the Technical QTR Chapters 3–8

Estimated U.S. Energy Use in 2014: ~98.3 Quads



Electric grid sector: The U.S. electric power sector is the centerpiece of the nation's energy economy. However, the design and operation of today's grid is being challenged to meet the evolving security, cost, and environmental needs of a low-carbon, digital economy. Shifts are occurring on the supply side (e.g., increased adoption of renewable resources) and demand side (e.g., growing use of demand side management). Accompanying these changes is the growing adoption of digital communications and control systems (i.e., smart grid technologies) to improve performance and engage consumers. Additionally, grid operation is moving from controlling systems with a handful of control points at central stations to ones with potentially millions of highly interactive distributed control points. In short, the power grid is confronted with new requirements as it attempts to perform in ways for which it was not designed. Meanwhile, the nation's reliance on a dependable, efficient, and resilient power grid is rising. The focus of Chapter 3 is *Enabling Modernization of the Electric Power System*.

Electricity production sector: The current portfolio of electricity production includes a combination of reliable but aging base-load generation, evolving renewable resources, new natural gas plants, and new and pending nuclear and clean coal facilities. As the industry evolves to meet growing electrification and GHG reduction goals, challenges arise in optimizing the system, minimizing risks, and maintaining reasonable cost. Future developments will likely include a mix of three broad categories: 1) fossil-based generation with carbon capture and storage (CCS), 2) nuclear energy, and 3) renewables, such as solar and wind. Technologies that enable higher efficiencies and effective pollution control are an essential complement to this evolving generation mix. Similarly, crosscutting concepts—such as supercritical carbon dioxide Brayton cycles—could, if broadly applied, impact efficiency, emissions, and water consumption across fossil, nuclear, geothermal, and solar thermal plants. While supporting aggressive emission reductions, the traditional market drivers such as reliability, safety, and low cost must be maintained and enhanced. The focus of Chapter 4 is *Advancing Clean Electric Power Technologies*.

Buildings sector: Considerable potential exists to reduce building energy use. The residential and commercial buildings sector accounts for about 74% of electricity use and 40% of all U.S. primary energy use. Many building technologies are available today that would significantly reduce energy use relative to the existing building stock. Yet, the best available and most cost effective ones are only beginning to be widely adopted in the marketplace. It has become increasingly apparent that technology developments in the buildings sector have the potential to simultaneously accelerate cost reductions, service improvements, and efficiency gains. Advanced heating/cooling and lighting are current R&D priorities, as they represent the greatest end-use energy-saving opportunities. Much progress is being made in areas such as light-emitting diode (LED) lighting, appliances, and non-vapor compression heating, ventilation, and air conditioning (HVAC). Miscellaneous electric loads and an eclectic mix of technologies (e.g., grills, spa and pool pumps, laundry, and elevators) are expected to be an increasing share of the remaining load as other end uses become significantly more efficient. The focus of Chapter 5 is *Increasing Efficiency of Building Systems and Technologies*.

Manufacturing sector: Manufacturing consumes twenty-four quads of primary energy annually in the United States—about 79% of total industrial energy use. However, this sector's energy impacts are much broader, as manufactured goods affect the production, delivery, and use of energy across the economy. Improved manufacturing technologies can drive economy-wide energy impacts, including energy efficiency in the manufacturing sector; new types of manufactured products; and sustainability of U.S. industry supply chains and their life-cycle impacts. The focus of Chapter 6 is *Innovating Clean Energy Technologies in Advanced Manufacturing*.

Fuels sector: Fuels supply 99.8% of the energy currently used in the transportation sector and 70% of the energy used to generate electricity in the United States. The economy will need to balance the various strengths and shortcomings of a broad mix of fuels during the transition from a high-carbon to a low-carbon economy. This fuel mix includes the following:

- **Fossil fuels:** Chemical fuels, primarily derived from fossil energy resources, supply about 83% of total U.S. primary energy use.
- **Bioenergy fuels:** With technology improvement and a mature market, available bioenergy could provide more than fifty billion gallons of fuels per year, equivalent to about 25% of current transportation fuel demand.
- **Hydrogen fuels:** Technologies for producing hydrogen from large natural gas reforming plants are mature, but the costs of converting the end-to-end fuels infrastructure, including delivery, to accommodate hydrogen are high. While the near-term deployment challenge is to reduce the cost of infrastructure for fueling vehicles, in the longer term the major challenge is to reduce the cost of hydrogen production from regionally optimized renewable and low-carbon resources.

