

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 3, 2021

Ms. Elizabeth Klein
Senior Counselor to the Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Ms. Heather Gottry
Director and Designated Agency Ethics Official, Departmental Ethics Office
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Mses. Klein and Gottry,

Senior leaders at federal agencies are responsible for fostering cultures of ethical conduct.¹ Employees unable to act impartially are not qualified to perform their role in government.² To ensure appropriate conduct, the U.S. Office of Government Ethics (OGE) issues ethical standards by which all executive branch employees must abide.³ OGE standards require employees to “place loyalty to the Constitution, the laws, and ethical principles above private gain”⁴ and “act impartially and not give preferential treatment to any private organization or individual.”⁵ Transparency is key to ensuring federal employees’ compliance with OGE’s standards.⁶

Prior to Ms. Klein’s current position as Senior Counselor to the Secretary, she was the Deputy Director at the New York University School of Law’s State Energy & Environmental

¹ *Nomination of Emory A. Rounds III Nominated to be Director of U.S. Office of Government Ethics, Kelly A. Higashi Nominated to be an Associate Judge, Superior Court for the District of Columbia, and Frederick M. Nutt Nominated to be Controller, Officer of Federal Financial Management, Office of Management and Budget: Hearing before the S. Comm. on Homeland Security and Governmental Affairs*, 115th Cong. (2018) (statement of Emory A. Rounds III, nominated to be Director of U.S. Office of Government Ethics).

² *Id.*

³ 5 C.F.R. Part 2635 (2017) available at [https://www.oge.gov/web/oge.nsf/0/5438912F316A0D26852585B6005A1599/\\$FILE/SOC%20as%20of%2081%20FR%2081641%20FINAL.pdf](https://www.oge.gov/web/oge.nsf/0/5438912F316A0D26852585B6005A1599/$FILE/SOC%20as%20of%2081%20FR%2081641%20FINAL.pdf).

⁴ *Id.* at §2653.101(b)(1).

⁵ *Id.* at §2653.101(b)(8).

⁶ U.S. OFFICE OF GOV’T ETHICS, *The Ethics Program, Transparency, and You* (June 7, 2018), <https://www.oge.gov/web/oge.nsf/Resources/The+Ethics+Program,+Transparency,+and+You>.

Impact Center (SEEIC).⁷ During Ms. Klein's tenure, the SEEIC, established through a six-million-dollar donation from former presidential candidate Michael Bloomberg,⁸ controversially placed and paid the salaries of legal fellows in state attorneys general offices to advance Mr. Bloomberg's environmental agenda.⁹ In just the first year of the program, SEEIC fellows participated in filing at least 130 regulatory, legal, and other challenges to federal environmental policies.¹⁰

Ms. Klein's placement of fellows was criticized because the program used "special interest money for targeted government action"¹¹ Several state attorneys general opposed the use of SEEIC fellows in their offices. For example, the Office of the Attorney General of Wisconsin determined SEEIC's program was illegal and would create a conflict of interest.¹² Georgia's Attorney General also expressed concerns, doubting "the ability of these [fellowship] lawyers to represent a state in an unbiased manner."¹³ Indiana's Attorney General categorized the program as an "arrangement through which a private organization or individual can promote an overtly political agenda by paying the salaries of government employees."¹⁴ Additionally, Virginia went as far to prohibit participation in SEEIC's program through an amendment to the state budget.¹⁵

As Senior Counselor to the Secretary, Ms. Klein is subject to President Biden's ethics standards. Therefore, for two years, Ms. Klein is prohibited from participating in "any particular matter involving specific parties that is directly and substantially related to [her] former employer or former clients, including regulations and contracts."¹⁶ Under these standards, Ms. Klein's participation in the decision making process for any issue related to the specific regulatory or legal challenges advocated by SEEIC fellows she placed in state attorneys general offices is questionable at best.

⁷ *Biden Transition Team Hired Leader of Bloomberg Scheme Privately Funding Activist Lawyers in State Agencies*, WESTERN WIRE (Dec. 3, 2020), <https://westernwire.net/biden-transition-team-hired-leader-of-bloomberg-scheme-privately-funding-activist-lawyers-in-state-agencies/>.

⁸ Juliet Eilperin, *NYU Law Launches New Center to Help State AGs Fight Environmental Rollbacks*, THE WASHINGTON POST (Aug. 16, 2017), https://www.washingtonpost.com/politics/nyu-law-launches-new-center-to-help-state-ags-fight-environmental-rollbacks/2017/08/16/e4df8494-82ac-11e7-902a-2a9f2d808496_story.html.

⁹ Jeff Patch, *How Bloomberg Embeds Green Warriors in Blue-State Governments*, REALCLEAR INVESTIGATIONS (Oct. 10, 2018), https://www.realclearinvestigations.com/articles/2018/10/09/bloomberg_funds_green_work_of_democrat_state_attorneys_offices.html.

