



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

MEMORANDUM FOR JESSICA ENNIS

FROM: Amy B. Coyle
Deputy General Counsel
Designated Agency Ethics Official

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

SUBJECT: Limited Waiver of Executive Order 13989

Pursuant to section 3 of Executive Order 13989, Ethics Commitments by Executive Branch Personnel, (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(b) of the Executive Order for Jessica Ennis. It is in the public interest to grant this waiver to enable Jessica Ennis to effectively carry out her duties as Director of Public Engagement at the Council on Environmental Quality.

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.

Background

Ms. Ennis is a solutions-focused leader with a demonstrated record of building and executing successful environmental and energy public policy campaigns. She has extensive experience in Federal and state policy development with effective coalition and partnership building to advocate for equitable and just policies, to advance clean energy, and reduce greenhouse gas emissions and hazardous air pollution.

Since 2008, Ms. Ennis has led government relations for Earthjustice, a non-profit organization. During that time, she developed and implemented Federal and state legislative and regulatory strategies to combat climate change, engaged Congress on policy proposals related to a broad portfolio of issues, and advocated on behalf of clients and partners. Ms. Ennis built and maintained diverse partnerships to expand coalitions to advance policy goals, including advocacy of environmental justice priorities of President Biden's Build Back Better agenda.

As part of these efforts, Ms. Ennis registered as a Federal lobbyist and lobbied Congress for Earthjustice. The organization's lobbying disclosure reports show Ms. Ennis as registered as a lobbyist from the fourth quarter of 2012 through the third quarter of 2020, with a break from the fourth quarter of 2015 to the fourth quarter of 2016. During this time, her lobbying represented a small fraction of her total time and work at the non-profit organization.

In the past two years, Ms. Ennis lobbied only during the second quarter of 2020. During this time, Ms. Ennis did not lobby the White House or CEQ. Ms. Ennis lobbied Congress on the CARES Act and the Moving Forward Act. While lobbying for the CARES Act, Ms. Ennis worked on a series of funding requests related to climate, energy access, air quality and environmental justice through work with the Equitable and Just National Climate Platform. While lobbying for the Moving Forward Act, Ms. Ennis advocated for its clean transportation and clean energy provisions.

Analysis

In accordance with section 3 of Executive Order, it is in the public interest to grant Ms. Ennis a limited waiver of the of the requirements of section 1, paragraph 3, of the Executive Order to enable her to effectively carry out her duties as Director of Public Engagement at the Council on Environmental Quality.

In making this assessment, I have considered the factors set forth in section 3 of the Executive Order, which include: 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; the uniqueness of the individual's qualifications to meet the government's needs; 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 the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services.

Government Need

CEQ has a critical need for Ms. Ennis's services as a Director of Public Engagement. This position engages with Federal, state, Tribal, and local communities to ensure diverse perspectives and new voices all have the opportunity to inform CEQ. Creating and maintaining a two-way dialogue between CEQ and communities across the nation ensures that voices are heard and that concerns can be translated into action. The Director of Public Engagement plays a pivotal role in CEQ's efforts in communications, public events, official announcements, and community outreach.

Unique Qualifications

Ms. Ennis is uniquely qualified to meet CEQ's needs in this area. Her vital expertise in policy and advocacy, especially with respect to environmental issues, make her particularly adept at navigating the legislative and relational elements of the Director of Public Engagement position. Ms. Ennis pairs her expertise in policy and advocacy with a personal and professional understanding of the needs of climate policies and environmental justice solutions. In addition, her proven ability to network and build coalitions within the public, private, and non-profit

sectors will support the CEQ's ability to coordinate outreach within and beyond the public on policy matters of critical importance.

Prior Lobbying

Ms. Ennis engaged in prior lobbying activities only on behalf of a non-profit organization and predominantly before Congress. As noted above, she did not lobby on behalf of any paying clients, or directly lobby the White House or CEQ in the past two years. Further, in the past two years, she only engaged in lobbying activity during one quarter of 2020.

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 significant limitations on Ms. Ennis's ability to execute her job responsibilities as Director of Public Engagement. Further, CEQ is a very small agency with little redundancy in staff; a recusal could result in significant inefficiencies within the agency.

Conclusion

The significant public interest in CEQ's ability to accomplish its mission requires that Ms. Ennis fully engage on issue areas of interest to CEQ. Due to the scope of section 1, paragraph 3, of the Executive Order, a broad application of this prohibition would be detrimental to CEQ. Without a waiver, Ms. Ennis would be precluded from working on issue areas of importance to CEQ given her lobbying of Congress on climate, clean energy and transportation, and environmental justice issues. Further, Ms. Ennis'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. Ennis 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 Director of Public Engagement.

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