With recent growth in domestic shale gas and tight oil production, near-term concerns over fuel supply and energy security are easing. However, the economic and environmental impacts of heavy reliance on fossil fuels make their further cleanup or transition to clean alternatives imperative. The trade-offs between conventional (oil and gas) and alternative fuels (primarily biofuels and hydrogen) or substitution with electricity—i.e., cost, performance, infrastructure, security, and environmental impacts—are complex. Optimizing the benefit of fuel diversification is challenged by the varying time frames for development and deployment of fuels, production and distribution infrastructures, and end-use devices such as vehicles. The focus of Chapter 7 is *Advancing Systems and Technologies to Produce Cleaner Fuels*.

Transportation sector: Transportation provides essential passenger, freight, and other mobility services to individuals and the economy. It is the primary user of petroleum in the United States and a major emitter of air pollutants and GHGs. Currently, light- and heavy-duty vehicles account for approximately three-quarters of transportation energy use and emissions. Other modes in the transportation system include rail, marine,

aircraft, and pipelines, the proportional emissions from which are likely to grow in importance as the efficiency of on-road transportation technologies improves. To greatly reduce GHG emissions, a larger share of vehicles must efficiently use fuels or power with drastically reduced life-cycle carbon emissions. The technology portfolio benefits from a set of complementary RDD&D pathways, including advanced combustion, light-weighting, battery storage, electric drivetrain, fuel cell systems, and recharging and refueling infrastructure. Addressing the transportation sector as a holistic system that encompasses more than just vehicle technologies is another important emerging research opportunity. The focus of Chapter 8 is *Advancing Clean Transportation and Vehicle Systems and Technologies*.

Crosscutting RDD&D Opportunities

Inevitably, many technology themes were identified that cut across the six sectors. As a result, they should be integrated in ways that bridge strict sectoral boundaries. In a simplified view, the crosscutting topics can be grouped into two major categories: “technical topics” and “enabling tools.”

The “technical topics” include the following:

- **Grid modernization:** Advanced grid technologies are needed to improve the agility and flexibility of the system to better integrate the changing characteristics of devices and technology systems on both the supply and demand sides.
- **Systems integration:** Appropriate application of systems integration requires understanding, control, and optimization across multiple sectors, time frames, and spatial scales. An integrated systems approach can address complexity and enable more efficient deployment of advanced energy technologies.
- **Cybersecurity:** Opportunities to improve cybersecurity are being actively pursued for the energy sector (i.e., electric, oil, and gas), and also exist in industrial automation systems and information technology-enabled innovations across the fuels, power generation, buildings, manufacturing, and intelligent vehicle spaces.
- **Energy-water:** Science and technology advancements at the intersection of energy and water can reduce energy use and increase water availability for human consumption, other non-energy uses, and natural systems.
- **Subsurface:** Understanding and controlling fractures, fluid flow, and complex chemistry in subsurface rock formations on timescales of microseconds to millennia are important for oil and gas production, geothermal energy, CCS, and nuclear waste disposal.
- **Materials:** Across all energy sectors, advancements in materials could dramatically accelerate and reduce the cost of developing new energy technologies. Examples include development of materials for extreme working conditions, advanced processing of them, and their rapid qualification.
- **Fuel-engine co-optimization:** With bio-derived and/or other synthetic fuels there is an opportunity to optimize the end-to-end fuel-vehicle system for improved efficiency and reduced environmental impacts.
- **Energy storage:** Fundamental research on efficient, durable storage could enable transformational change across multiple sectors, including transportation, and the electricity system.

The “enabling tools” include the following:

- **Computational modeling and simulation:** Advances in high performance computation have enabled simulation of increasingly complex physical phenomena. High-fidelity simulations, in turn, inform models that improve and accelerate the RDD&D phases of the energy innovation cycle.
- **Data and analysis:** Opportunities to apply advanced analytics transect the entire clean energy economy. The emerging science of extracting actionable information from large data sets is both an opportunity to accelerate RDD&D and a research need.

- **Analysis of complex systems:** Increasing complexity resulting from the convergence of the sectors of the energy system introduces a need for foundational, conceptual research on integrated, networked, and complex systems.
- **Characterization and control of matter at multiscales:** Extraordinary advances in characterization and modeling of materials and chemistry have paved the way for manipulating and synthesizing materials at the atomic-, nano-, and mesoscale to create new tailored functionalities. The research spans a range of dimensions from the atom, to biological cells, to macroscopic structures, with applications across many scientific and engineering disciplines.

