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Secretary Dirk Kempthorne
U.S. Interior Department
1849 C St. NW
Washington, D.C. 20240

July 19, 2007

Dear Secretary Kempthorne:

Thank you for your June 27 letter regarding the much-needed ethics reform you're implementing at the Interior Department in the wake of several scandals.

In your letter you identify Assistant Secretary for Water and Science Mark Limbaugh as one of the Department officials charged with reviewing the ethics issues raised in the Inspector General's report on Julie MacDonald. Your letter and the accompanying summary of your "10-Point Plan to Make the Department of the Interior a Model of an Ethical Workplace" also identify Mr. Limbaugh as chairman of a newly constituted Conduct Accountability Board. The Board is described as being responsible for "ensuring consistency and fairness in the management of conduct and discipline cases" and Mr. Limbaugh is referred to as "a person of impeccable integrity."

This sounded promising, but I since have been informed that as of July 13, literally within days of your letter, Mr. Limbaugh resigned from the Department to take a job with the Ferguson Group. The Ferguson Group represents local and state water agencies with interests before the Interior Department, the Army Corps of Engineers and Congress. As the firm states on its Web site: "We represent more irrigation districts, water districts, and local water agencies than any other Washington firm." Mr. Limbaugh's hiring represents a good catch for the Ferguson Group, which promises to "build client relationships with top agency officials." He was the senior appointee in charge of water issues at the Interior Department for two years.

However, Mr. Limbaugh's departure raises two sets of questions to which I'd like answers.

How will you replace Mr. Limbaugh as a key official in your ethics reform plan? In his absence, who will be responsible for the Department's response to the Julie MacDonald scandal, including rectifying the damage done by her political interference in scientific advice on Endangered Species Act decisions? Who will take his seat as chairman of the

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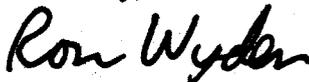
new Conduct Accountability Board? How often did the board meet under Mr. Limbaugh and how often has it met since he resigned?

Also, Mr. Limbaugh's switch from water regulator to water lobbyist is ominous, in part, because of the Department's recent history of scandals involving industry players moving through Department ranks while serving industry interests, such as energy lobbyist J. Steven Griles, who became Deputy Secretary before committing the corrupt acts that led to a felony conviction and prison sentence. Additionally, one of the revelations about Ms. MacDonald, whose family owns an agricultural business in California, was that she secretly leaked internal Department records to agricultural business groups in California currently suing the Department. Frankly, it's not always clear where these Department leaders put their loyalties.

Federal ethics regulations place a variety of limits on contacts that former senior employees like Mr. Limbaugh may have with the agencies in which they served. Mr. Limbaugh is expressly prohibited from all contacts for one year and then from a variety of other contacts regarding matters in which he was personally involved at the agency. What steps has the Department taken, or will it take, to identify matters Mr. Limbaugh is restricted from being involved in on behalf of the Ferguson Group? How will the Department ensure that Mr. Limbaugh is not involved as a lobbyist in any issue he was personally involved in while working at the Department?

Thank you for your continued attempts to address this matter.

Sincerely,



Sen. Ron Wyden
United States Senator