

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

May 9, 2023

Ms. Katie Westfall  
Senior Advisor  
NOAA Fisheries  
1315 East-West Highway  
Silver Spring, MD 20910

Ms. Leslie Kiernan  
General Counsel and Designated Agency Ethics Official  
U.S. Department of Commerce  
1401 Constitution Ave NW  
Washington, DC 20230

Dear Meses. Westfall and Kiernan:

As you are aware, Federal agencies are responsible for fostering cultures of ethical conduct.<sup>1</sup> Employees unable to act impartially are not qualified to perform their role in government.<sup>2</sup> To ensure appropriate conduct, the U.S. Office of Government Ethics (“OGE”) issues ethical standards by which all executive branch employees must abide.<sup>3</sup> OGE standards require employees to “place loyalty to the Constitution, the laws, and ethical principles above private gain”<sup>4</sup> and “act impartially.”<sup>5</sup> Executive branch employees must also “not give preferential treatment to any private organization or individual.”<sup>6</sup> In doing so, transparency is key to ensuring compliance with OGE’s standards.<sup>7</sup> Further, under the standards of ethical conduct, federal government officials are required to recuse from particular matters involving specific parties where

---

<sup>1</sup> *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).

<sup>2</sup> *Id.*

<sup>3</sup> 5 C.F.R. Part 2635.

<sup>4</sup> 5 C.F.R. § 2635.101(b)(1).

<sup>5</sup> 5 C.F.R. § 2635.101(b)(8).

<sup>6</sup> *Id.*

<sup>7</sup> 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>.

“a person with whom he has a covered relationship is or represents a party to such matter,” unless authorized by the agency to participate.<sup>8</sup>

In addition to federal ethical rules and standards, Biden Administration appointees are also subject to Executive Order 13989 (the “President Biden Ethics Pledge”). The President Biden Ethics Pledge requires Biden Administration appointees to sign an ethics pledge, which, among other commitments, includes provisions that extend the recusal period associated with a former employer to two years and expands the scope of recusal obligations.<sup>9</sup> Beyond these requirements, appointees are also required to file a public financial disclosure report with the Office of Government Ethics, (“OGE-278”), which requires disclosure of financial and other potential conflicts of interest.<sup>10</sup>

Prior to joining the Biden Administration’s National Oceanic and Atmospheric Administration Fisheries (“NOAA Fisheries”), a Department of Commerce agency, as a Senior Advisor focused on offshore wind, Katie Westfall (“Ms. Westfall”) spent seven years at the Environmental Defense Fund, where she most recently served as the Senior Director of Fisheries.<sup>11</sup> During her tenure, Ms. Westfall worked on energy technology, sustainability, economic performance, and fishery resilience.<sup>12</sup> Her previous experience also includes work with the environmental advocacy groups Save the Wave Coalition and WILD COAST, where Westfall “led domestic and international conservation campaigns.”<sup>13</sup>

The House Committee on Natural Resources (the “Committee”) is concerned with Ms. Westfall’s compliance with ethical obligations given Ms. Westfall’s prior work on matters she now handles in an official U.S. government capacity. To honor Ms. Westfall’s ethical obligations and assist with the Committee’s oversight activities, please produce Ms. Westfall’s recusal list to the Committee as soon as possible, but no later than 5:00 p.m. on May 16, 2023.

In addition to Ms. Westfall’s recusal list, please provide the Committee with the following documents, in electronic form, as soon as possible, but no later than 5:00 p.m. on May 16, 2023:

1. A copy of all ethics pledges signed by Ms. Westfall, including, but not limited to, the President Biden Ethics Pledge.
2. A copy of Ms. Westfall’s Ethics Guidance and Recusal Obligations and all related attachments, including, but not limited to, her List of Recusals and Quick Reference Chart.

---

<sup>8</sup> 5 C.F.R. § 2635.502(a).

<sup>9</sup> See Executive Order 13989 §§ 1(2); 2(j), (k), (m).

<sup>10</sup> *Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)*, U.S. OFFICE OF GOV’T ETHICS, 5 C.F.R. part 2634 (Updated Nov. 2021), [https://www.oge.gov/web/OGE.nsf/OGE%20Forms/FE904FADB163B45A852585B6005A23E8/\\$FILE/OGE%20Form%20278e%20\(Nov%202021%20508%20PDF%20version\).pdf?open](https://www.oge.gov/web/OGE.nsf/OGE%20Forms/FE904FADB163B45A852585B6005A23E8/$FILE/OGE%20Form%20278e%20(Nov%202021%20508%20PDF%20version).pdf?open).

<sup>11</sup> Office of Communications, *Katie Westfall Joins NOAA Fisheries as a Senior Advisor Focused on Offshore Wind*, NOAA FISHERIES (Feb. 27, 2023), <https://www.fisheries.noaa.gov/feature-story/katie-westfall-joins-noaa-fisheries-senior-advisor-focused-offshore-wind>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

3. A copy of Ms. Westfall's Executive Branch Personnel Public Financial Disclosure Report (OGE-278e).
4. Documents and communications sufficient to describe all ethics waivers granted to Ms. Westfall.

An attachment to this letter provides additional instructions for responding to the requests from the Committee on Natural Resources. Please contact the Majority staff for the Oversight and Investigations Subcommittee at (202) 225-2761 or [HNRR.Oversight@mail.house.gov](mailto:HNRR.Oversight@mail.house.gov) with any questions. Under House Rule X, the Committee on Natural Resources has "general oversight" of any matter relating to its jurisdiction, including offshore wind and NOAA Fisheries.

Sincerely,

A handwritten signature in blue ink that reads "Paul A. Gosar" followed by a stylized flourish.

Paul A. Gosar, D.D.S.  
Chairman  
Subcommittee on Oversight & Investigations

cc: The Hon. Raúl Grijalva, Ranking Member, House Committee on Natural Resources  
The Hon. Melanie Stansbury, Ranking Member, Subcommittee on Oversight and  
Investigations  
Ms. Erica Dornburg, Alternate Designated Agency Ethics Official, U.S. Department of  
Commerce

Enclosure