

April 27, 2021

**MEMORANDUM FOR ERIKA MORITSUGU**

FROM: DANA A. REMUS  
COUNSEL TO THE PRESIDENT



SUBJECT: LIMITED WAIVER OF EXECUTIVE ORDER 13989  
FOR ERIKA MORITSUGU

Executive Summary

Pursuant to Section 3 of [Executive Order 13989](#) (January 20, 2021) (the “Executive Order”), and for the reasons stated below, I hereby grant a limited waiver of the requirements of Section 1, Paragraph 3 of the Executive Order for Erika Moritsugu. I have determined that this limited waiver is necessary and in the public interest so that Ms. Moritsugu can effectively represent the interests of the President and the United States in carrying out her duties as Deputy Assistant to the President and Asian Americans and Pacific Islanders (AAPI) Senior Liaison at the White House.

The Executive Order requires all covered political appointees in the Biden-Harris Administration to abide by several commitments. In particular, Section 1, Paragraph 3 imposes a two-year ban on registered lobbyists, barring them from (1) working at any executive branch agency they lobbied in the past two years, and (2) participating in a particular matter or the specific issue area in which a particular matter falls if they lobbied on that particular matter in the past two years. A waiver of the Executive Order’s restrictions may be granted when the literal application of the restriction is inconsistent with the restriction’s purpose or when it is in the public interest to grant a waiver.

In her role, Ms. Moritsugu will support the Administration on a wide array of AAPI issues, including advising other federal government officials on AAPI matters and engaging with AAPI communities and leaders on important issues such as advancing safety, inclusion, and belonging for all Asian American, Native Hawaiian, and Pacific Islander communities. Absent this waiver, Ms. Moritsugu would be restricted for two years following her appointment from participating in any particular matter on which she lobbied for her former employer, the Anti-Defamation League, in the two years before her appointment, or from participating in the specific issue area in which that particular matter falls. For instance, because she lobbied on racial justice and equity issues while at the Anti-Defamation League, she would not be able to work on those critically important issues in her role at the White House.

In addition, managing an ongoing recusal for Ms. Moritsugu would negatively impact the Administration’s important mission of AAPI community engagement. The successful accomplishment of this mission relies on extensive, open, and collaborative communications within the White House, with other federal government agencies, and with AAPI communities,

organizations, leaders, and the general public. Without this waiver, the recusal would result in serious limitations and inefficiencies.

### Background

Ms. Moritsugu's professional background is extensive, reflecting more than 20 years of specialized expertise in policy matters, particularly those affecting marginalized communities; long-standing leadership within AAPI communities and advocacy on behalf of AAPI communities; and significant experience developing congressional strategy and engaging members of Congress as an advocate and spokesperson. This experience makes her uniquely qualified to serve as a Deputy Assistant to the President and AAPI Senior Liaison at the White House.

### *The Anti-Defamation League*

In 2018 and 2019, Ms. Moritsugu led Government Relations for the Anti-Defamation League, a non-profit organization. In that position, she spearheaded alliances across the Asian and Jewish communities, engaged Congress on policy proposals related to a broad portfolio of issues, and advocated on behalf of families and communities, including on immigration and refugee matters.

As part of these efforts, Ms. Moritsugu registered as a federal lobbyist and lobbied Congress for the Anti-Defamation League. The organization's lobbying disclosure reports show Ms. Moritsugu as registered from the second quarter of 2018 through the third quarter of 2019. During this time, she conducted lobbying activity for a total of approximately 10 hours, representing only a very small fraction of her total time and work at the non-profit organization. While the Anti-Defamation League's relevant disclosure reports included anticipated lobbying of the White House and other federal government agencies, Ms. Moritsugu only lobbied Congress. Ms. Moritsugu also did not engage in lobbying activities on behalf of any paying clients, nor did she receive any contributions on behalf of any political action committees. In fact, Ms. Moritsugu received only her salary and no additional fees for her lobbying activities.

### *Extensive, Specialized Experience*

Ms. Moritsugu has held a number of additional positions further demonstrating her specialized experience in policy, advocacy, and AAPI engagement issues.

- Most recently, Ms. Moritsugu served as the Vice President for Congressional Relations and Economic Justice at the National Partnership for Women and Families. In that role, she managed the team tasked with policy and advocacy related to economic stability for marginalized communities, including the AAPI community. She also served as a key spokesperson before Congress, state and local policymakers, the media, and coalitions, building political and congressional strategy for racial equity policy portfolios.
- She previously served as General Counsel to Senator Tammy Duckworth of Illinois, providing legislative and political strategic counsel on judiciary, civil rights and economic issues and managing the Senator's AAPI outreach efforts.

