

Energy Policy Advocates-acquired records raise several questions:

- 1) Was Klein ultimately granted 502 authorization(s) for her former clients?
Records show: It appears that she may have been provided waivers for at least three states which she represented in her immediate-past job with the Michael Bloomberg-funded State Energy and Environmental Impact Center (“Center”) that placed activist attorneys in state AG offices to sue DOI on issues that Ms. Klein now works on. No such 502 authorizations were even requested by DOI during the Trump Administration.
- 2) Is the “Becerra approach” that relies on “non-standard language” the Administration’s policy and being used for its most senior political appointees? What other appointees have relied on this “non-standard language”?
Records show: In pursuit of a waiver for Ms. Klein, OGE referred DOI to the approach taken for former California Attorney General and now HHS Secretary Xavier Becerra. The released emails imply that this may have been viewed as a narrower approach to the long-standing 502 ethics obligations that would allow greater flexibility when a former employer or former client is involved.
- 3) Was Klein entirely candid with the DOI and OGE ethics officials about the extent and true nature of her relationship with the nearly one third of states that sued DOI in concert with her former employer? Were these relationships analyzed as being covered relationships?
Records show: In response to a question on engagement with clients on January 16, 2021, Klein limited her response to those states that signed the Center’s attorney/client agreement in addition to the “secondment agreement” to accept the activist attorneys from the Bloomberg Center. Ms. Klein and/or the Center provided both of these documents to every AG office they worked with. Yet her former employer placed “pro bono fellows” at more than twice that number of state AG offices. These other offices regularly joined litigation efforts with the five states which Klein listed and signed other agreements that involved sharing privileged information.
- 4) What party matters involving States has Klein participated in since joining the Department? Has she participated in party matters involving the three states that dropped off her recusal list by April 2021 (New York, Maryland and Minnesota)?
Records show: Previous records released to EPA in litigation show an understanding by a “Special Assistant Attorney General” that Klein’s employer, the Center, was a “clearinghouse for all AG actions,” and “The [Center] assists in coordinating multi-state actions in concert with Mike Myers from the NY AGs office who hosts bi-weekly multi-state calls.”
- 5) Once Klein’s nomination was pulled in late March, why was her ethics recusal memo not finalized until June 5?
Records show: An early April email from Klein flatly states that ethics officials had all necessary information. Did it change in the intervening months when the June memo was released? Subsequently, Ms. Klein testified on May 25, 2021 that she was operating under an ethics agreement. Yet the document ultimately provided to the Committee was dated June 5, the day *after* receiving the Committee’s letter demanding her agreement. Without congressional inquiries and outside pressure from transparency groups like PPT and EPA, it is unclear when or whether Ms. Klein would begin operating under a final ethics agreement.