



**Judicial
Watch**[®]
*Because no one
is above the law!*

February 21, 2024

Chairman Christopher A. Coons
Vice Chairman James Lankford
U.S. Senate Select Committee on Ethics
220 Hart Senate Office Building
Washington, D.C. 20510

RE: Request for Investigation of Senator Sheldon Whitehouse of Rhode Island

Dear Chairman Coons and Vice Chairman Lankford,

Judicial Watch, Inc. is a nonprofit, non-partisan educational foundation that promotes transparency, accountability, and integrity in government and fidelity to the rule of law. We regularly monitor congressional ethics issues as part of our anti-corruption mission.

Pursuant to Rule 3(b) of the Rules of Procedure of the Senate Select Committee on Ethics, the Committee “shall promptly commence a preliminary inquiry whenever it has received . . . allegation of, or information about, alleged misconduct or violations” of the Senate’s Code of Official Conduct. Based on facts uncovered from public sources, Judicial Watch hereby requests that the Senate Select Committee on Ethics launch a preliminary inquiry into the activities of Senator Sheldon Whitehouse and his wife, Sandra Thornton Whitehouse, which raise serious questions about conflicts of interest in violation of Senate ethics rules. Such publicly available information likely represents only the tip of an iceberg, the depth of which the Committee’s subpoena power can and should uncover to provide the American people with assurance that Senator Whitehouse is not abusing his official position for personal gain.

I. Relevant Senate Ethics Rules

Senators are prohibited from using their official position for personal gain. Paragraph one of Senate Ethics Rule 37 states, “A Member . . . shall not receive any compensation, nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt or accrual of which would occur by virtue of influence improperly exerted from his position as a Member, Officer, or employee.”¹ Paragraph four of Rule 37 further declares that a Senator shall not “knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest

¹ Senate Ethics Rule 37.

of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class.”²

Rule 37’s prohibition on conflicts of interest are designed to be broad and robust. The Nelson Report accompanying passage of the ethics rules states that the prohibitions on conflicts of interest are “specifically designed to prevent conflict of interest, or the appearance of such conflict of interest, which is equally damaging to public confidence.”³ Rule 37 thus “prohibits a member . . . from working for legislation, a principal purpose of which is to enhance his financial interest or the interest of his family.”⁴

Paragraph one was intended “as a broad prohibition against members . . . deriving financial benefit, directly or indirectly, from the use of their official position.”⁵ It is broader than *quid pro quo* bribery, “For example. If a Senator . . . intervened with an executive agency for the purpose of influencing a decision which would result in measurable personal financial gain to him, the provisions of this paragraph would be violated.”⁶ Thus, if a Senator uses his official position in a manner that benefits him “indirectly” through his spouse, such spousal compensation would “accrue to his beneficial interest” and violate Paragraph one.

Paragraph four more directly addresses spousal compensation, as it directly references “the pecuniary interest of [the Senator’s] immediate family[.]” The Senate Ethics Committee has “recognized that the compensated employment of spouses is a matter of interest to the public” and thus “a Senator’s spouse’s lobbying on behalf of a corporation on whose board the spouse served might, under certain circumstances, reflect adversely on the Senate as an institution.”⁷ It has gone even further, however, and has “interpreted this paragraph to prohibit compensated employment or uncompensated positions on boards, commission, or advisory councils where such service could create a conflict with the Senate duties due to appropriation, oversight, authorization, or legislative jurisdiction as a result of Senate duties.”⁸

² *Id.*

³ Senate Code of Official Conduct, Rep. of the Special Comm. on Official Conduct, U.S. Senate, to Accompany S. Res. 110, S. Rep. No. 95-49, at 9 (1977) (emphasis added).

⁴ *Id.* (emphasis added).

⁵ *Id.* at 41.

⁶ *Id.*

⁷ Interpretive Ruling 397, Senate Select Comm. on Ethics (May 24, 1985); *see also* Interpretive Ruling 336 (Sept. 5, 1980).

⁸ Senate Ethics Manual, 108th Cong., 1st Sess. (2003 ed.), at p. 66-67 (emphasis in original).

The Nelson Report recognized, however, that the “principal purpose” test of paragraph four of Rule 37 would not be satisfied (and thus the rule would not be violated) merely because a Senator advocates or supports legislation that has “some impact on the financial situation” of the Senator.⁹ As an example, the Committee stated, “All tax legislation has such an impact” on Members because the impact of tax legislation on a particular Senator (or his family) “is likely to be quite minimal in comparison to the impact of the [tax] legislation on the public and the public interest served.”¹⁰ Thus, paragraph four of Rule 37 “addresses itself to the rare case when the relationship between the legislator’s private interest and the public interest is dramatically different from the ordinary situation. It applies when a principal purpose of the legislation is to further the financial interests of the member . . . or his family.”¹¹ If the “legislation also has a broad, general impact on his state or the nation, the prohibition of the paragraph would not apply.”¹² To violate Paragraph 4, therefore, the Senator’s introduction or aid of the progress or passage of legislation must benefit a “limited class of persons or enterprises,” which as the Nelson Report clarified, “means a class which resembles much more closely the class of people affected by a private bill.”¹³

Thus, if a Senator’s official activities pecuniarily benefit himself or his family (who are members of a “limited class”), the Senator is “disqualifi[ed] from involvement with the legislation” and his disqualification “should be total.”¹⁴ The Senator should abstain from voting on such legislation (or taking other action), and “the Senator would have to state that he was abstaining because of a conflict of interest.”¹⁵

As elaborated below, the professional activities of Mrs. Whitehouse have created clear conflicts of interest with Senator Whitehouse’s official duties. Not only has Senator Whitehouse not abstained from voting on environmental legislation that directly benefits his wife’s clients (and thus, his wife), but he has repeatedly sponsored legislation that contains authorization for, and appropriation of, numerous federal environmental programs that fund activities undertaken by his wife’s clients, which constitute a “limited class” of beneficiaries for such federal funds.

⁹ S. Rep. No. 95-49, at 41.

¹⁰ *Id.* at 41-42.

¹¹ *Id.* at 42.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 42-43.

II. Relevant Facts

As elaborated below, the publicly available facts suggest that Senator Whitehouse's legislative activity, particularly his sponsorship of environmental legislation funding his wife's clients and her specific area of expertise (marine spatial planning), creates a reasonable appearance of a conflict of interest. Given this, further investigation regarding Mrs. Whitehouse's consulting activities, aided by the Committee's subpoena power, is warranted.

A. Mrs. Whitehouse's Consultancy with 501(c)(3) Environmental Nonprofits

Senator Whitehouse's wife is the President of Ocean Wonks, LLC, a for-profit limited liability environmental consulting company which was chartered (in 2017) by and has its principal place of business in Rhode Island. Beginning in 2009, shortly after her husband's election to the Senate, Mrs. Whitehouse (and later her company, Ocean Wonks) has been a consultant to at least two known 501(c)(3) nonprofit corporations focused on environmental issues: (1) Ocean Conservancy ("OC"), a D.C.-chartered and based 501(c)(3) non-profit corporation; and (2) AltaSea at the Port of Los Angeles, Inc., a California-chartered and based 501(c)(3) nonprofit corporation.

