

January 27, 2022

MEMORANDUM FOR ASSISTANT SECRETARY LEE SATTERFIELD

FROM: RICHARD C. VISEK
DESIGNATED AGENCY ETHICS OFFICIAL

SUBJECT: LIMITED WAIVER OF EXECUTIVE ORDER 13989

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 2 of the Executive Order for Lee Satterfield. I have determined that this limited waiver is necessary and in the public interest so that Ms. Satterfield can effectively carry out her duties as the Assistant Secretary of State for Educational and Cultural Affairs at the U.S. Department of State.

Background

The Bureau of Educational and Cultural Affairs (ECA) promotes peaceful relations between the United States and other countries through international educational and cultural exchange programs. The Bureau strengthens ties between the U.S. and other countries by promoting personal, professional, and institutional engagement, as well as by presenting U.S. history, culture, and art to audiences abroad. As part of this effort, ECA oversees academic exchange programs, professional and cultural exchange programs, and private sector exchange programs.

The Meridian International Center is a key partner of ECA in support of its professional and cultural exchange programs between the U.S. and other nations. The Meridian International Center is a nonpartisan, nonprofit diplomacy center that has a closely aligned mission with ECA to connect leaders through culture and collaboration to drive solutions for global challenges. Ms. Satterfield served as Executive Vice President and Chief Operating Officer (COO) of the Meridian International Center from August 2015 to January 2021. From January 2021 until she was confirmed and appointed as Assistant Secretary of State for ECA, she served as President and COO of Meridian International Center.

The Meridian International Center is one of ECA's core grantees and has a cooperative agreement with the bureau to help administer the International Visitor Leadership Program (IVLP), which is a professional exchange program for individuals and groups nominated by U.S. embassies. Through an agreement with the Department, the Meridian International Center receives bureau funding to provide programming, logistical, and administrative support for visiting professionals selected for the IVLP.

The Assistant Secretary of ECA reports directly to the Under Secretary for Public Diplomacy and Public Affairs and directs the State Department's educational and cultural exchange activities. The Assistant Secretary is responsible for developing and maintaining relations with

private groups, NGOs, and other institutions in support of these exchange programs. The Assistant Secretary has authority to approve new cooperative agreements and grants, although those authorities can be exercised by others in the bureau. The Meridian International Center is a prominent venue for cultural diplomacy events and has a deep relationship with ECA, so it is common for the Assistant Secretary to attend events hosted by the Meridian Center, to invite Meridian officials to events at the Department, and to communicate directly with the Meridian leadership on ongoing exchange program matters.

Assistant Secretary Satterfield has specialized expertise in educational and cultural affairs, including serving as President of the Meridian International Center and Acting Assistant Secretary of State and Deputy Assistant Secretary of State for Professional and Cultural Exchanges at ECA under the Obama Administration. This experience makes her uniquely qualified to serve as Assistant Secretary of State for ECA under the Biden-Harris Administration.

The Executive Order requires all covered political appointees in the Biden-Harris Administration to abide by several commitments. In particular, Section 1, Paragraph 2 imposes a 2-year ban from date of appointment for participation in particular matters involving specific parties that is directly and substantially related to a former employer or client, including regulations and contracts. It also restricts communications with a former employer or client.

In her role as Assistant Secretary, Ms. Satterfield will support ECA's mission through oversight of various partnerships and funding recipients, which include her former employer, the Meridian International Center. Absent this waiver, Assistant Secretary Satterfield would be restricted for two years following her appointment from participation in any particular matter involving specific parties that is directly and substantially related to the Meridian International Center. This entity is a strategic partner in promoting educational and cultural exchanges, and a venue for public diplomacy events. Absent this waiver, the recusal would result in serious limitations and inefficiencies.

Analysis

In accordance with Section 3 of Executive Order, it is in the public interest to grant Assistant Secretary Satterfield a limited waiver of the requirements of Section 1, Paragraph 2 to enable her to effectively carry out her duties as Assistant Secretary of State for ECA.

While this waiver does not relate to the restrictions in paragraphs 3(b) or 3(c) of the pledge, I have considered the factors set forth in Section 3 of the Executive Order to inform my assessment of the public interest. Those factors 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 Assistant Secretary Satterfield.

Government Need

Public diplomacy through strategic exchanges and partnerships plays an important role in advancing the United States' interests, strengthening cross-border alliances, and promoting the United States' competitive advantages to meet current and future foreign policy challenges. The Bureau of Educational and Cultural Affairs leads public diplomacy outreach efforts through academic, cultural, sports, and professional exchanges, as well as public-private partnerships, to build relationships between people of the United States and people of other countries. The head of ECA is responsible for attending events that promote cultural and educational exchange, building relations and working with strategic partners on bureau programming, and overseeing funding for new grant recipients.