The crosscutting RDD&D opportunities listed here offer the potential to dramatically improve the performance and posture of all energy resources and end uses. They represent a condensed set of concepts—linked by an overarching goal to understand, predict, and control complex energy systems—that appear in more than one of the technology areas of this report (see Table 2.1).

Enabling Capabilities for Science and Energy

Investment in basic science research is expanding our understanding of how structure leads to function—from the atomic- and nano-scale to the meso-scale and beyond—and is enabling a transformation from observation to control and design of new systems, with properties tailored to meet the requirements of the next generation of energy technologies. The challenges in energy science and technology development increasingly necessitate interdisciplinary collaboration. The multidisciplinary and multi-institutional research centers supported by DOE and others have the potential to accelerate development of new and transformative energy technologies by more effectively integrating basic science and applied research. At the core of this new paradigm is a diverse suite of complex experimental and computational tools that enable researchers to probe and manipulate matter at unprecedented resolution. The planning for and development of these tools are rooted in basic science, but they are critically important for technology development, enabling discoveries that can lead to broad implementation. These tools are available through a user facility access model that provides open access, regardless of institutional affiliation, for nonproprietary research based on merit review of submitted proposals. This is a synergistic model: thousands of scientists and engineers leverage the capabilities and staff expertise for their research, while the facilities leverage user expertise toward maintenance, development, and application of the tools in support of the broader community of users. The focus of Chapter 9 is *Enabling Capabilities for Science and Energy*.

Concepts in Integrated Analysis

A goal of technology development programs, whether in the private sector or in government institutions, is to maximize the positive impact of RDD&D portfolio investments in energy technologies. The many technologies described in this QTR illustrate the potential impacts that further RDD&D could have to create a secure, competitive, and clean energy system. Weighting of these impacts, as well as the metrics from which they are built (e.g., cost, performance, land use, water quality, GHG emissions, etc.), will necessarily vary with the perspective of the observer. Research institutions must consider multiple impact metrics that address their overarching goals from a business or public perspective. To this end, portfolio analysis is widely employed, but at varying levels of thoroughness, analytic rigor, and transparency. Many tools for technology planning and projection, analysis, metrics calculation, and impact evaluation exist already, but are not necessarily fully developed or packaged in a way that can be readily used for evaluating energy portfolios. This QTR explores processes to shape an energy portfolio and estimate the potential impacts, articulates the current state of integrated technology assessment, gives examples of sector-specific applications of metrics and tools for technology analysis in use in various organizational contexts (i.e., corporate, nonprofit, academic, and government), and identifies gaps that require further development of technical assessment capabilities. The focus of Chapter 10 is *Concepts in Integrated Analysis*.



Conclusion

The world of energy-related research is rich with opportunities to help create a secure, resilient, economically efficient, and environmentally responsible set of energy systems. Those systems will rely on more efficient energy conversion technologies and will benefit from improved understanding of complex, interdependent systems that provide electricity, transportation, water, and materials for manufacturing. Underlying the advances in those areas will be the many technologies and capabilities described in this report, as well as fundamental scientific research and advanced scientific computing for complex systems. The technology development community is beginning to take advantage of the rapidly emerging set of tools for creating new generations of materials, devices, and systems for energy applications; however, much more can be done. A goal is to put these new tools in their hands to drive a well-diversified portfolio of energy research that will enable leadership by the United States to provide the energy services essential to modern societies.

American Business Act On Climate Pledge

We applaud the growing number of countries that have already set ambitious targets for climate action. In this context, we support the conclusion of a climate change agreement in Paris that takes a strong step forward toward a low-carbon, sustainable future.

We recognize that delaying action on climate change will be costly in economic and human terms, while accelerating the transition to a low-carbon economy will produce multiple benefits with regard to sustainable economic growth, public health, resilience to natural disasters, and the health of the global environment. We put forth our pledges as follows:

[Optional: Language stating past pledge, e.g., “Building on a 2009 pledge to deploy 100 MW of solar panels by 2015”,] COMPANY NAME pledges to:

- Reduce greenhouse gas emissions by X%, compared to a [2005] baseline, by [2025]
- [Deploy/purchase] X MW of renewable energy by [2025]
- Improve energy efficiency across [X square feet] of company property by at least 20% by [2025]
- Increase investment in low-carbon, climate-resilient, [and/or] green projects by [\$XXX million] by [2025]
- Eliminate deforestation from the production of agricultural commodities by 2020, in alignment with the 2014 New York Declaration on Forests
- Develop long-term business plans that align with the deep decarbonization necessary to keep global average temperatures from rising less than 2C.
- [Additional pledges as relevant]

How to use this template

← This language will appear at the top of documents listing all U.S. business pledges, including yours. When publishing your pledge on your own platforms, you are encouraged to re-use this language, and can add additional framing as appropriate for your company’s mission, brand, and activities.