1. Ocean Conservancy

OC advocates for ocean justice, smart ocean planning, combating climate change, reducing overfishing, and trash free seas, including extensive, international ocean cleanup operations.¹⁶ ProPublica data indicates that since 2009, Mrs. Whitehouse has served as a consultant on "marine spatial planning" and as "policy counsel" to OC, earning \$200,000+ per year since fiscal year 2013.¹⁷ Her bio on the Atlantic Council website proclaims that she "is currently the team lead for Ocean Conservancy's Coastal and Marine Spatial program"¹⁸ and OC's website contains a blog post touting OC's lobbying effort "with members of Congress regarding the importance of . . . smart ocean planning" and an embedded video interview with Mrs. Whitehouse on the subject, touting her as a "senior advisor" to OC.¹⁹

¹⁶ See Ocean Conservancy, Programs, available at <https://oceanconservancy.org/programs/>. See also Ocean Conservancy, Trash Free Seas, available at <https://oceanconservancy.org/trash-free-seas/>.

¹⁷ See Ocean Conservancy, Inc., ProPublica, available at <https://projects.propublica.org/nonprofits/organizations/237245152>.

¹⁸ Atlantic Council, Sandra Whitehouse, available at <https://www.atlanticcouncil.org/expert/sandra-whitehouse/>.

¹⁹ Ocean Conservancy, *For Ocean Planning to Work, Decision-Makers Must Engage Stakeholders*, Mar. 10, 2014, available at <https://oceanconservancy.org/blog/2014/03/10/for-ocean-planning-to-work-decision-makers-must-engage-stakeholders/>.

In May 2017, Senator Whitehouse wrote a guest blog post for OC titled “Smart Ocean Planning,” touting the benefits of marine spatial planning and the “first offshore wind farm in the United States” which he claimed “can be directed credited to . . . ocean planning efforts.”²⁰ The offshore wind farm to which Sen. Whitehouse refers is the Block Island Wind Farm, developed by a for-profit entity, Deepwater Wind (discussed in the next subsection), to which both Senator and Mrs. Whitehouse have had close ties.

Mrs. Whitehouse’s consultancy with OC has been quite lucrative. Her total compensation from OC over the twelve-year period since FY 2009 has been slightly over \$2.6 million.²¹ Her present level of compensation (derived from OC’s FY 2022 IRS Form 990) would make Mrs. Whitehouse (*i.e.*, her company Ocean Wonks) the eighth highest earner among OC employees, higher than several OC Vice Presidents. She is also one of the top five “Independent Contractors” listed on OC’s FY2022 Form 990, and the only one of the top five that provided “policy” consulting that year (the others provide fundraising consulting, app development and maintenance, program/project management and training, and website design and development).²²

2. *AltaSea*

AltaSea is a 501(c)(3) nonprofit chartered by and headquartered in California. Its mission statement declares: “AltaSea is dedicated to finding rapid solutions for the planet’s most pressing challenges. Our goal is a sustainable, just and equitable world.”²³ It appears to be an “accelerator” entity that is specifically interested in regenerative aquaculture (aquatic farming), renewable energy with “low carbon impact” and “blue tech” to monitor and map the oceans.²⁴

Mrs. Whitehouse does not presently appear to provide consulting services for AltaSea, but did so for the period between 2015-18, during which time she received approximately \$490,000 as a “Scientific Strategy Consultant.”²⁵ A December 2016

²⁰ Sen. Sheldon Whitehouse, Ocean Conservancy, May 12, 2017, *available at* <https://live.oceanconservancy.org/blog/2017/05/12/senator-whitehouse-congratulates-ocean-planning-leaders/>.

²¹ Influence Watch, *Ocean Wonks, LLC*, *available at* <https://www.influencewatch.org/organization/ocean-wonks-llc/>.

²² IRS Form 990, FY 2022, Ocean Conservancy, Inc., ProPublica, *available at* <https://projects.propublica.org/nonprofits/organizations/237245152/202310459349300031/full>.

²³ AltaSea, Vision + Mission, *available at* <https://altasea.org/our-vision/>.

²⁴ AltaSea, What We Do, *available at* <https://altasea.org/what-we-do/>.

²⁵ See ProPublica, AltaSea at the Port of Los Angeles, *available at* <https://projects.propublica.org/nonprofits/organizations/463977904>.

piece on AltaSea's website described Mrs. Whitehouse as "AltaSea's chief scientific officer."²⁶ And oddly, the Executive Director of AltaSea, Jenny Krusoe, described Mrs. Whitehouse as AltaSea's "Chief Scientific Officer" in a February 2019 interview, after her compensated relationship appears to have officially ended. During this interview, Ms. Krusoe referred to Mrs. Whitehouse and AltaSea CEO Tim McOsker as "teammates" and credited Mrs. Whitehouse as playing a "key role in getting AltaSea on track to accomplish all of [its] goals."²⁷

During the period in which Mrs. Whitehouse was being compensated by AltaSea, AltaSea received a \$3 million grant from the U.S. Department of Commerce's Economic Development Administration to "make critical infrastructure improvements to help the business hub and entrepreneurs develop new ocean-related technologies."²⁸ Other federal grants may have also been received by AltaSea as a result of Senator or Mrs. Whitehouse's efforts, but the extent of which is presently unknown.

B. Mrs. Whitehouse's Consultancy with For-Profit Environmental Companies

Public information also shows that Mrs. Whitehouse has served as a consultant for for-profit environmental companies with interests directly related to legislative efforts spearheaded by Senator Whitehouse. However, it is difficult to know precisely how much money Mrs. Whitehouse has made from these for-profit entities, as unlike typical nonprofit entities (which must disclose their consultants' fees via IRS Form 990), these for-profit entities are not required to disclose consultants' compensation. What is publicly available at this time, however, confirms the importance of further investigation, aided by Committee subpoena power.

1. Deepwater Wind

For example, on November 13, 2009, the *Providence Journal* reported that Mrs. Whitehouse had been hired as a "permitting consultant" to Deepwater Wind, LLC, an offshore wind energy development corporation headquartered in Providence.²⁹

²⁶ AltaSea, *In Los Angeles, a New Approach to Marine Science*, Dec. 16, 2016, available at <https://altasea.org/in-los-angeles-a-new-approach-to-marine-science/>.

²⁷ Meet Jenny Krusoe of AltaSea at the Port of Los Angeles, VoyageLA, Feb. 19, 2019, available at <https://voyagela.com/interview/meet-altasea-port-los-angeles-san-pedro/>.

²⁸ U.S. Economic Development Admin., Press Release, *U.S. Dep't of Commerce Invests \$3 Million to Improve Infrastructure, Expand Business Hub in Port of Los Angeles*, Sept. 28, 2016, available at <https://www.eda.gov/archives/2016/news/press-releases/2016/09/28/san-pedro-ca.htm>.