By its nature, much of this work is "outward" facing, and involves events with a wide range of audiences. Often, communication with the sponsor or venue for an event is also required for planning purposes. As the head of ECA, Assistant Secretary Satterfield is the Department's most prominent public diplomacy official, and her attendance at events related to ECA's work is critical. For many events, participation from other less prominent officials would draw less attention to important ECA programs and signal that the events lack importance to the Department. The Meridian International Center plays a significant role in Washington DC as a "convener" and venue for events and programs related to the Department's public diplomacy mission. It would damage the Department's public diplomacy initiatives if the Assistant Secretary were not able to attend events and programs involving the Meridian International Center, and could not communicate with the Meridian Center in conjunction with such events and programs.

Because the Meridian International Center is a long-standing partner that works with ECA on a range of initiatives, including its administrative and implementing role for the International Visitors Leadership Program, it is also important to maintain a channel of communication between the organization and the bureau. This sort of dialogue happens at all levels, and it is important for the Assistant Secretary to be able to communicate directly with the senior leadership of the Meridian International Center from time-to-time. There is no substitute for that channel to effectively steward the long-term relationship between the Meridian International Center and ECA and to ensure that the Meridian International Center is effectively implementing existing ECA programs.

The Meridian International Center is likely to apply for additional funding from ECA in the future. At times in the past, the Assistant Secretary has personally approved new grants and cooperative agreements. The Assistant Secretary's personal involvement can bolster her effective management of the bureau and build a sense of accountability. However, the evaluation of grant applications and other funding proposals is guided by strict procedural requirements and established criteria. By the time a funding decision is forwarded for final approval, the critical evaluation is already done and the sign-off can be viewed as a ministerial step in many cases. There is history of officials other than the Assistant Secretary giving final approval to funding decisions.

Unique Qualifications

Ms. Satterfield is uniquely situated to participate in particular matters involving the Meridian International Center, and to communicate with its leadership, for two reasons. The first is her background qualifications, which include previous service as Deputy Assistant Secretary of State at ECA and, most importantly, the fact that she served as President and Chief Operating Officer of the Meridian International Center. No one in ECA knows the organization better than she does. The second is her position as Assistant Secretary in ECA. When leadership involvement is important to lend prominence to a matter, no one could stand in as effectively as Ms. Satterfield. On the other hand, our assessment is that other ECA officials could effectively handle the evaluation and final decision-making with regard to funding decisions involving the Meridian International Center.

Prior Lobbying

Assistant Secretary Satterfield has not engaged in prior lobbying activities on behalf of any paying clients, nor did she lobby the executive branch.

Other Limitations

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 Assistant Secretary Satterfield and lessen the efficacy of ECA's operations. Other limitations would not satisfy the purpose of the restrictions contained in the Executive Order. However, the waiver can be tailored to advance the public interest in the important work of ECA while also serving the purpose underlying Section 1, Paragraph 2 of the Executive Order—the Revolving Door Ban on appointees entering government service. That paragraph is intended to limit possible concerns that appointees might show preferential treatment toward their former employers and clients. Those concerns are at their highest when it comes to funding decisions. Therefore, the waiver granted her is limited to preclude the Assistant Secretary from participating in any funding decisions involving the Meridian International Center. For example, Assistant Secretary Satterfield will not participate in the assessment of any new applications for funding or the execution of contracts, grants, or cooperative agreements with the Meridian International Center.

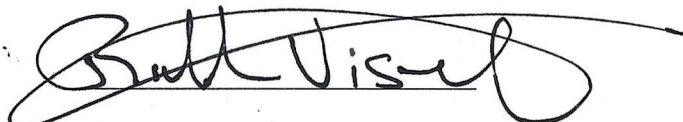
Conclusion

The significant public interest in the ability of the Bureau for Educational and Cultural Affairs to accomplish its mission requires that Assistant Secretary Satterfield participate in a range of matters involving the Meridian International Center, which is a strategic partner and grant recipient, and that she be able to communicate with the Meridian International Center's leadership. Without a waiver of Section 1, Paragraph 2 of the Executive Order, Assistant Secretary Satterfield would be precluded from engaging with Meridian International Center on public diplomacy efforts and cross-border cultural and educational exchanges. The waiver is limited in scope and will not permit Assistant Secretary Satterfield's participation in any funding decisions related to the Meridian International Center.

For the foregoing reasons, I grant Assistant Secretary Satterfield 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 Assistant Secretary of State for ECA.

Pursuant to this waiver, Assistant Secretary Satterfield may participate in particular matters in which the Meridian International Center is a party, with the exception of funding decisions. This waiver does not otherwise affect Assistant Secretary Satterfield's obligation to comply with all other applicable government ethics rules and provisions of the Executive Order.

1/27/22
Date

A handwritten signature in black ink, appearing to read "Rick Visek", written over a horizontal line.

Richard C. Visek
Designated Agency Ethics Official

Cc: Dana Remus, White House Counsel & Designated Agency Ethics Official