

THE WHITE HOUSE

WASHINGTON

April 6, 2017

MEMORANDUM FOR DONALD F. MCGAHN II, COUNSEL TO THE PRESIDENT

FROM: James Schultz, Senior Associate Counsel to the President

SUBJECT: EO 13770 Waiver

Purpose

To recommend the issuance of a waiver of Executive Order 13770 to Marcus Peacock, Regulatory Affairs, Office of Management and Budget.

Background and Discussion

Mr. Peacock is a short-term political appointee who served on the Presidential Transition Team and the OMB Beachhead Team. He served as a liaison for the OMB Director through the nomination period and has not focused on specific regulations or policies. Furthermore, he is not considered a “senior employee” for purposes of post-government employment restrictions under 18 U.S.C. § 207(c).

Recommendation

I recommend the issuance of a waiver to this employee – a request from the employee is attached.



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

ACTION MEMO

March 8, 2017

FOR: DONALD MCGAHN, COUNSEL TO THE PRESIDENT

THROUGH: STEFAN PASSANTINO, DEPUTY COUNSEL TO THE PRESIDENT

FROM: ^{MP}MARCUS PEACOCK, SENIOR ADVISOR, OFFICE OF INFORMATION AND
REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Request for Waiver from President Trump's Executive Ethics Pledge Paragraphs 1
and 3

I am requesting a waiver from paragraphs 1 and 3 of President Trump's Executive Ethics Pledge contained in Executive Order 13770, "Ethics Commitments by Executive Branch Appointees" (January 30, 2017).

Paragraph 1 places a five-year ban on lobbying the former appointee's agency, and paragraph 3 places a ban on lobbying political appointees for the remainder of the Administration. The President or his designee, pursuant to Section 3 of the Executive Order, may grant a waiver of these Pledge restrictions.

The basis for this waiver request is as follows.

- As a short-term political appointee who served during the post-election transition period and into the first few months of the Administration, I have had limited participation or influence on policies and decisions that would raise the types of concerns the President's Executive Order and Ethics Pledge seek to avoid.
- On the Presidential Transition Team, I served as a liaison and provided administrative support for the OMB Director through the nomination that entailed no involvement in policy or regulation.
- On the OMB Beachhead Team, I have focused on process and not on specific regulations that would affect industries or specific parties. Specifically, I have worked on implementation of the President's regulatory freeze, and drafting and implementing Executive Orders 13771 and 13777 regarding regulatory reform. While these processes have affected many regulations in

a broad sense, other beachhead members have taken the lead on making specific decisions regarding specific regulations.

- I am not subject to the post-Government employment restrictions of 18 U.S.C. 207(c), as my base pay is below the statutory threshold, and am not considered a “senior employee” for this purpose.

I therefore request that you approve my request for a waiver from Pledge paragraphs 1 and 3.

Approve DM Disapprove _____ Other _____

Date 4/7/17

CC: Director John Michael Mulvaney, OMB
Acting General Counsel Heather Walsh, OMB