²⁹ See *Orsted Acquires Deepwater Wind & Creates Leading US Offshore Wind Platform*, Orsted.com, Aug. 10, 2018, available at <https://orsted.com/en/company-announcement-list/2018/10/1819975>.

Deepwater was formed in 2007,³⁰ the same year Senator Whitehouse became a Member of the U.S. Senate. Deepwater Wind's founding CEO was William M. Moore, a classmate of Senator Whitehouse in the Yale College class of 1978. Controlling ownership of Deepwater was held³¹ by D.E. Shaw & Co.,³² a hedge fund founded by billionaire David Elliot Shaw.³³ Shaw is a high-level donor to Democratic causes and candidates,³⁴ including most notably Priorities USA³⁵ and Organizing for Action,³⁶ and he directly donated to Whitehouse's 2006 Senate campaign.³⁷

Deepwater's hiring of Mrs. Whitehouse occurred approximately three weeks after Senator Whitehouse signed an October 23, 2009 letter to the U.S. Department of Transportation urging its approval of a \$22 million TIGER (Transportation Investments Generation Economic Recovery) grant for Quonset Business Park.³⁸ The *Providence Business News* reported the same on November 19, 2009.³⁹ In February 2010, just a few months following Sen. Whitehouse's letter, the DOT awarded the full

³⁰ *Id.*

³¹ In late 2018, Deepwater Wind was wholly acquired by Orsted, a green energy corporation based in Denmark, for \$510 million. See Jeff St. John, *Orsted's \$510 Million Acquisition of Deepwater Wind Cements European Stake in US Offshore Wind*, GreenTech Media, Oct. 9, 2018, available at <https://www.greentechmedia.com/articles/read/orsted-510-acquisition-of-deepwater-wind-cements-european-stake-us-offshore>. See also Orsted, *Who We Are*, available at <https://orsted.com/en/who-we-are>.

³² *Id.* (statement of Martin Neubert, CEO of Offshore Wind at Orsted: "D.E. Shaw & Co. has been a dedicated owner of Deepwater Wind with a vision to pioneer offshore wind in the U.S. and being at the innovative forefront of technology investment.").

³³ See Melanie Celarier, *How a Misfit Group of Computer Geeks & English Majors Transformed Wall Street*, N.Y. Magazine Intelligencer, Jan. 18, 2018, available at <https://nymag.com/intelligencer/2018/01/d-e-shaw-the-first-great-quant-hedge-fund.html>.

³⁴ See David E. Shaw, Influence Watch, available at <https://www.influencewatch.org/person/david-e-and-beth-k-shaw/>.

³⁵ Ivona Iacob, *The Top Donors Backing Hillary Clinton's Super PAC*, Forbes, May 27, 2016, available at <https://www.forbes.com/sites/ivonaiacob/2016/05/27/top-donors-hillary-clinton-superpac/?sh=19052e704105>.

³⁶ Rick Cohen, *Philanthropically Speaking, Who Are the Donors to Organizing for Action?*, Nonprofit Quarterly, June 20, 2014, available at <https://nonprofitquarterly.org/the-philanthropic-identities-of-donors-to-organizing-for-action/>.

³⁷ OpenSecrets.Org, available at <https://www.opensecrets.org/donor-lookup/results?name=david+shaw&cycle=&state=&zip=&employ=&occupation=&jurisdiction=&cand=whitehouse&type=>.

³⁸ Beverly Ford & Stephen Beale, *In Deepwater: Did Whitehouse Lobby for Wife's Company?*, GoLocalProv News, May 2, 2010, available at <https://www.golocalprov.com/news/in-deepwater-did-whitehouse-lobby-for-wifes-company/>. See also *Timeline: Dr. Sandra Whitehouse & Deepwater Wind*, GoLocalProv News, May 3, 2010, available at <https://www.golocalprov.com/news/timeline-dr.-sandra-whitehouse-and-deepwater-wind/>.

³⁹ Beverly Ford & Stephen Beale, *In Deepwater: Did Whitehouse Lobby for Wife's Company?*, GoLocalProv News, May 2, 2010, available at <https://www.golocalprov.com/news/in-deepwater-did-whitehouse-lobby-for-wifes-company/>.

\$22 million grant to Quonset, and Whitehouse immediately issued a press release applauding it, bragging that the grant will “help make Quonset a manufacturing hub for wind turbines a regional off-shore wind farm off the coast of Rhode Island, could help create up to 900 jobs at Quonset.”⁴⁰ Deepwater and Quonset then entered into a lease agreement, allowing Deepwater “to build its regional development headquarters and a regional manufacturing facility to build more than 100 wind turbines off the state’s coast.”⁴¹

Senator Whitehouse’s spokesperson subsequently denied that Mrs. Whitehouse ever worked for Deepwater, stating that she had been “in negotiations” for a consulting position there but “never came to an agreement” and Deepwater’s press release announcing Mrs. Whitehouse’s hire was “issued prematurely.”⁴² During an interview with a local radio station (WPRO), Senator Whitehouse stated that reports of his wife’s consultancy with Deepwater was “a mystery” and that she “never got a dime from them.”⁴³ Neither newspaper, however, ever issued any retraction, nor did Deepwater’s website.⁴⁴ The *Providence Business News* editor, Mark Murphy, subsequently informed *GoLocalProv News* that it was never asked to retract its story about Mrs. Whitehouse’s Deepwater job.⁴⁵ Unfortunately, the original reports in the *Providence Journal* and *Providence Business News* are no longer available online. It is unclear what, if any, remuneration Mrs. Whitehouse was ever paid by Deepwater.

What is clear, however, is that Sen. Whitehouse has repeatedly hailed Deepwater by name. In 2013, Sen. Whitehouse proudly announced that Deepwater Wind had won a contract with the U.S. Department of Interior’s Bureau of Ocean Energy Management to construct a wind energy farm off the coast of Rhode Island and Massachusetts (called Block Island Wind Farm). He boasted that he “worked in

⁴⁰ Sen. Sheldon Whitehouse, *\$22.3 Million TIGER Grant Will Help Fuel Clean Energy Jobs in RI*, Feb. 17, 2010, available at <https://www.whitehouse.senate.gov/news/release/223-million-tiger-grant-will-help-fuel-clean-energy-jobs-in-ri>.

⁴¹ Chris Church, *Deepwater Signs Lease for Quonset*, *The Independent*, July 2, 2009, available at https://www.independentri.com/local/article_e36b9117-b35a-56b4-909e-fd481b0f8bae.html.

⁴² Beverly Ford & Stephen Beale, *In Deepwater: Did Whitehouse Lobby for Wife’s Company?*, *GoLocalProv News*, May 2, 2010, available at <https://www.golocalprov.com/news/in-deepwater-did-whitehouse-lobby-for-wifes-company/>.

⁴³ Stephen Beale, *Update: Newspaper Never Asked to Change Story on Whitehouse & Deepwater*, *GoLocalProv News*, May 3, 2010, available at <https://www.golocalprov.com/news/update-newspapers-says-story-on-whitehouse-and-deepwater-correct>.

