

June 11, 2021

MEMORANDUM FOR KRISTINE J. LUCIUS

FROM: DANA REMUS  
COUNSEL TO THE PRESIDENT



SUBJECT: LIMITED WAIVER OF EXECUTIVE ORDER 13989  
FOR KRISTINE J. LUCIUS

Pursuant to Section 3 of Executive Order 13989 (January 20, 2021) ("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 Kristine J. Lucius. I have determined this waiver is necessary and in the public interest to enable Ms. Lucius to effectively carry out her duties as the Director of Legislative Affairs for The Office of the Vice President ("OVP").

**Background Information and Need for a Waiver**

*OVP Employees:* While Ms. Lucius is an OVP employee, her employment is funded by the U.S. Senate, which technically means that she is not an "appointee" as defined in the Executive Order. OVP has determined, however, that as a matter of policy, all OVP employees, whether funded by the U.S. Senate or the Executive Branch, are required to abide by the Executive Order.

*Employment Background:* From May 2017 to September 2019, Ms. Lucius served as Executive Vice President for Policy at The Leadership Conference on Civil and Human Rights (the "Leadership Conference"), a non-profit organization where she was a registered lobbyist for the organization and led a broad coalition of civil rights organizations in advocating for "an America as good as its ideals." Absent this waiver, Ms. Lucius would be restricted for two years following her appointment in January 2021 from participating in any particular matters on which she lobbied in the two years before her appointment and from participating in the specific issue area in which that particular matter falls. I anticipate that the resulting adjustments necessary to maintain a recusal for Ms. Lucius would result in serious limitations and inefficiencies within OVP and detrimentally impact several of OVP's important missions.

**Analysis of the Factors for Granting a Waiver**

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 nonprofit 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 Ms.



Lucius a limited waiver of the requirements of Section 1, paragraph 3 of the Executive Order to enable her to effectively carry out her duties as Director of Legislative Affairs in OVP.

*Government Need:* The government has a critical need for Ms. Lucius' services as the Director of Legislative Affairs for OVP. Ms. Lucius will provide advice and counsel to the Vice President on legislative affairs of national importance. The successful and efficient accomplishment of OVP's mission relies on extensive, open, and collaborative communications within OVP, including between Ms. Lucius and the Vice President, as well as between Ms. Lucius and other OVP staff.

*Unique Qualifications:* Ms. Lucius is uniquely qualified for this role because she has extensive and vital expertise on a broad range of legislation and policy issues core to OVP's mission and mandates, including hate crimes, criminal justice reform, immigration, voting rights and housing issues. Ms. Lucius has developed an expertise in legal policy and the judicial confirmation process. She worked in the U.S. Senate for more than 16 years, including as Chief of Staff to then-Senator Kamala Harris and as Chief Counsel and Staff Director to the Judiciary Committee, where she led bipartisan efforts to enact a wide range of legislation. Among those successful efforts were the Violence Against Women Reauthorization Act, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization Act, the FOIA Improvement Act, the Leahy-Smith America Invents Act, the USA FREEDOM Act, and the Justice for All Act.

*Prior Non-Profit Lobbying Activity:* Ms. Lucius' prior lobbying activity for a non-profit organization is not the type of business-oriented, prior client relationship the Executive Order intended to reach in protecting the public trust. While at the Leadership Conference, Ms. Lucius lobbied Congress on a broad range of issues, including voting rights, judicial nominations, fair housing, criminal justice reform, immigrant rights and economic justice. However, she did not (i) personally lobby the Executive Office of the President or OVP; (ii) lobby on behalf of paying clients; or (iii) receive additional fees beyond her Leadership Conference salary. Rather, she personally worked with Congress both as a lead congressional staffer and on behalf of a nonprofit on legislation and nominations to increase fairness and equal representation for all people living in the United States.

*Other Limitations:* As noted above, we anticipate that recusals would result in serious limitations and inefficiencies for OVP, rendering Ms. Lucius unable to capably and effectively perform the duties of the position.

### **Waiver Granted**

The significant public interest in OVP's ability to accomplish its missions requires that Ms. Lucius be able to fully advise and counsel the Vice President and OVP staff on judicial nominations and legislation impacting voting, housing, criminal justice, immigrant and economic rights. Accordingly, I grant Ms. Lucius 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 the Director of Legislative Affairs for OVP.

Pursuant to this waiver, Ms. Lucius may participate in any particular matter on which she lobbied for the Leadership Conference 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. Lucius' obligation to comply with all other applicable government ethics rules and provisions of the Executive Order. Specifically, this waiver does not permit Ms. Lucius to participate in any party-specific matters directly affecting the financial interests of the Leadership Conference, including but not limited to contracts or grants.

CC: Josh Hsu, Counsel to the Vice President, Office of the Vice President