- Ms. Moritsugu also served as Deputy Legislative Director for Senator Daniel K. Akaka of Hawaii, focusing on economic policy and health issues.
- She also held several different roles at the Senate Democratic Policy Committee under Senate Majority Leader Harry Reid of Nevada, including Acting Staff Director and Policy Director.
- In the executive branch, Ms. Moritsugu previously served as Assistant Secretary of Congressional and Intergovernmental Affairs at the Department of Housing and Urban Development and Deputy Assistant Director for Legislative Affairs at the Consumer Financial Protection Bureau. She also previously worked in the White House Office of Presidential Personnel and the U.S. Department of Justice's Criminal Division.
- Ms. Moritsugu has also served in leadership roles within organizations focused on the interests of AAPI communities, including as Executive Director of the Asian American Action Fund, and Secretary of the Pan-Asian American Leadership and Mentoring Board.

### Analysis

In accordance with Section 3 of Executive Order, it is in the public interest to grant Ms. Moritsugu a limited waiver of the requirements of Section 1, Paragraph 3 to enable her to effectively carry out her duties as Deputy Assistant to the President and AAPI Senior Liaison.

In making this assessment, I have considered the factors set forth in Section 3 of the Executive Order, which include: (i) the government's need for the individual's services, including the existence of special circumstances related to national security, the economy, public health, or the environment; (ii) the uniqueness of the individual's qualifications to meet the government's needs; (iii) the scope and nature of the individual's prior lobbying activities, including whether such activities were *de minimis* or rendered on behalf of a non-profit organization; and (iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services. Here, these factors demonstrate that it is in the public interest to grant a limited waiver to Ms. Moritsugu.

### *Government Need*

The government has a critical need for Ms. Moritsugu's services as Deputy Assistant to the President and AAPI Senior Liaison. This position will impact several of the White House's key initiatives related to AAPI communities, including supporting the Administration's vital commitment to advancing equity for Asian American, Native Hawaiian, and Pacific Islander communities through a whole-of-government approach to racial justice. The position will also play a pivotal role in the Administration's efforts to work hand in hand with Asian American leaders, civil rights organizations, and communities to advance fairness, opportunity, and inclusion for all. The position is especially important in supporting the Administration's recently published actions to respond to the increase in acts of anti-Asian violence, and to advance safety, inclusion, and belonging for all Asian American, Native Hawaiian, and Pacific Islander communities.<sup>1</sup>

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<sup>1</sup> See Presidential Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian American and Pacific Islanders in the United States" dated January 26, 2021 and "FACT SHEET: President Biden Announces Additional Actions to Respond to Anti-Asian Violence, Xenophobia and Bias" dated March 30, 2021.

### *Unique Qualifications*

Ms. Moritsugu is uniquely qualified to meet the government's needs in this area. Her vital expertise in policy and advocacy, especially with respect to AAPI issues and marginalized communities, make her particularly adept at navigating the legislative and relational elements of the AAPI Senior Liaison position. Ms. Moritsugu pairs her expertise in policy and advocacy with a personal and professional understanding of the needs of AAPI communities specifically, having formerly served in leadership and support roles in organizations focused on the interests of AAPI communities. In addition, her proven ability to network and build coalitions within the public, private, and non-profit sectors will support the White House's ability to coordinate outreach within and beyond AAPI communities on policy matters of critical importance.

### *Prior Lobbying*

Ms. Moritsugu engaged in prior lobbying activities only on behalf of a non-profit organization and exclusively before Congress. As noted above, she did not lobby on behalf of any paying clients, nor did she lobby the executive branch. Moreover, she only conducted lobbying activity for 10 hours, a *de minimis* amount of her total time working at the Anti-Defamation League.

### *Other Limitations*

Finally, the recusal obligation and related adjustments that would be necessary to maintain the restrictions imposed by the Executive Order would result in serious limitations on Ms. Moritsugu's ability to execute her job responsibilities as AAPI Senior Liaison and result in inefficiencies in the White House, as she would be unable to capably perform the duties of the position.

### Conclusion

The significant public interest in the ability of the White House to accomplish its mission requires that Ms. Moritsugu fully advise on AAPI matters and engage without limitation with AAPI communities and leaders on matters affecting their communities. Due to the scope of Section 1, Paragraph 3 of the Executive Order, a broad application of this prohibition would be detrimental to the White House. Without a waiver, Ms. Moritsugu would be precluded from engaging with AAPI communities and leaders, as well as United States officials, on a broad range of matters affecting AAPI communities. Further, Ms. Moritsugu's very limited lobbying activity on behalf of a non-profit organization is not the type of business-oriented, prior client relationship that the Executive Order intended to reach in protecting the public trust.

For the foregoing reasons, I grant Ms. Moritsugu a limited waiver of the restrictions in Section 1, Paragraph 3 of the Executive Order to enable her to effectively carry out her duties as Deputy Assistant to the President and AAPI Senior Liaison.

Pursuant to this waiver, Ms. Moritsugu may participate in any particular matter on which she lobbied for Anti-Defamation League within the two years before her appointment, and in the

specific issue area in which that particular matter falls. This waiver does not otherwise affect Ms. Moritsugu's obligation to comply with all other applicable government ethics rules and provisions of the Executive Order. Specifically, this waiver does not permit Ms. Moritsugu to participate in any party-specific matters directly affecting the financial interests of Anti-Defamation League, including but not limited to contracts or grants.