⁴⁴ Beverly Ford & Stephen Beale, *In Deepwater: Did Whitehouse Lobby for Wife’s Company?*, *GoLocalProv News*, May 2, 2010, available at <https://www.golocalprov.com/news/in-deepwater-did-whitehouse-lobby-for-wifes-company/>.

⁴⁵ Stephen Beale, *Update: Newspaper Never Asked to Change Story on Whitehouse & Deepwater*, *GoLocalProv News*, May 3, 2010, available at <https://www.golocalprov.com/news/update-newspapers-says-story-on-whitehouse-and-deepwater-correct>.

coordination with State officials” and “brought top federal officials to the state . . . including then-Secretary of the Interior Ken Salazar ⁴⁶ in 2011, and BOEM Director Tommy Beaudreau in 2012.” He issued an additional press release in 2015, touting Deepwater’s completion of the Block Island Wind Farm’s first “steel in the water” foundation.⁴⁷ In 2014, Whitehouse issued a press release applauding the U.S. Department of Interior’s grant of a right-of-way to Deepwater, allowing it to install a transmission line to the mainland, calling himself a “strong supporter[] of the offshore wind project” by Deepwater.⁴⁸

In 2018, Whitehouse issued a press release applauding Deepwater’s acquisition by Danish green energy entity, Orsted, for over a half-billion dollars, and calling himself a “champion of offshore wind.”⁴⁹ In 2023, Orsted received approval from the Department of Interior’s Bureau of Ocean Energy Management (BOEM) to begin construction of another large-scale offshore wind farm, called “Revolution Wind,” off the coasts of Rhode Island and Connecticut.⁵⁰

2. *Running Tide Technology*

More recently, in August 2023, the *Washington Free Beacon* reported that Mrs. Whitehouse “has since 2022 served as ocean policy adviser for Running Tide Technology, a startup that works to remove carbon dioxide from the ocean.”⁵¹ Moreover, “Whitehouse, who serves on the Senate Environment and Public Works Committee and chairs the Senate Budget Committee, has introduced legislation that would steer taxpayer funds to companies in the carbon dioxide removal industry.”⁵²

⁴⁶ Sen. Sheldon Whitehouse, *Reed & Whitehouse Congratulate RI on Completion of Wind Energy Auction*, July 31, 2013, available at <https://www.whitehouse.senate.gov/news/release/reed-and-whitehouse-congratulate-ri-on-completion-of-wind-energy-auction>.

⁴⁷ Sen. Sheldon Whitehouse, *Block Island Wind Farm Completes First “Steel in the Water,”* July 27, 2015, available at <https://www.whitehouse.senate.gov/news/release/block-island-wind-farm-completes-first-steel-in-the-water>.

⁴⁸ Sen. Sheldon Whitehouse, *RI Delegation Lauds Approval of Block Island Wind Farm Transmission Line*, Nov. 18, 2014, available at <https://www.whitehouse.senate.gov/news/release/ri-delegation-lauds-approval-of-block-island-wind-farm-transmission-line>.

⁴⁹ Sen. Sheldon Whitehouse, *Whitehouse Applauds Acquisition of Rhode Island Offshore Wind Pioneer by Global Industry Leader*, Oct. 18, 2018, available at <https://www.whitehouse.senate.gov/news/release/whitehouse-applauds-acquisition-of-rhode-island-offshore-wind-pioneer-by-global-industry-leader>.

⁵⁰ *Revolution Wind Receives Federal Record of Decision*, Aug. 22, 2023, available at <https://revolution-wind.com/news/2023/08/revolution-wind-receives-federal-record-of-decision>.

⁵¹ Chuck Ross, *Green Energy: Whitehouse Pushes Legislation that Helps Wife’s Climate Change Firm*, *Washington Free Beacon*, Aug. 22, 2023, available at <https://freebeacon.com/democrats/senator-sheldon-whitehouse-wife/>.

⁵² *Id.*

Specifically, in June 2023, Whitehouse introduced the Sustaining Healthy Ecosystems, Livelihoods, and Local Seafood Act (“SHELLS Act”), which would require the U.S. Department of Agriculture to form an “aquaculture” office to “promote blue carbon ecosystems” and “bolster . . . seaweed farmers”⁵³--precisely the business in which Running Tide engages. According to a recent piece in the *MIT Technology Review*, Running Tide is “pursuing a lucrative though loosely regulated market: selling so-called carbon offsets to corporations” which are offered through its scheme of “growing and sinking more kelp or other sorts of seaweed [in the hope that it] will sequester additional tons of carbon dioxide that can balance out ongoing company emissions . . .”⁵⁴ The *Washington Examiner* recently reported that in 2022-23, Running Tide spent over \$300,000 on lobbying for “issues related to carbon sequestration using deep water kelp.”⁵⁵

Similarly, in 2022 Senator Whitehouse introduced (along with Senator Coons) the Federal Carbon Dioxide Removal Leadership Act, which would require the Secretary of Energy to remove a steadily increasing level of carbon dioxide, reaching 5 million metric tons for fiscal years 2029-34 and 10 million metric tons from 2035 onwards. To meet these goals, the Act directs the Secretary to “enter into contracts to carry out projects for the removal of carbon dioxide, including small removal projects”⁵⁶ such as those carried out by Senator Whitehouse’s wife’s client, Running Tide.

C. Senator Whitehouse’s Consistent Sponsorship of Legislation Benefitting His Wife’s Clients

As reported recently by the *Daily Caller*, Senator Whitehouse “has introduced nearly two dozen bills about issues his wife works on as a consultant” for OC.⁵⁷

⁵³ Press Release, Sen. Sheldon Whitehouse, *Whitehouse Introduces Bipartisan Bill to Support Aquaculture Farmers & Harvesters*, June 27, 2023, available at <https://www.whitehouse.senate.gov/news/release/whitehouse-introduces-bipartisan-bill-to-support-aquaculture-farmers-and-harvesters>.

⁵⁴ James Temple, *Running Tide is Facing Scientist Departures & Growing Concerns Over Seaweed Sinking for Carbon Removal*, MIT Tech. Rev., June 16, 2022, available at <https://www.technologyreview.com/2022/06/16/1053758/running-tide-seaweed-kelp-scientist-departures-ecological-concerns-climate-carbon-removal/>.

⁵⁵ Gabe Kaminsky, *Democratic “Dark Money” Critic Sheldon Whitehouse Has Deep Ties to Secret Donor World*, *Washington Examiner*, Sept. 18, 2023, available at <https://www.washingtonexaminer.com/news/senate/democrat-sheldon-whitehouse-dark-money-supreme-court>.

⁵⁶ S. 4280, § 2(b)(1), 117th Cong., 2d Sess. (2022).

