



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

September 30, 2015

MEMORANDUM FOR TANYA CLAY HOUSE

FROM: SUSAN WINCHELL 
ASSISTANT GENERAL COUNSEL FOR ETHICS

SUBJECT: Limited Public Interest Waiver Pursuant to Section 3, Executive Order 13490

Pursuant to Section 3 of Executive Order 13490 (January 21, 2009), I hereby grant a waiver of the requirements of Paragraph 3 of the Ethics Pledge for Ms. Tanya Clay House. I have determined that this waiver is necessary because it is in the public interest for Ms. House to serve as Deputy Assistant Secretary for P-12 Education in the Office of Planning, Evaluation and Policy Development (OPEPD) at the U.S. Department of Education (Department). This waiver is limited, and Ms. House will abide by all other restrictions imposed by Executive Order 13490, including without limitation, communication and recusal requirements concerning former employers and clients.

Section 1 of Executive Order 13490, "Ethics Commitments by Executive Branch Personnel" ("Ethics Pledge"), requires all covered political appointees to abide by certain commitments above those required by preexisting government ethics rules. Paragraph 3 of the Ethics Pledge applies to any covered appointee who was a registered lobbyist within the two years prior to the date of appointment. Paragraph 3 restricts a covered appointee's ability, among other things, to seek or accept employment with an executive agency that the appointee lobbied within the last two years prior to appointment.

A waiver of Paragraph 3 of the Ethics Pledge may be granted upon a certification either that the literal application of the restriction is inconsistent with the purpose of the restriction or that it is in the public interest to grant the waiver. E.O. 13490, Sec. 3(b). The Director of the Office of Management and Budget has delegated to each executive branch Designated Agency Ethics Official the authority to issue waivers under Section 3 of Executive Order 13490.

Immediately prior to her appointment as Deputy Assistant Secretary for P-12 Education, Ms. House served as Director of Public Policy at the Lawyers' Committee for Civil Rights Under Law (LCCRUL). LCCRUL was registered under the Lobbying Disclosure Act, and Ms. House made lobbying contacts with the Department within the last two years. As such, absent a waiver of Paragraph 3, Ms. House is barred from employment with the Department.

For the position of Deputy Assistant Secretary for P-12 Education, the Department requires a candidate who has both legal and education policy expertise, as well as technical knowledge, in the field of P-12 education. Additionally, the candidate must possess experience and a track record of success working with a broad spectrum of stakeholders, including state and local educational agencies, non-profit organizations, and Members of Congress.

Ms. House's combination of professional experiences makes her uniquely qualified to serve as the Deputy Assistant Secretary for P-12 Education. She is a lawyer who, immediately prior to her appointment at the Department, served as Director of Public Policy for LCCRUL. In this role Ms. House managed public policy and legislative advocacy on behalf of LCCRUL, including extensive work on education issues such as school vouchers, the school to prison pipeline, diversity and equity, and the reauthorization of the Elementary and Secondary Education Act (ESEA). In previous positions, and through her impressive 20 year career, Ms. House gained substantive congressional experience in both the U.S. Senate and House; was the lead congressional staffer on numerous domestic policy issues, including education and civil rights issues; and gained legal, legislative and public policy expertise in positions with People for the American Way and the Equal Opportunity Advisory Council. She began her career in education as the minority recruitment coordinator for the Kentucky Department of Education. Additionally, Ms. House has an impressive list of publications and editorial credentials. In sum, Ms. House has extensive and substantial experience working with Congress and understanding the legislative process; the public policy development expertise needed through her work with People for the American Way, the Equal Opportunity Advisory Council, and the LCCRUL; hands-on experience working with a state education agency; demonstrated expertise and understanding of a variety of education policy issues through her numerous publications; and direct experience managing people and organizing teams, including individuals outside her own organization, to engage in a joint problem solving and decision-making process.

Accordingly, I have concluded that it is in the public interest to grant Ms. House a waiver of Paragraph 3 of the Ethics Pledge. This waiver is limited and does not permit Ms. House to participate in specific party matters involving her former employer, LCCRUL, or her former clients. My office has reviewed her financial disclosure report and concluded that there are no other potential conflicts that will interfere with her ability to serve effectively as the Deputy Assistant Secretary for P-12 Education. Ms. House will otherwise comply with the remainder of the Ethics Pledge and all other applicable government ethics rules.