¹⁰ *Id.*

¹¹ *Id.* See also E-mail from Elizabeth Klein, Deputy Dir., State Energy & Environmental Impact Center, NYU School of Law, to Donald Anderson, Senior Ass't Att'y General/ Chief, Office of the Att'y General, Commonwealth of Virginia (Dec. 13, 2017, 14:44 EST) available at <https://climatelitigationwatch.org/wp-content/uploads/2018/10/Narrowest-VA-OAG-NYU-docs-copy.pdf>.

¹² *Id.*

¹³ Chris White, *Republican AGs Say Bloomberg is Secretly Embedding an Army of Anti-Trump Attorneys Inside State Offices*, DAILY CALLER (Jan. 4, 2020), <https://dailycaller.com/2020/01/04/michael-bloomberg-donald-trump/>.

¹⁴ *Id.*

¹⁵ Valerie Richardson, *Virginia blocks Mike Bloomberg's climate lawyers*, ASSOCIATED PRESS (Apr. 18, 2019), <https://apnews.com/article/38938e39f23c6b8f3a900b221797143e>.

¹⁶ Exec. Order No. 13989, 86 Fed. Reg. 14, 7029 (Jan. 21, 2021).

Additionally, DOI requires recusal from issues “in order to avoid a conflict of interest or the appearance of a conflict of interest.”¹⁷ The agency deems recusal “appropriate when a conflict of interest exists between an employee’s job duties and . . . certain business or personal relationships or outside activities.”¹⁸

At a House Committee on Natural Resources (Committee) hearing, Representative Lauren Boebert inquired about Ms. Klein’s compliance with ethical obligations. A partial transcript of the exchange between Representative Boebert and Ms. Klein follows:

Representative Boebert: Ms. Klein, the White House pulled your potential nomination to be the Deputy Secretary because your conflicts of interest were so severe that you faced bipartisan opposition. Has the ethics office at the Department provided you with a recusal list? Yes or no.

Ms. Klein: Thank you for that question. Yes, I have been consulting on an ongoing basis with our ethics officials and am taking my responsibilities and ethics requirements seriously and I have an ethics agreement that I operate under.

Representative Boebert: So, you have been provided with a recusal list. Who and what matters are you currently recused from and would you provide the Committee with that full list?

Ms. Klein: I am happy to provide the list.¹⁹

Subsequent to the hearing, questions submitted for the record repeated the request for Ms. Klein’s recusal list. Ms. Klein has failed to produce her recusal list. In order to honor Ms. Klein’s commitment and assist with our oversight activities, please produce Ms. Klein’s recusal list as soon as possible, but no later than 5:00 p.m., June 4, 2021.

Additionally, please provide the following documents as soon as possible, but no later than 5:00 p.m., June 10, 2021:

1. A copy of Ms. Klein’s signed ethics pledge.
2. A copy of the information Ms. Klein provided to DOI’s Ethics Office describing her work at SEEIC.
3. A document describing the role and responsibilities of the Deputy Director of SEEIC during Ms. Klein’s tenure in the position.

¹⁷ *Recusal Best Practices for DOI Employees*, DEPARTMENTAL ETHICS OFFICE, DEP’T OF THE INTERIOR, <https://www.doi.gov/ethics/recusal-best-practices-for-doi-employees>.

¹⁸ *Id.*

¹⁹ *The Status of Drought Conditions Throughout the Western United States: Before the Subcomm. on Water, Oceans, and Wildlife of the H. Comm. on Natural Resources*, 117th Cong. (2021).

Mses. Klein and Gottry

June 3, 2021

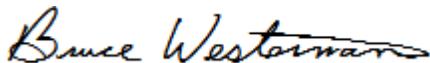
Page 4

4. A document listing the regulatory challenges supported or advocated by SEEIC or its legal fellows.
5. A document listing the matters and actions on which Ms. Klein advised or supported through her work at SEEIC.
6. A document listing the decisions, deliberations, and actions that include Ms. Klein's participation as a DOI employee from January 20, 2021 to June 2, 2021.

Please contact the Oversight and Investigations Subcommittee Minority staff at (202) 225-2761 with any questions about this request and to coordinate the delivery of your response to room 1329 of the Longworth House Office Building.

An attachment contains additional instructions for responding to this request. Thank you for your prompt attention to this matter.

Sincerely,



Bruce Westerman
Ranking Member
Committee on Natural Resources



Paul A. Gosar, D.D.S.
Ranking Member
Subcommittee on Oversight and
Investigations



Lauren Boebert
Member of Congress

cc: The Honorable Raúl Grijalva, Chair, House Committee on Natural Resources
The Honorable Katie Porter, Chair, Subcommittee on Oversight and Investigations

Enclosure