⁵⁷ Katelynn Richardson, *Dem Senator Who Attacked Conservative Justices’ Wife’s Activism Pushed Legislation Related to His Own Wife’s Work*, *Daily Caller*, May 1, 2023, available at

Indeed, as the *Daily Caller* reports, “Whitehouse has introduced at least 24 ocean-related bills and co-founded the Senate Oceans Caucus in 2011.”⁵⁸

The following is a partial list of legislation sponsored or cosponsored by Senator Whitehouse, several of which have been enacted into law, which likely would (or did) benefit his wife and her environmental clients:

(1) **Save Our Seas (“SOS”) Act (ENACTED)**

-- Signed into law by President Trump in 2018⁵⁹

-- Allows NOAA Administrator to declare severe marine debris events and authorize funds to assist with cleanup and response; reauthorizes NOAA Marine Debris Program through FY2022, which supports research on sources of marine debris provides funds to prevent and clean up marine debris⁶⁰ at a level of \$10 million annually⁶¹

-- Strongly supported by Ocean Conservancy⁶²

-- Benefitted Ocean Conservancy, which operates extensive ocean debris cleanup operations. For example. Ocean Conservancy, in “partnership” with leftwing environmental private equity firm Circulate Capital,⁶³ obtained a \$35 million, 50% loan portfolio guarantee from USAID to incentivize business development and infrastructure in the

<https://dailycaller.com/2023/05/01/sheldon-whitehouse-wife-ocean-consulting-conflict-interest-supreme-court-spouses-ethics-judiciary-dems/>.

⁵⁸ *Id.*

⁵⁹ Save Our Seas Act of 2018, Pub. L. No. 115-265, 132 Stat. 3742, available at

<https://uscode.house.gov/statutes/pl/115/265.pdf>.

⁶⁰ Sen. Sheldon Whitehouse, *Bipartisan Bill to Tackle Marine Debris Crisis Signed Into Law*, Oct. 11, 2018, available at <https://www.whitehouse.senate.gov/>.

⁶¹ Jeff Watters, *What We Love About Save Our Seas Act Version 2.0*, Ocean Conservancy, June 27, 2019, available at <https://oceanconservancy.org/blog/2019/06/27/love-save-seas-act-version-2-0/>.

⁶² See Ocean Conservancy, *Statement: Bipartisan Save Our Seas Act to Fund Critical Marine Debris Programs Amid Growing Ocean Plastic Threat*, July 25, 2018, available at <https://oceanconservancy.org/news/statement-bipartisan-save-seas-act-fund-critical-marine-debris-programs-amid-growing-ocean-plastic-threat/>; Kevin Allexon, *Senate Passes Save Our Seas Act!*, Ocean Conservancy, Aug. 7, 2017, available at <https://oceanconservancy.org/blog/2017/08/07/senate-passes-save-seas-act/>; Kevin Allexon, *Save Our Seas Act Passes the House of Representatives*, Ocean Conservancy, July 25, 2018, available at <https://oceanconservancy.org/blog/2018/07/25/save-seas-act-passes-house-representatives/>.

⁶³ Ocean Conservancy, *Circulate Capital Launches New Venture to Invest in Solutions to Ocean Plastic*, July 18, 2018, available at <https://oceanconservancy.org/news/circulate-capital-launches-new-venture-invest-solutions-ocean-plastic/>.

“recycling value chain” in South and Southeast Asia.⁶⁴ Senator Whitehouse made remarks at the formal launch event for the OC-Circulate Capital partnership at the Wilson Center in D.C.⁶⁵

-- OC’s “partner” in this endeavor, Circulate Capital, lists OC’s CEO, Janis Searles Jones, as one of its “Advisors” on its website⁶⁶

(2) **Save Our Seas 2.0 Act (“SOS 2.0”) (ENACTED)**

-- Signed into law by President Trump in 2020⁶⁷

-- Established a Marine Debris Response Trust Fund to provide money/resources to respond to marine events; authorized a Genius Prize to support advancements in marine cleanup, packaging, detection, and other designs; created a Marine Debris Foundation to support marine debris efforts globally; conduct new studies to create or expand programs addressing marine debris⁶⁸

-- Provided \$103 million in FY21 and FY22 funding to support 14 new country and regional programs⁶⁹

-- strongly supported by Ocean Conservancy⁷⁰

⁶⁴ Ocean Conservancy, *Circulate Capital, U.S. Agency for Int’l Development (USAID), and Ocean Conservancy Announce Blended Finance Partnership to Combat Ocean Plastic Pollution*, June 5, 2019, available at <https://oceanconservancy.org/news/circulate-capital-u-s-agency-international-development-usaid-ocean-conservancy-announce-blended-finance-partnership-combat-ocean-plastic-pollution/>. See also U.S. Agency for Int’l Development, *Save Our Seas Initiative Annual Report 2022-23*, at p. 2, available at https://www.usaid.gov/sites/default/files/2023-06/2023-USAID-Save-Our-Seas-Initiative-Report_1.pdf (discussing USAID’s partnership with Circulate Capital without mentioning OC).

⁶⁵ Ocean Conservancy, *Circulate Capital, U.S. Agency for Int’l Development (USAID), and Ocean Conservancy Announce Blended Finance Partnership to Combat Ocean Plastic Pollution*, June 5, 2019, available at <https://oceanconservancy.org/news/circulate-capital-u-s-agency-international-development-usaid-ocean-conservancy-announce-blended-finance-partnership-combat-ocean-plastic-pollution/>.

⁶⁶ Circulate Capital, *Our Team, Advisors. Janis Searles Jones*, available at <https://www.circulatecapital.com/team/janis-searles-jones/>.

⁶⁷ Save Our Seas 2.0 Act, Pub. L. No. 116-224 (2020), available at <https://www.congress.gov/116/plaws/publ224/PLAW-116publ224.pdf>.

⁶⁸ Sen. Sheldon Whitehouse, *Bipartisan Save Our Seas 2.0 Act Signed Into Law*, available at <https://www.whitehouse.senate.gov/news/release/-bipartisan-save-our-seas-20-act-signed-into-law>.

⁶⁹ U.S. Agency for Int’l Development, *Save Our Seas Initiative Annual Report 2022-23*, at p. 2, available at https://www.usaid.gov/sites/default/files/2023-06/2023-USAID-Save-Our-Seas-Initiative-Report_1.pdf.

