



U.S. Department of Justice

Washington, D.C. 20530

Emory A. Rounds III
Director
Office of Government Ethics
1201 New York Avenue, NW
Suite 500
Washington, DC 20005-3919

AUG 30 2018

Dear Mr. Rounds:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978, as amended, I am forwarding the financial disclosure of Jeffrey B. Clark. President Trump has nominated Mr. Clark to serve as Assistant Attorney General, Environmental and Natural Resources, Department of Justice.

We have conducted a thorough review of the enclosed report. The conflict of interest statute, 18 U.S.C. § 208, requires that Mr. Clark recuse himself from participating personally and substantially in any particular matter in which he knows that he has a financial interest directly and predictably affected by the matter, or in which he knows that a person whose interests are imputed to him has a financial interest directly and predictably affected by the matter, unless he first obtains a written waiver, pursuant to Section 208(b)(1), or qualifies for a regulatory exemption, pursuant to Section 208(b)(2). Mr. Clark understands that the interests of the following persons are imputed to him: his spouse; minor children; any general partner of a partnership in which he is a limited or general partner; any organization in which he serves as an officer, director, trustee, general partner or employee; and any person or organization with which he is negotiating or has an arrangement concerning prospective employment. In determining whether a particular matter has a direct and predictable effect on his financial interests or on those of any other person whose interests are imputed to him, Mr. Clark will consult with Department of Justice ethics officials.

Upon confirmation, Mr. Clark will resign from his position with the law firm Kirkland & Ellis LLP. He will not receive a severance payment, contingency fee recoveries, or any other compensation from Kirkland & Ellis after his separation. If the law firm decides to pay him a bonus for work he performed during 2018, he will not accept the bonus and will forfeit it, unless he receives the bonus before he assumes the duties of the position of Assistant Attorney General. If he receives the bonus, he will not participate personally and substantially in any particular matter involving specific parties in which he knows Kirkland & Ellis is a party or represents a party for a period of two years from the date on which he receives the bonus, unless he first receives a written waiver pursuant to 5 C.F.R. § 2635.503(c). If he does not receive the bonus, he will not participate personally and substantially in any particular matter involving specific parties in which he knows Kirkland & Ellis is a party or represents a party for a period of one year from the date of his resignation, unless he is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In

addition, he will not participate personally and substantially in any particular matter involving specific parties in which he knows that a former client of his is a party or represents a party, for a period of one year after he last provided service to that client, unless he is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Mr. Clark has a managed account. During his appointment, he will ensure that the account manager or investment professional obtains his prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

If Mr. Clark relies on a *de minimis* exemption under 5 C.F.R. § 2640.201(b) with regard to any of his financial interests in sector mutual funds, he will monitor the value of those interests. If the aggregate value of his interests in sector mutual funds that concentrate in any one sector exceeds \$50,000, he will not participate personally and substantially in any particular matter that to his knowledge has a direct and predictable effect on the financial interests of any holdings of the funds that are in the specific sector in which the funds concentrate, unless he first obtains a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

Upon confirmation, Mr. Clark will resign from his position with the Federalist Society. For a period of one year after his resignation, he will not participate personally and substantially in any particular matter involving specific parties in which he knows the Federalist Society is a party or represents a party, unless he is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Mr. Clark has been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Finally, Mr. Clark understands that as an appointee he must sign the Ethics Pledge (Exec. Order No. 13770) and that he will be bound by the requirements and restrictions therein in addition to the commitments he has made in this ethics agreement.

He will meet in person with Department ethics officials during the first week of his service in the position of Assistant Attorney General in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. If circumstances do not permit a first-week meeting, he will meet with Department ethics officials not later than 15 days after his appointment as required under 5 C.F.R. § 2638.305. Within 90 days of his confirmation, he will document his compliance with this ethics agreement by notifying Department ethics officials in writing when he has completed the steps described in this ethics agreement.

Based on the above agreements and counseling, I am satisfied that the report presents no conflicts of interest under applicable laws and regulations and that you can so certify to the Senate Judiciary Committee.

Sincerely,

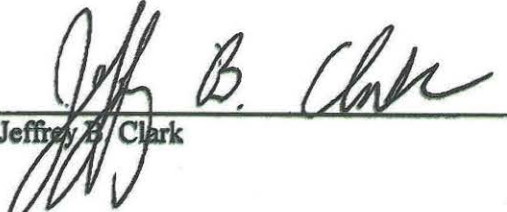


Lee J. Lofthus
Assistant Attorney General
For Administration and
Alternate Designated Agency Ethics Official

Enclosure

NOMINEE STATEMENT

I have read the attached Ethics Agreement signed by Lee J. Loftus, Assistant Attorney General and Designated Agency Ethics Official, on August 30, 2018 and I agree to comply with the conflict of interest statute and regulations, and to follow the procedures set forth in the agreement. I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.



Jeffrey B. Clark

August 30, 2018
Date