

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

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

Official: Kenneth I. Juster, U.S. Ambassador to the Republic of India

Pursuant to section 3 of Executive Order 13770, I hereby certify that Ambassador Kenneth I. Juster is granted a waiver of restrictions under paragraph 6 of the Ethics Pledge with regard to his involvement, as Ambassador to the Republic of India, in certain particular matters involving specific parties directly and substantially related to the U.S.-India Business Council. Ambassador Juster served as a board member of the Council until January 2017.

Scope of Waiver

Ambassador Juster 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 U.S.-India Business Council, as defined in section 2 of Executive Order 13770:

- Communications with employees or affiliates of the U.S.-India Business Council;
- Participation in events and meetings organized by the U.S.-India Business Council.

The waiver would not permit Mr. Juster to work on the following matters:

- Particular matters that directly and predictably affect his financial interests, as defined in 18 U.S.C. § 208;
- Decisions about funding or contracts involving the U.S.-India Business Council, except that Mr. Juster may participate in partnerships and appear at co-hosted events involving the U.S.-India Business Council, even if they involve the use of appropriated funds.

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Basis for Waiver

- Performing the official duties of Ambassador to the Republic of India will require Mr. Juster to participate personally and substantially in particular matters involving specific parties that are directly and substantially related to the U.S.-India Business Council, as defined in Executive Order 13770. Part of the U.S. Chamber of Commerce, the U.S-India Business Council is a business advocacy organization whose mission is to promote trade between the United States and India and to advance the interests of its members. The Council's membership includes over three hundred companies from a number of economic sectors. The Council organizes a variety of events and meetings about policies that affect the bilateral trade relationship and facilitates contacts between members and government officials. Many of these events and meetings may well be of the type that Ambassadors to India would participate in as part of their duties.
- The United States Government has a strong interest in interacting and collaborating with the U.S.-India Business Council. The State Department and personnel of other agencies under Chief of Mission authority in India have statutory authority and responsibility to encourage the success of U.S. companies abroad and to promote bilateral trade and investment. Additionally, the Council's work touches on policies and issues relevant to other areas of the Department's foreign policy mission, such as cybersecurity, defense, tourism, energy, and the environment. The U.S. missions in India are in frequent contact with representatives of the U.S.-India Business Council, and the Council regularly hosts events featuring prominent U.S. government, military, and congressional officials.
- It would be highly impractical for other employees to take Ambassador Juster's place in handling all events, meetings, communications, and other matters involving the U.S.-India Business Council. The Ambassador to India is the key official responsible for advancing the U.S. government's foreign policy goals in India and addressing bilateral issues. The U.S. government has a strong interest in the Ambassador's personal participation in policy dialogues and trade promotion events.
- Opportunities for Ambassador Juster to use his position to further the interests of the U.S.-India Business Council or its members at the expense of other entities would be constrained by the mission and working methods of the State Department. The Council's interests are aligned with those of its members, and because its membership includes hundreds of companies from many economic sectors, its policy positions and advocacy tend to be general and broad rather than focused on specific companies, contracts, or projects. Furthermore, the U.S. Embassy in India meets with representatives of a wide range of companies.

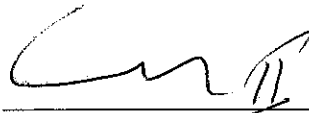
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Although the Council may in some cases facilitate meetings between its members and U.S. government officials, there is no indication that granting Ambassador Juster a limited waiver with respect to the Council will provide the Council's members any increased access to the Ambassador or the Embassy as compared to other trade groups or companies that are not members of the Council.

- Ambassador Juster does not have a continuing relationship with the U.S.-India Business Council. Nor does he have a financial interest in the U.S.-India Business Council.
- Principles of federal ethics law restrict Ambassador Juster from showing preference or favoritism toward employees or affiliates of the U.S.-India Business Council in the course of his official duties. The State Department has counseled and will continue to counsel Ambassador Juster 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 Juster will comply with the remaining provisions of the Ethics Pledge and with government ethics rules.



Donald F. McGahn II
Counsel to the President

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