-- Benefitted Ocean Conservancy, which operate extensive international ocean debris cleanup operations.⁷¹ For example, OC received the largest NOAA Marine Debris Program grant awarded in 2021, totaling \$631, 770 for work to reduce abandoned, lost, and discarded fishing gear.⁷² In 2022, OC again received the highest NOAA Marine Debris Program grant awarded, totaling \$361, 395, to work with restaurants and convenience stores in Miami-Dade County, Florida, to reduce marine debris.⁷³

(3) **Offshore Wind Incentives for New Development (WIND) Act**
(ENACTED)

-- Became law as part of the Inflation Reduction Act (“IRA”) of 2022⁷⁴

-- The Act “extend[s] the 30 percent Investment Tax Credit for offshore wind through 2025”⁷⁵

⁷⁰ Letter from Janis Searles Jones, CEO, Ocean Conservancy, to Senators Sheldon Whitehouse and Dan Sullivan, June 26, 2019, available at <https://oceanconservancy.org/wp-content/uploads/2019/06/SOS-Act-2.0-OC-Support-Letter-FINAL.pdf>; Jeff Watters, *What We Love bout Save Our Seas Act Version 2.0*, Ocean Conservancy, June 27, 2019, available at <https://oceanconservancy.org/blog/2019/06/27/love-save-seas-act-version-2-0/>; Ocean Conservancy, *Statement: Save Our Seas Act 2.0 Addresses Critical Aspect of Ocean Plastic Crisis*, Sept. 26, 2019, available at <https://oceanconservancy.org/news/statement-save-seas-act-2-0-addresses-critical-aspect-ocean-plastic-crisis/>; Ocean Conservancy, *Statement: Save Our Seas Act 2.0 Dives Deeper into U.S. & Global Interventions to Fight Ocean Plastic Pollution*, June 26, 2019, available at <https://oceanconservancy.org/news/statement-save-seas-act-2-0-dives-deeper-u-s-global-interventions-fight-ocean-plastic-pollution/>.

⁷¹ See Anja Brandon & Chever Voltmer, *The Case for Recycled Content Standards*, Ocean Conservancy, Feb. 16, 2022, available at <https://live.oceanconservancy.org/blog/2022/02/16/recycled-content-standards/> (“When Congress passed the Save Our Seas 2.0 Act in 2020, we saw an opportunity to take a deeper dive. After all, Ocean Conservancy and its Trash Free Seas Alliance successfully advocated for the legislation; now we could implement it.”).

⁷² NOAA, Marine Debris Program, Office of Response & Restoration, *The NOAA Marine Debris Program Awards Funding to 10 New Projects to Prevent & Remove Marine Debris in North America*, available at <https://marinedebris.noaa.gov/funding-opportunities/noaa-marine-debris-program-awards-funding-10-new-projects-prevent-and-remove>.

⁷³ NOAA, Marine Debris Program, Office of Response & Restoration, *The NOAA Marine Debris Program Awards Funding to 8 New Projects to Prevent & Remove Marine Debris in North America*, available at <https://marinedebris.noaa.gov/noaa-marine-debris-program-awards-funding-new-projects-prevent-marine-debris>.

⁷⁴ Cong. Research Serv., *Offshore Wind Provisions in the Inflation Reduction Act*, Sept. 29, 2022, at p. 2, available at <https://crsreports.congress.gov/product/pdf/IN/IN11980>.

-- The Act's passage benefitted Deepwater Wind's Block Island wind farm⁷⁶

(4) **National Ocean Exploration Act (ENACTED)**

-- Enacted into law as part of the FY23 National Defense Authorization Act (NDAA)⁷⁷

-- The law requires NOAA to undertake comprehensive ocean mapping, formally authorize and improve the existing National Ocean Mapping, Exploration and Characterization Council, and authorizes additional appropriation of \$1.4 billion for NOAA's existing Ocean Exploration and Research Program, its Ocean and Coastal Mapping Program, and its Hydrographic Surveying Program.⁷⁸

-- Supported by Ocean Conservancy⁷⁹ and directly benefits OC's marine spatial program headed by Mrs. Whitehouse

(5) **National Oceans & Coastal Security Act (ENACTED)**

⁷⁵ Sen. Sheldon Whitehouse, Whitehouse, *Reed, Langevin Lead Legislation to Harness Offshore Wind Energy*, May 11, 2017, available at <https://www.whitehouse.senate.gov/news/release/whitehouse-reed-langevin-lead-legislation-to-harness-offshore-wind-energy>; accord Sen. Sheldon Whitehouse, *Senators Whitehouse & Markey Introduce Legislation to Unleash Offshore Wind Energy Off the Shores of America*, June 9, 2016, available at <https://www.whitehouse.senate.gov/news/release/senators-whitehouse-and-markey-introduce-legislation-to-unleash-offshore-wind-energy-off-the-shores-of-america>.

⁷⁶ Sen. Sheldon Whitehouse, Whitehouse, *Reed, Langevin Lead Legislation to Harness Offshore Wind Energy*, May 11, 2017, available at <https://www.whitehouse.senate.gov/news/release/whitehouse-reed-langevin-lead-legislation-to-harness-offshore-wind-energy>.

⁷⁷ Sen. Sheldon Whitehouse, *Whitehouse Secures Major Oceans Policy Wins in NDAA*, Dec. 7, 2022, available at <https://www.whitehouse.senate.gov/news/release/whitehouse-secures-major-oceans-policy-wins-in-ndaa>.

⁷⁸ Congressional Budget Office, *Cost Estimate for S. 381, National Ocean Exploration Act*, June 10, 2021, available at <https://www.cbo.gov/publication/57278>.

⁷⁹ See Letter from Ocean Conservancy (and other environmental organization) to Senate & House leaders, Mar. 1, 2022, available at <https://oceanconservancy.org/wp-content/uploads/2022/03/Community-Support-for-Ocean-Provisions-in-COMPETES-.pdf> (urging passage of the BLUE GLOBE Act); accord Letter (signed by Ocean Conservancy and other environmental organizations) to Sen. Majority Leader Charles Schumer & Speaker of the House Nancy Pelosi, Nov. 18, 2022, available at <https://oceanconservancy.org/wp-content/uploads/2022/12/Letter-to-Senate-and-House-Leadership-Regarding-an-Ocean-Package.pdf>.

- Enacted into law as part of the 2015 budget bill⁸⁰
- Established the National Oceans and Coastal Security Fund (now known as the National Coastal Resilience Fund),⁸¹ operated by NOAA,⁸² to provide grants for programs and activities designed to protect, conserve, and restore ocean and coastal resources and coastal infrastructure
- The National Coastal Resilience Fund has provided over \$466 million in grants since its inception⁸³
- Strongly supported by OC,⁸⁴ which has “partnered” with NOAA “since the inception of NOAA’s marine debris program (MDP) in 2006, including partnership on OC’s International Coastal Cleanup⁸⁵ and its Talking Trash & Taking Action education program⁸⁶

⁸⁰ See Sen. Sheldon Whitehouse, Facebook post, Dec. 16, 2016, available at https://www.facebook.com/SenatorWhitehouse/posts/1068955703115224?comment_tracking=%7B%22tn%22%3A%220%22%7D (“I’m thrilled that our federal government funding package includes my National Oceans and Coastal Security Act. This bill I’ve authored establishes a dedicated fund for research, conservation, and restoration of our oceans and coasts.”). See also Sen. Sheldon Whitehouse, *Whitehouse Introduces Legislation to Protect Oceans & Coastal Communities*, Sept. 10, 2015, available at <https://www.whitehouse.senate.gov/news/release/whitehouse-introduces-legislation-to-protect-oceans-and-coastal-communities>; S. 2025, 114th Cong. (2015-16), Congress.gov, available at <https://www.congress.gov/bill/114th-congress/senate-bill/2025/text>; 16 U.S. Code § 7503 (codified version).

