United States Department of State

Washington, D.C. 20520

UNCLASSIFIED

To: Lisa Carty

From: (b)(6) Alternate Designated Agency Ethics Official

Date: February 17, 2022

Subject: 5 C.F.R. § 2635.502(d) Determination and Authorization to Participate in Particular Matters with the United Nations as the U.S. Representative to the UN Economic and Social Council

A. Determination Under 5 C.F.R. § 2635.502(d)

You were recently confirmed for a presidentially appointed position at the U.S. Department of State as U.S. Representative to the UN Economic and Social Council ("ECOSOC") and hold the rank of Ambassador. In this position, you will represent the United States at the UN Economic and Social Council and its subsidiary bodies. You have also been nominated to serve as Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations and may be confirmed for that role in the future. ECOSOC is tasked with focusing on the integration of the economic, environmental and social pillars of sustainable development. Your responsibilities will include delivering U.S. statements or interventions during general debates on standing agenda items, presentations by other UN officials or UN experts, and panel discussions. You will also engage in the negotiation of resolutions and outcome documents to major conferences.

Previously, you served as the Director for Humanitarian Financing and Resource Mobilization at the United Nations Office for the Coordination of Humanitarian Affairs. In this capacity, you oversaw work related to funding for global humanitarian crises, maintaining relationships with donor governments and the World Bank, supporting the management of UN emergency funds, and developing innovative financing approaches.

5 C.F.R. § 2635.502(a) states that an employee should not participate in a particular matter when the employee "knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality ... unless he has informed the agency designate of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this subsection."

In turn, 5 C.F.R. § 502(d) states that:

Where an employee's participation in a particular matter involving specific parties would not violate 18 U.S.C. § 208(a), but would raise a question in the mind of a

reasonable person about his impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations.

In your ethics agreement, you state that you have a "covered relationship" under the impartiality regulation at 5 C.F.R. 2635.502(d) with the United Nations and that you will seek a written authorization from the agency to participate personally and substantially in particular matters involving specific parties in which you know this entity is a party or represents a party.

Based upon the totality of the circumstances, I have determined that the Department of State's interest in you participating in particular matters that involve the United Nations (including the Office for the Coordination of Humanitarian Affairs) in your role as U.S. Representative to the UN Economic and Social Council, as well as potentially Alternate Representative to the Sessions of the General Assembly, outweighs any concern that a reasonable person might question the integrity of the Department of State's programs and operations. The following factors are persuasive in this regard:

- The Government has a strong interest in you serving in the position as the U.S. Representative to the UN Economic and Social Council. Your professional background and experience at the UN Office for the Coordination of Humanitarian Affairs is an asset that will strengthen your ability to represent US interests before the UN and the Economic and Social Council in this appointed position.

- Because your role is to represent the United States before elements of the United Nations, it will be impossible to carry out your responsibilities without engaging in particular matters in which the United Nations is a party.

- There is no appreciable likelihood of a financial conflict of interest under these circumstances, as you currently hold no position with the United Nations and its financial interests are not imputed to you.

- The United Nations is a diverse organization with numerous constitutive bodies and subsidiary organizations. Our office has previously advised that, in many cases, previous employment with one UN entity would not give rise to reasonable concerns regarding an employee's impartiality when it comes to engagement with other UN elements as part of their State Department duties. This analysis is fact specific, and the organizational structure of the United Nations minimizes potential concerns about impartiality based on your previous employment. The United Nations Office for the Coordination of Humanitarian Affairs is part of the UN Secretariat, reporting to the Secretary General. ECOSOC, by contrast, is one of the six principal organs of the United Nations System established by the UN Charter in 1945. It consists of 54 Members of the United Nations elected by the General Assembly.

- You have also been nominated to serve as Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations and

may be confirmed for that role. Given the nature of the General Assembly and its typical agenda, your engagement on particular matters that would directly involve or affect the Office for the Coordination of Humanitarian Affairs would be limited at best. We do not anticipate, for example, that you would be engaged in decisions related to U.S. funding for UN humanitarian programs.

- Principles of federal ethics law restrict you from showing preference or favoritism toward the UN and its employees in the course of your official duties. We have counseled you and will continue to provide guidance on the application of the federal ethics rules and there is no reason to question your integrity in this regard.

B. Authorization to Participate in Particular Matters in Which the United Nations is a Party or Represents a Party

I authorize your participation in particular matters that involve the United Nations as the U.S. Representative to the UN Economic and Social Council, and if confirmed, as Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations. This authorization is made pursuant to 5 C.F.R. § 2635.502(d).

Notwithstanding the authorization above, you continue to be required to recuse yourself from any particular matters directly and predictably affecting your financial interests, as defined in 18 U.S.C. § 208(a), or those imputed to you. You are required to recuse from any particular matter not addressed here where the circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter, unless previously authorized pursuant to 5 C.F.R. 2635.502(d).

Feb. 17, 2022
Date

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Alternate Designated Agency
Ethics Official