



# Peace Corps

## MEMORANDUM

### OFFICE OF THE GENERAL COUNSEL

To: Aaron S. Williams, Director

From: Carl R. Sosebee, Designated Agency Ethics Official

Date: August 24, 2009

Subject: President Obama's Ethics Pledge – Limited Waiver on Particular Matters Pertaining to National Peace Corps Association

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#### EXECUTIVE SUMMARY

Pursuant to Section 3 of Executive Order 13490 (January 21, 2009), and delegated authority from the Director of the Office of Management and Budget, this is a limited waiver permitting you to participate in or speak at meetings and conferences or other events involving or hosted by the National Peace Corps Association (NPCA) or its leadership, including fundraising events, provided that your participation would otherwise be permissible under the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635.808), and where such activities would continue to promote and maintain a positive relationship between Peace Corps and the Returned Peace Corps Volunteer (RPCV) community or would otherwise advance or promote the programs and activities of Peace Corps.

This waiver does not extend to your participation during the applicable two-year period in any present or future Peace Corps cooperative agreement, contract, or other funding mechanism between Peace Corps and NPCA, nor to any other particular matters that would directly and predictably affect NPCA's financial interests.

#### DISCUSSION AND ANALYSIS

Under President Obama's Executive Order 13490 (January 21, 2009), you are required to sign and abide by terms set forth in an Ethics Pledge.

Under the Pledge, Section 1, Paragraph 2, because of your service on the board of directors of NPCA during the two-year period prior to the date of your appointment as Director, you may not participate in any particular matter involving specific parties that is directly and substantially related to NPCA. This restriction extends for a period of two years from the date of your appointment.

However, in accordance with Section 3 of the Executive Order and pursuant to my authority, as delegated by the Director of the Office of Management and Budget (DO-09-008), I have determined that it is in the public interest to grant you a limited waiver from the restriction in the Pledge in order to enable you more effectively to carry out your duties as Peace Corps Director.

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This waiver will enable you to attend, participate in, or speak at meetings, conferences, or other events involving or hosted by the NPCA or its leadership, including fundraising events, provided that your participation would otherwise be permissible under the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635.808), and where such activities would continue to promote and maintain a positive relationship between the Peace Corps and the Returned Peace Corps Volunteer community or would otherwise advance or promote the programs and activities of the Peace Corps, as determined in consultations between you and agency ethics officials.

Under terms negotiated with and agreed to by the Office of White House Counsel, this waiver does not extend to your participation, during the applicable two-year period, in any present or future Peace Corps cooperative agreement, contract, or other funding mechanism between Peace Corps and NPCA, nor to any other particular matters that would directly and predictably affect NPCA's financial interests.

Peace Corps promotes world peace and friendship by making trained Volunteers available to interested countries overseas to help meet their needs, particularly in meeting the basic needs of those living in the poorest areas of such countries. *See* 22 U.S.C. 2501(a)

It is also Peace Corps' statutory goal to promote a better understanding of other peoples on the part of the American people (Third Goal). As a key part of its effort to meet this goal, Peace Corps has historically encouraged and relied on Returned Peace Corps Volunteers to work actively in a variety of areas and activities, including sharing their experiences with other Americans when they return through Peace Corps programs such as World Wise Schools and through group and individual activities in their communities. In addition, recognizing the value Returned Volunteers can have in efforts to recruit new Volunteers, Peace Corps has actively sought (and received) assistance from them in connection with its recruitment and outreach activities.

Promoting and maintaining a positive relationship with the community of Returned Volunteers is therefore critical to Peace Corps' mission. The Director of the Peace Corps, as the head of the agency and its most public face, plays a vital and necessary role in this effort. The inability or failure of a Director to participate in activities involving RPCVs would raise questions within the Returned Peace Corps Volunteer community. The Director's interaction with Returned Volunteers and their organizations is likely to be of particular importance as Peace Corps approaches its fiftieth anniversary in 2011.

In this regard, NPCA is the only nation-wide umbrella organization representing Returned Peace Corps Volunteers and/or their respective membership organizations. NPCA is a 501(c)(3) organization, a part of whose stated mission is to "connect, inform, and engage people impacted or inspired by Peace Corps." In addition to its individual members, NPCA has about 70 member groups of RPCVs, grouped by geographical area or by country of service. The NPCA has historically provided direct assistance to Peace Corps by providing support for recruiting activities and promoting Peace Corps' Third Goal.

That NPCA is presently the only nationwide group representing RPCVs significantly reduces the likelihood of perceived partiality at the expense of similarly situated groups. Moreover, most particular matters involving parties relating to NPCA are not likely to involve highly controversial issues.

Aaron S. Williams, Paragraph 2 Waiver

Due to the scope of Section 2 of the Order, a broad application of its prohibition would be detrimental to the Peace Corps because it would preclude you from participating in a wide variety of matters involving the largest (and only nationwide) organization of Returned Peace Corps Volunteers, thereby diminishing your ability to take a visible leadership role in working with Returned Peace Corps Volunteers and advancing Peace Corps interests with this vital universe of stakeholders. This in turn could adversely affect Peace Corps' important efforts to promote and encourage RPCV assistance in recruiting, outreach, and Third Goal activities.

### **CONCLUSION**

I have determined that, because of the nature and importance of the Peace Corps Director as a spokesman and link to Returned Peace Corps Volunteers, it is in the public interest to grant you a limited waiver, as set forth herein, in accordance with Section 3 of Executive Order 13490. This waiver has been approved by the Office of White House Counsel.



