

MEMORANDUM

TO: KATHERINE McMANUS
DEPUTY LEGAL ADVISER AND
DESIGNATED AGENCY ETHICS OFFICER
UNITED STATES DEPARTMENT OF STATE

FROM: DONALD F. McGAHN II
COUNSEL TO THE PRESIDENT
THE WHITE HOUSE

DATE: December __, 2017

SUBJECT Limited Waiver Certification Pursuant to Section 3 of Executive Order 13770

Official: Edward T. McMullen
U.S. Ambassador to the Swiss Federation and
The Principality of Liechtenstein

After reviewing your limited waiver request memorandum, I hereby waive the requirements of Section 1, paragraph 6 of Executive Order 13770 for Ambassador Edward T. McMullen that are related to the Boeing Company and that arise as part of his participation in matters related to the Swiss Federations aircraft procurement.

Scope of Waiver

Ambassador McMullen is permitted to work on the following matters in the course of his official duties, even if they constitute particular matters involving specific parties directly and substantially related to the Boeing Company, as defined in section 2 of Executive Order 13770:

- Matters relating to the Swiss Federation's interest in purchasing aircraft, aircraft parts and related goods and services from private companies.

This limited waiver does not extend to any other particular matter involving specific parties that is directly and substantially related to the Boeing Company.

Basis for Waiver

- The Swiss Federation has announced its intention to acquire a new generation of military aircraft and signaled an interest in inviting bids from U.S. companies, one of which is likely to be the Boeing Company. This is a major business opportunity for Boeing and other U.S. companies, with the opportunity for billions of dollars in exports and significant employment and economic activity for the United States. U.S. Embassies

play an important role in advocating for U.S. companies in foreign countries, including in the context of foreign government procurement.

- This is anticipated to be a high-profile procurement. The Ambassador's personal participation will be crucial to communicating the importance the U.S. Government places on this matter and the strong interest we have in advocating for U.S. companies abroad.
- The services Ambassador McMullen provided for the Boeing Company prior to entering government were limited in nature. The company was a client of the Ambassador's former firm and the services provided related to event planning. The services did not involve government procurement or other contracts and did not continue for more than one year. The Ambassador did not provide any services to Boeing related to the sale of aircraft to the Swiss Federation. Further, the Ambassador does not have a continuing relationship with or financial interest in the Boeing Company.
- Principles of federal ethics law restrict Ambassador McMullen from showing preference or favoritism toward the Boeing Company in the course of his official duties. The State Department will counsel Ambassador McMullen on the application of the federal ethics rules and there is no reason to question his integrity in this regard.

Accordingly, this limited waiver is hereby granted with the understanding that Ambassador McMullen will comply with the remaining provisions of the Ethics Pledge and with government ethics rules.



Dated: 21 December 2017

Donald F. McGahn II
Counsel to the President