⁸¹ Sen. Sheldon Whitehouse, *\$50 Million for Whitehouse’s Coastal Resiliency Fund Included in Disaster Relief Bill*, May 24, 2019, available at <https://www.whitehouse.senate.gov/news/release/50-million-for-whitehouses-coastal-resiliency-fund-included-in-disaster-relief-bill>.

⁸² NOAA, Office for Coastal Management, National Coastal Resilience Fund, available at <https://www.coast.noaa.gov/resilience-grant/>.

⁸³ Fact Sheet (2023), *National Coastal Resilience Fund*, U.S. Nat’l Fish & Wildlife Foundation, available at <https://www.nfwf.org/sites/default/files/2023-11/NFWF-NCRF-20231114-FS.pdf>.

⁸⁴ Addie Haughey, *Strong funding proposed for ocean conservation in President Obama’s final budget proposal*, Feb. 9, 2016, available at <https://oceanconservancy.org/blog/2016/02/09/our-ocean-remains-a-presidential-priority/>; Press Release, Ocean Conservancy, *112 Organizations Urge Congress to Go Big on Ocean and Coastal Resilience Funding in the American Jobs Plan*, Apr. 30, 2021, available at <https://oceanconservancy.org/news/112-organizations-urge-congress-go-big-ocean-coastal-resilience-funding-american-jobs-plan/>.

⁸⁵ Ocean Conservancy, Partners, NOAA, available at <https://oceanconservancy.org/about/partner/noaa/>; NOAA, Nat’l Ocean Serv., *36th Int’l Coastal Cleanup*, Sept. 17, 2021, available at <https://oceanservice.noaa.gov/aa-updates/coastal-cleanup-091721.html>.

⁸⁶ Ocean Conservancy, *Fighting for Trash Free Seas*, Outreach & Education, available at <https://oceanconservancy.org/trash-free-seas/outreach-education/>.

(6) **National Endowment for the Oceans, Coasts & Great Lakes Act**

-- Not yet enacted. Passed the Senate in March 2012 as part of the federal transportation funding bill⁸⁷ but was not included in the enacted version. It also passed the Senate in May 2013 as part of the Water Resources Development Act⁸⁸ but was not included in the final version.⁸⁹

-- “The legislation would establish a new grant program to fund activities to preserve and restore our ocean, coastal, and Great Lakes ecosystems to protect the communities and economies that rely on these areas.”⁹⁰ It will “provide the necessary funding to implement” the National Ocean Policy signed into Executive Order by President Obama, which would “direct and prioritize research and restoration efforts and create a process for implementing effective coastal and marine spatial planning.”⁹¹

-- It would be “funded by interest accrued from the Oil Spill Liability Trust Fund and the dedication of 12.5 percent of revenues from offshore energy development, including oil, gas, and renewable energy.”⁹²

-- The Act “would provide steady funding that universities, nonprofit organizations, and government agencies can count on every year to support research and restoration projects.”⁹³

⁸⁷ Sen. Sheldon Whitehouse, *Senate Passes Whitehouse Measure Establishing National Endowment for the Oceans*, Mar. 8, 2012, available at <https://www.whitehouse.senate.gov/news/release/senate-passes-whitehouse-measure-establishing-national-endowment-for-the-oceans>.

⁸⁸ Sen. Whitehouse, *Senate Votes to Establish Oceans Endowment*, May 8, 2013, available at <https://www.whitehouse.senate.gov/news/release/senate-votes-to-establish-oceans-endowment>; see https://www.senate.gov/legislative/LIS/roll_call_votes/vote1131/vote_113_1_00116.htm#position.

⁸⁹ H.R. 3080, Water Resources Reform & Development Act of 2014, Pub. L. No. 113-121, available at <https://www.congress.gov/bill/113th-congress/house-bill/3080/text>.

⁹⁰ Sen. Sheldon Whitehouse, *Whitehouse, Snowe Introduce Landmark Legislation to Protect Oceans & Coasts*, July 22, 2010, available at <https://www.whitehouse.senate.gov/news/release/whitehouse-snowe-introduce-landmark-legislation-to-protect-oceans-and-coasts>.

⁹¹ *Id.* (emphasis added).

⁹² *Id.*

⁹³ Sen. Sheldon Whitehouse, *Whitehouse Reintroduces National Endowment for the Oceans*, Apr. 1, 2013, available at <https://www.whitehouse.senate.gov/news/release/whitehouse-reintroduces-national-endowment-for-the-oceans>.

-- The Act benefits Ocean Conservancy, which has a special program for “smart ocean planning” (marine spatial planning, and Mrs. Whitehouse is the “team lead for Ocean Conservancy’s Coastal and Marine Spatial Planning program”)⁹⁴

(7) **Rewarding Efforts to Decrease Unrecycled Contaminants in Ecosystems (“REDUCE”) Act**

-- Not yet enacted

-- Act would impose a 20-cent per pound excise tax on virgin plastic resin used to make single-use products (such as bottled water). These taxes would be placed in a Plastic Waste Reduction Fund, which would then be used to “carry out waste reduction and recycling activities, including . . . carrying out marine debris reduction, detection, monitoring, and cleanup activities, and addressing environmental justice and pollution impacts from the production of plastic.”⁹⁵

-- The Act is endorsed by Ocean Conservancy⁹⁶

-- OC would benefit from the Plastic Waste Reduction Fund, as it carries out extensive marine debris reduction and environmental justice activities

(8) **The Unify Nations in Trash Elimination (“UNITE”) Act**

-- Not yet enacted

--The Act “would direct the U.S. government to work with international partners to finance promising projects that promote the sustainable use of materials and the reduction of

⁹⁴ Atlantic Council, *Sandra Whitehouse*, available at <https://www.atlanticcouncil.org/expert/sandra-whitehouse/>.

⁹⁵ Sen. Sheldon Whitehouse, *Whitehouse, Doggett Reintroduce Bicameral Bill Act to Tackle Plastic Pollution Crisis & Hold Polluters Accountable*, Sept. 19, 2023, available at <https://www.whitehouse.senate.gov/news/release/whitehouse-doggett-reintroduce-bicameral-bill-act-to-tackle-plastic-pollution-crisis-and-hold-polluters-accountable> (emphasis added).