Peace  
Corps

**MEMORANDUM TO AARON S. WILLIAMS, PEACE CORPS DIRECTOR**

From: Nancy G. Miller  
Associate General Counsel  
Designated Agency Ethics Official

Subject: Limited Waiver of Paragraph 2 of the Ethics Pledge

Date: December 7, 2010

Executive Summary

You have been invited to attend the Society for International Development-Washington's Annual Gala Dinner fundraising event on December 8, 2010, accept an honor on behalf of the Peace Corps in celebration of its 50<sup>th</sup> Anniversary, and make remarks. Because you were on SID-W's board of directors during the two-year period before your appointment as Peace Corps Director on August 24, 2009, a waiver of the Ethics Pledge that you signed pursuant to Section 3 of Executive Order 13490, "Ethics Commitments by Executive Branch Personnel" is required.

Following consultation with the White House Counsel's Office, I hereby certify that it is in the public interest to grant a limited waiver from the provisions of Paragraph 2 of the Ethics Pledge to permit you to attend, accept an honor on behalf of the Peace Corps, and to make official remarks at the SID-W's December 8 event.

However, this is a limited waiver that relates only to this particular event. Moreover, there are specific limitations on what you may do at the event. For example, you may not actively promote the event. Nor may you solicit donations for the event or to the organization. You may, however, accept free attendance at the event as a speaker. See Discussion.

Discussion

Section 1 of Executive Order 13490, "Ethics Commitments by Executive Branch Personnel," issued by President Obama on January 21, 2009, requires all political appointees to sign an Ethics Pledge. Paragraph 2 of the Ethics Pledge prohibits participation, for a period of two years from the date of your appointment, in any particular matter involving specific parties that is directly and substantially related to a former employer. "Former employer" is defined in Section 2(i) of the Executive Order to include "any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee or

general partner . . . .” Section 3 of the Executive Order permits waivers to be granted under certain limited conditions.

The Office of Government Ethics, in its DAEOgram DO-09-020, states that the decision to give an official speech is considered a particular matter involving specific parties. In general, giving an official speech is not precluded if it will have no impact on the financial interests of the sponsoring organization. On the other hand, “where the decision to give an official speech actually would affect the financial interest of the sponsor, the concerns under the Pledge about special access are relevant. Thus, if the former employer charges an admission fee or organizes the event for the purposes of fundraising . . . , the appointee will be barred from giving an official speech, absent a waiver.” *Id.* at 2-3.

You have been invited to attend SID-W’s Annual Gala Dinner fundraising event, on December 8, 2010, accept an honor on behalf of the Peace Corps in celebration of its 50<sup>th</sup> Anniversary, and make remarks. Because you served as a volunteer and uncompensated member of SID-W’s board of directors during the two-year period before your appointment as Peace Corps Director on August 24, 2009, a waiver of the Ethics Pledge is required in order for you to be able to participate in the event. Waivers may be granted based on a certification by the Designated Agency Ethics Official after consultation with the White House Counsel’s Office that it is in the public interest to do so. See E.O 13490 at Section 3; OGE DAEOGram DO-09-008.

SID-W is a 501(c)(3) organization designed to provide an opportunity for the full range of professionals and organizations working in the field of international development to come together for discussions, sharing of best practices, and networking. It is not an advocacy organization, nor is it a registered lobbying organization. It gives out no grants. The Peace Corps has no business or other relationship with SID-W other than being an “honorary member,” along with USAID and the Millennium Challenge Corporation.

The Peace Corps is one of the U.S. government’s key players in public diplomacy, with more than 200,000 Volunteers having served overseas since 1961 and with more than 8600 Volunteers currently serving in 77 countries. The President has stated his support for the Peace Corps on an ongoing basis, and described his goal of engaging all Americans in volunteer service.

Moreover, the Peace Corps is celebrating its 50<sup>th</sup> Anniversary from October 2010 through September, 2011. President Kennedy’s first speech introducing the idea of the Peace Corps was made on October 14, 1960, at the University of Michigan. He signed the executive order creating the Peace Corps on March 1, 1961, and the Peace Corps Act was signed into law on September 23, 1961.

The agency is using this landmark 50<sup>th</sup> Anniversary year to educate and engage the public about the Peace Corps’ history and effectiveness and inspire the next generation of Volunteers. Because the Peace Corps’ statutory missions include providing trained men and women to countries requesting its assistance, and educating Americans about the countries in which Volunteers serve, recruitment and outreach are absolutely vital to ensuring the Peace Corps’ continuing success. Your participation as Peace Corps Director in the SID-W event will play a significant part in this ongoing effort.

The SID-W Annual Gala is expected to attract hundreds of attendees with interests in international development. This is an excellent forum for the Peace Corps Director to convey the President's message on volunteerism and on global engagement and to describe the Peace Corps' legacy, role and future. To have the opportunity to spread the message of the Administration and the Peace Corps to this highly receptive audience is in the public interest.

Granting this waiver would not run counter to the purpose of the Ethics Pledge to avoid special access. SID-W serves a unique role in the international development community, so that your participation in this event would risk no reasonable likelihood of perceived partiality or special access at the expense of similarly situated groups.

Please keep in mind that this is a limited waiver only for this particular event. The Ethics Pledge continues to prohibit your participation in any other particular matter involving specific parties that relates to SID-W until after August 24, 2011. Moreover, there are specific limitations on what you may do at the event. Pursuant to 5 C.F.R. Section 2635.808, you may not actively promote the event. Nor may you solicit donations for the event or to the organization. Finally, you must also otherwise comply with the remainder of the Ethics Pledge and with all preexisting government ethics rules.