



United States Department of State

Washington, D.C. 20520

UNCLASSIFIED

TO: Wendy R. Sherman  
Deputy Secretary of State

FROM: David P. Huitema  
Alternate Designated Agency Ethics Official

DATE: May 15, 2021

SUBJECT: 5 C.F.R. § 2635.502(d) Determination and Limited Authorization

A. Determination Under 5 C.F.R. § 2635.502(d)

It is my understanding that your spouse is a consultant to the German Marshall Fund of the United States. It is also my understanding that the German Marshall Fund will be hosting a forum the week of June 7, 2021 to launch the Fund's 2021 report on transatlantic trends. You have been invited to speak at this event and your participation is at the recommendation of the Bureau of European Affairs.

5 C.F.R. § 2635.502(a) states that an employee should not participate in a matter involving any "person for whom the employee's spouse...is, to the employee's knowledge, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee" where the employee "determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality ... unless he has informed the agency designate of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this subsection." In your Ethics Agreement letter, you further committed that you would not participate personally and substantially in any particular matter involving specific parties in which you know a client of your spouse is a party or represents a party, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Paragraph (d) states that:

“Where an employee's participation in a particular matter involving specific parties would not violate 18 U.S.C. 208(a), but would raise a question in the mind of a reasonable person about his impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations.”

Based on the totality of the circumstances, I have determined that the interest of the Government in having you speak at this event in your official capacity as Deputy Secretary of State outweighs the concern that a reasonable person with knowledge of the relevant facts may question your impartiality or the integrity of the Department's programs and operations. The following factors are persuasive in this regard:

- The Government has a strong interest in high-level participation in this event, as it will convene transatlantic leaders and stakeholders for the purpose of building a cross-sectoral commitment to transatlantic relations, in line with the goals of the Administration. In addition, the Administration has a specific interest in your addressing the outcome of the US-EU China Dialogue you are holding in Brussels in late May as well as US-EU issues ahead of the President's first trip to Europe, scheduled to occur the week following this event. Accordingly, there is a strong interest in showing a serious commitment to open dialogue on these issues and your participation as Deputy Secretary of State will help express that commitment to our transatlantic counterparts.
- There is no appreciable likelihood of a conflict of interest under these circumstances. Your spouse's work for the German Marshall Fund is unrelated to this event. He has not been involved in this event in any way and was not involved in any decision to invite you to speak. Further, your participation will not affect the ability and willingness of the German Marshall Fund to hire or compensate your spouse. In addition, this event will be live-streamed, so no fee will be charged to attend, and the event will not have a fundraising component. Accordingly, your participation would not affect the Fund's own pecuniary interests.

- Principles of federal ethics law restrict you from showing preference or favoritism toward the German Marshall Fund. You plan to participate in similar events with analogous organizations, thus showing no particular favoritism to the German Marshall Fund or any other similar organization.

**B. Limited Authorization to participate in the German Marshall Fund's event,  
*2021 Forum on Transatlantic Trends***

You are hereby authorized under 5 C.F.R. § 2635.502(d) to attend and deliver a speech at the German Marshall Fund's launch event for its Transatlantic Trends 2021 Report the week of June 7, 2021.

DATE 5/20/2021

(b)(6)

David P. Huitema /

Alternate Designated Agency Ethics Official