⁹⁶ Ocean Conservancy, *Statement: Ocean Conservancy Endorses REDUCE Act to Establish Fee on Single-Use Virgin Plastic Resin*, Sept. 29, 2021, available at <https://oceanconservancy.org/news/statement-ocean-conservancy-endorses-reduce-act-establish-fee-single-use-virgin-plastic-resin/>.

plastic and other waste filling the world's oceans."⁹⁷ It would "establish a Trust Fund for Marine Debris and Plastic Pollution" and "[a]uthorize \$150 million to be appropriated for U.S. contributions to the Trust Fund each year for two years."⁹⁸

-- Act would benefit Ocean Conservancy, as it has a "Trash Free Seas" program, including the International Coastal Cleanup, which occurs every September,⁹⁹ and it hosts the Trash Free Seas Alliance with Circulate Capital and large corporations¹⁰⁰

(9) **Sustaining Healthy Ecosystems, Livelihoods, and Local Seafood ("SHELLS") Act**

-- Not yet enacted

-- The Act would require the U.S. Department of Agriculture to form an "aquaculture" office to "promote blue carbon ecosystems" and "bolster . . . seaweed farmers"¹⁰¹

-- Act would directly benefit Running Tide Technologies

(10) **Federal Carbon Dioxide Removal Leadership Act**

-- Not yet enacted

-- The Act would require the Secretary of Energy to remove a steadily increasing level of carbon dioxide, reaching 5 million metric tons for fiscal years 2029-34 and 10 million metric tons from 2035 onwards. To meet these goals, the Act directs the

⁹⁷ Sen. Sheldon Whitehouse, *Whitehouse Introduces Bipartisan Legislation to Finance Global Marine Debris Prevention & Reduction*, Dec. 17, 2020, available at <https://www.whitehouse.senate.gov/news/release/whitehouse-introduces-bipartisan-legislation-to-finance-global-marine-debris-prevention-and-reduction->.

⁹⁸ *Id.*

⁹⁹ Ocean Conservancy, *Fighting for Trash Free Seas*, available at <https://oceanconservancy.org/trash-free-seas/>.

¹⁰⁰ Ocean Conservancy, *Trash Free Seas Alliance*, available at <https://oceanconservancy.org/trash-free-seas/plastics-in-the-ocean/trash-free-seas-alliance/>

¹⁰¹ Press Release, Sen. Sheldon Whitehouse, *Whitehouse Introduces Bipartisan Bill to Support Aquaculture Farmers & Harvesters*, June 27, 2023, available at <https://www.whitehouse.senate.gov/news/release/whitehouse-introduces-bipartisan-bill-to-support-aquaculture-farmers-and-harvesters>.

Secretary to “enter into contracts to carry out projects for the removal of carbon dioxide, including small removal projects”¹⁰²

-- The Act would directly benefit Running Tide Technologies

III. Request for Further Investigation by the Ethics Committee

When the *Daily Caller* published an article in 2013 regarding the potential conflict of interest between Senator Whitehouse’s legislative activity and his wife’s consulting work, a Whitehouse spokesperson stated that there was no conflict because although his legislation almost always involves large grants for ocean cleanup and marine spatial planning (which directly benefit his wife’s clients), “The Senator would have no role in determining which organizations receive grants.”¹⁰³ This excuse, however, does not absolve Senator Whitehouse of potential violations of Senate Rule 37, which prohibits not only actual conflicts, but actions which create a reasonable appearance thereof, thus undermining public confidence in the Senate as a whole.

As the Committee stated in a 2018 Public Letter of Admonition to Senator Menendez, “the fact that a cause is worthy does not negate the duty to ensure compliance with ethical standards.”¹⁰⁴ It reiterated that a Senator’s “office and its attendant resources and power are not personal to [a Senator]. Senators must closely guard against even the appearance that their families or friends are entitled to use these resources and power for their own personal gain.”¹⁰⁵ Because Senator Menendez “used [his] position to advance [a friend’s] personal and business interests,” the Committee concluded that he “violated Senate Rules and . . . reflected discredit upon the Senate.”¹⁰⁶

¹⁰² S. 4280, § 2(b)(1), 117th Cong., 2d Sess. (2022).

¹⁰³ Michael Bartusch, *Democratic Senator’s Environmental Bill Could Benefit His Wife*, *Daily Caller*, Dec. 11, 2013, available at <https://dailycaller.com/2013/12/11/senators-environmental-bill-could-benefit-his-wife/>.

¹⁰⁴ Letter from Senate Select Committee on Ethics to Senator Robert Menendez, Apr. 26, 2018, at 3, available at <https://www.ethics.senate.gov/public/cache/files/49c12c75-7a26-4fe6-b070-19fcef4d7532/senator-robert-menendez---public-letter-of-admonition.pdf>.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.* at pp. 1, 2, 4.

Similarly here, Senator Whitehouse's repeated sponsorship and co-sponsorship of environmental legislation providing extensive funding for his wife's specific area of professional expertise (marine spatial planning) and the business activities of her clients (e.g., marine spatial planning, marine debris, wind technology and seaweed farming) creates a reasonable appearance of a conflict of interest, in violation of Senate Ethics Rule 37.

Senator Whitehouse may claim that his sponsorship and co-sponsorship of such environmental legislation does not violate Ethics Rule 37 because its "primary purpose" is not his or his wife's pecuniary interest, but the public interest as a whole. This defense is reasonably doubtful, however, in light of the fact that the direct beneficiaries of legislation sponsored by Senator Whitehouse foreseeably include environmental groups for whom his wife works, which constitute a "limited class" of federal grant recipients for such programs.

Indeed, if it were otherwise, a Senator's spouse could not only consult for an environmental group, but he/she could lobby directly for enactment of legislation sponsored by her spouse, since his/her spouse's sponsorship of the legislation would presumably principally be for the "public interest" and not the spouse's pecuniary interest. Yet the Senate Ethics Committee has made clear that such lobbying by a spouse is ethically questionable, as it "might, under certain circumstances," reflect adversely upon the Senate as an institution."¹⁰⁷

In addition, the Senate Ethics Manual makes clear that pursuant to Senate Resolution 338,¹⁰⁸ the Committee may investigate Senators "who engage in 'improper conduct which may reflect upon the Senate,' regardless of whether such conduct violates a specific statute, Senate Rule, or regulation."¹⁰⁹ The prohibition against "improper conduct" addresses conduct that "could discredit the institution as a whole" and is grounded in "the Senate's inherent and constitutional right to protect its own integrity and reputation."¹¹⁰

Given Senator Whitehouse's longstanding practice of sponsoring or cosponsoring legislation that directly benefits his wife and/or her clients, we urge the Senate Ethics Committee to conduct a preliminary investigation to disinter the full extent of Mrs. Whitehouse's consulting activities, with both for-profit and nonprofit

¹⁰⁷ Interpretive Ruling No. 397 (May 24, 1985); *see also* Interpretive Ruling No. 336 (Sept. 5, 1980).

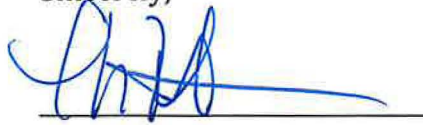
¹⁰⁸ S. Res 338, 88th Cong., 2d Sess. (1964), as amended by S. Res. 110, 95th Cong., 1st Sess. (1977).

¹⁰⁹ Senate Ethics Manual, 108th Cong., 1st Sess. (2003 ed.), at 432.

¹¹⁰ *Id.*

entities, that may create a reasonable appearance of a conflict of interest with Senator Whitehouse's official duties.

Sincerely,



Thomas Fitton
President