



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

February 26, 2021

MEMORANDUM FOR AVIVA ARON-DINE

FROM: SAMUEL R. BAGENSTOS
GENERAL COUNSEL

A handwritten signature in blue ink, appearing to read "S. Bagenstos", is written over a light gray rectangular background.

SUBJECT: LIMITED PUBLIC INTEREST WAIVER PURSUANT TO SECTION 2,
EXECUTIVE ORDER 13989

Pursuant to Section 3 of Executive Order 13989 (January 20, 2021) (EO 13989), and for the reasons stated below, I hereby grant a limited waiver of the requirements of Section 1, Paragraph 2 of EO 13989 for Aviva Aron-Dine solely with respect to the Center on Budget and Policy Priorities (CBPP). I have determined that this waiver is necessary and it is in the public interests to permit Ms. Aron-Dine, when representing the interests of the President and the United States as the Executive Associate Director (EAD) for the Office of Management and Budget (OMB), to communicate directly with CBPP.

Background

Section 1 of EO 13989, "Ethics Commitments by Executive Branch Personnel" (the Ethics Pledge), requires all covered political appointees to abide by certain commitments. Paragraph two of EO 13989 provides that a covered appointee may not, for a period of two years from the date of appointment, participate in any particular matter involving specific parties that is directly and substantially related to a former employer or former client. In addition to communication with former employers and clients with respect to specific party matters, the definition of that term also includes "meetings or other communications relating to the performance of one's official duties with a former employer or client." This restriction would prevent Ms. Aron-Dine from discussions with CBPP on both matters specifically involving CBPP, but also discussions on broad policy issues, such as overall funding levels in the budget or the adequacy of funding for particular federal programs.

A waiver of the restrictions contained in Section 1, Paragraph 2 of EO 13989 may be granted upon a certification either that the literal application of the restriction is inconsistent with the purpose of the restriction, or that it is in the public interest to grant the waiver. EO 13989, Section 3.

An economist, Ms. Aron-Dine is a leading authority on health, budget, and tax policy, with experience coordinating Federal policy on a number of matters. Ms. Aron-Dine has served in budget, tax, and health policy positions within the Executive Branch of the United States Government, and the private sector. Most recently, Ms. Aron-Dine served as the Vice President for Health policy at CBPP. In that position, she led CBPP's work on Medicaid, the Affordable Care Act, and other health care issues. Prior to that, Ms. Aron-Dine served as a Senior Counselor to the Secretary at the Department of Health and Human Services, with responsibility for Affordable Care Act implementation and for Medicaid, Medicare, and delivery system reform policy. She has also served as Associate Director for Economic Policy and then as Acting Deputy Director and Executive Associate Director at OMB, and as a Special Assistant to the President for Economic Policy at the National Economic Council. In these latter roles she worked on a wide range of budget and tax issues.

As OMB's EAD, Ms. Aron-Dine will be responsible for helping to craft the President's discretionary and mandatory budget proposals, advocating for the inclusion of these proposals in legislation, and advising on budget execution and program administration issues across government.

The Center on Budget and Policy Priorities is a nonpartisan research and policy institute. It researches and publishes information about federal and state policies designed to reduce poverty and inequality, and to pursue fiscal responsibility. CBPP has no clients, is not a membership organization, and does not receive any federal grants or other funding.

Analysis

In accordance with Section 3 of Executive Order, I have concluded that it is in the public interest to grant Ms. Aron-Dine a limited waiver of the of the requirements of Section 1, Paragraph 2 of EO 13989 to enable her to effectively carry out her duties as OMB's Executive Associate Director.

In making that assessment, I have determined that CBPP has expertise that is unique among non-governmental organizations in a number of areas directly relevant to Ms. Aron-Dine's responsibilities at OMB. These areas include: funding levels and policy design of low-income and health programs and various technical budget concepts. CBPP also plays a unique role in shaping congressional, press, and public understanding of these issues. If Ms. Aron-Dine were not permitted to have direct communication with CBPP, her ability to fully and effectively perform the duties of her position would be impaired. Simply put, this waiver is supported by the government's critical need for Ms. Aron-Dine to obtain the unique expert information provided by CBPP, and the fact that CBPP is a non-profit organization.

Conclusion

For the foregoing reasons, I grant Ms. Aron-Dine a limited waiver of the restrictions in Section 1, paragraph 2 of the Executive Order to enable her to effectively carry out her duties as Executive Associate Director. Pursuant to this waiver, Aron-Dine may have direct communication with CBPP. This waiver does not otherwise affect Ms. Aron-Dine obligation to comply with all other applicable government ethics rules and provisions of

the Executive Order. Specifically, this waiver does not permit Ms. Aron-Dine to participate in any party-specific matters directly affecting the financial interests of CBPP, including but not limited to, contracts or grants.

CC: Dana Remus, Counsel to the President, Office of the White House Counsel