← If you have previously taken steps to combat climate change, you may choose to briefly restate that pledge.

← You may make pledges in any or all of these categories, as applicable.

← You are encouraged to make goals on a 2025 timetable if possible, to align with the official U.S. climate target.

← Depending on your company’s mission, you could propose additional pledges in other areas, e.g. purchasing electric vehicles, reducing water use, etc.

REIMBURSABLE AGREEMENT: FROM NON-FEDERAL ENTITIES

Agreement Number: EXR14R0140306

1. PARTIES AND PURPOSE

This reimbursable agreement is between the WETA, the Customer entity, and the Executive Residence, Executive Office of the President (EOP), the Servicing entity. The WETA will reimburse the Executive Residence for the actual costs of goods and/or services provided for the Women of Soul Performance on March 6, 2014.

2. AUTHORITY (Current Public Law)

Public Law 113-046

3. SERVICES TO BE PERFORMED AND ESTIMATED COSTS

The Executive Residence will provide goods and/or services in support of the Women of Soul Performance on March 6, 2014 as directed by the Office of the Social Secretary at the White House. The estimated cost for these goods and/or services is \$15,000.00. Within 60 days of the event, the Executive Residence will submit a Bill for Collection to the WETA for the actual costs of the goods and/or services that were provided under this reimbursable agreement. The WETA must reimburse the Executive Residence within 30 days of the date on the Bill for Collection. If payment is not received by the Executive Residence within 30 days, interest and penalties will be assessed in accordance with interest and penalty provisions applicable to an outstanding debt on a United States Government claim under Section 3717 of Title 31, United States Code. Further, if payment is not received by the Executive Residence within 90 days of the date of the Bill for Collection, the account shall become delinquent and forwarded to the U.S. Treasury for further disposition (collection action).

4. TRANSFER OF FUNDS TO EXECUTIVE RESIDENCE

Payments will be made by one of the two methods identified below:

Electronic Fund Transfer (EFT) _____ (preferred) Check ☒ _____

- 1) Treasury Electronic Funds Transfer Wire Information:
(See Attached FEDWIRE Instructions)

- 2) Check Payable to: Treasurer of the United States
Mail to: Reservation #1
 Attn: Charles Olson
 P.O. Box 8060
 Washington, DC 20032

5. CONTACTS

The contacts of each party to this reimbursable agreement are:

Charles Olson, Administrative Officer, Executive Residence
The White House, 1600 Pennsylvania Avenue N.W., Washington, D.C. 20500
Phone: 202-456-2296
Fax: 202-456-0194
Executive Residence DUNS Number: 031649358

WETA

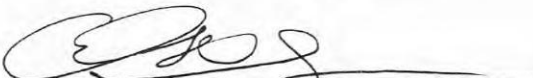
Contact Name: Mr. Jim Corbley
Contact Address: 3939 Campbell Avenue
Arlington, VA 22206
Contact Phone: 703-998-2667
Contact Fax: 703-998-2047
E-mail: jcorbley@weta.com
Non-federal DUNS Number: 005851849
Non-federal Taxpayer ID. Number: 530242992

The parties agree that if there is a change regarding the information in this section, the party making the change will notify the other party in writing of such change.

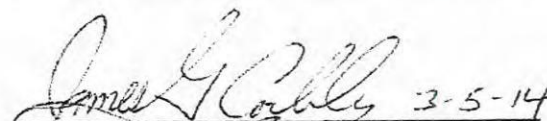
6. DURATION OF REIMBURSABLE AGREEMENT

This reimbursable agreement shall cover the period: From March 6, 2014 through June 30, 2014.

The reimbursable agreement period may be extended or modified at any time upon agreement of both parties. Signatures of officials authorized to sign financial documents related to this reimbursable agreement:


Signature and Date Signed

Charles E. Olson
Administrative Officer
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500


Signature and Date Signed

Jim Corbley
VP of Production, WETA National Production
WETA
3939 Campbell Avenue
Arlington, VA 22206