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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
MARY FRANCES REPKO, MINORITY STAFF DIRECTOR

May 9, 2018

The Honorable John Barrasso
307 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso:

We write to request that the EPW Committee conduct budget and oversight hearings into Scott Pruitt's administration of the Environmental Protection Agency (EPA). Administrator Pruitt has not testified before our Committee on EPA's FY 2019 budget; in fact, he never testified on its FY 2018 budget. In light of Administrator Pruitt's testimony last Thursday before two House subcommittees and planned appearance in front of a Senate Appropriations subcommittee, we believe that the proper execution of our committee's responsibilities demands that he appear before us as soon as possible.

Administrator Pruitt's testimony last week, viewed in the most charitable light, depicted a chief executive who has failed to exert any oversight over his staff as they have, as he testified, spent exorbitant funds and made impactful personnel decisions without his knowledge or approval. His ready willingness to pass blame on to everyone around him, including career staff and his top political aides, shows that he is either unwilling or unable to lead.

Time and time again, however, his testimony last week was contradicted by EPA documents, public reporting, and even his own prior testimony before Congress. For example, Pruitt provided inconsistent testimony about a number of matters, including:

- **The phone booth's costs:** In response to a question by Congressman Cardenas, Administrator Pruitt said, "I did have a phone call that came in of a sensitive nature and I did not have access to secure communication. I gave direction to my staff to address that and out of that came a \$43,000 expenditure that I did not approve," he said.¹ "If I'd known about it, I would have refused it." EPA approved contracts to prepare his office for this work on July 21, 2017 and for the phone booth itself on August 30, 2017, with the expected completion date listed as October 9, 2017.² On September 26, 2017, the Washington Post published an article about the phone booth saying that the cost would be \$25,000, and on that same day, the EPA approved a

¹ <https://www.c-span.org/video/?444370-1/epa-administrator-pruitt-pressed-concerns-expenses-management&start=7159&transcriptQuery=scif>

² <http://apps.washingtonpost.com/g/documents/national/contract-to-paint-and-patch-epa-administrator-scott-pruitts-communications-room/2820/>; <http://apps.washingtonpost.com/g/documents/national/contract-to-install-concrete-flooring-for-epa-administrator-scott-pruitt/2819/>; https://www.washingtonpost.com/news/energy-environment/wp-content/uploads/sites/43/2017/09/EPAcontract_AcousticalSolutions.pdf?tid=a_mcntx

final contract for it, indicating the work was not complete.³ The Administrator's statements at last week's hearing strain credulity, as they would require Members of Congress to believe that Administrator Pruitt failed to notice major construction in his office, including the installation of a drop ceiling and reinforced concrete floors, and did not read any news accounts about the expenditures.

- **The phone booth's purpose:** On September 26, 2017, EPA spokesperson Liz Bowman told the Washington Post, "What you are referring to is a secured communication area in the administrator's office so secured calls can be received and made.... Federal agencies need to have one of these so that secured communications, not subject to hacking from the outside, can be held. It's called a Sensitive Compartmented Information Facility (SCIF)...."⁴ On December 7, 2017, Congresswoman Diana DeGette asked Administrator Pruitt at a House Energy and Commerce Committee hearing, "OK, so it's a SCIF, what we call a sensitive compartmental information facility, is that right?" In response, Administrator Pruitt said "Yes."⁵ Then, in an apparent about-face, when asked about the phone booth at last week's hearing, Administrator Pruitt told Congressman Lance: "It's not a SCIF, and it was not intended to be."⁶
- **Staff Raises:** At last week's hearings, Administrator Pruitt said that raises for two employees under the Safe Water Drinking Act were granted by staff without his knowledge of the amount. This claim has been contradicted by numerous EPA officials as well as in an email from Sarah Greenwalt, one of the recipient of those raises, who said that her raise had been "discussed with the Administrator."⁷
- **Retaliation Against Staff:** Administrator Pruitt repeatedly asserted that staff who have been reported to have been retaliated against for objecting to his wasteful spending were not retaliated against, and sought to downplay their roles at the agency. For example, during the House Appropriations subcommittee hearing, in response to Ranking Member McCollum's comments on this issue, he stated: "I would say to you unequivocally, I know of no instance, not aware of any instance, that any employment action [has been] taken against someone for any advice or counsel given with respect to spending. I am not aware of any instance of that." He repeated a similar response later in the same line of questioning. Further, when Ranking Member McCollum asked whether Kevin Chmielewski, Mr. Pruitt's former Deputy Chief of Staff, is "still working for the EPA", Pruitt responded: "It's my understanding he is not. He resigned I think late last year." Mr. Chmielewski has told congressional investigators that he was placed on administrative leave in February, and that his status remained uncertain through April.⁸

³ https://www.washingtonpost.com/news/energy-environment/wp/2017/09/26/epa-spending-almost-25000-to-install-a-secure-phone-booth-for-scott-pruitt/?noredirect=on&utm_term=.7a512991d70b;
<http://apps.washingtonpost.com/g/documents/national/invoice-for-installing-a-drop-ceiling-in-epa-administrator-scott-pruitts-communications-room/2821/>

⁴ https://www.washingtonpost.com/news/energy-environment/wp/2017/09/26/epa-spending-almost-25000-to-install-a-secure-phone-booth-for-scott-pruitt/?noredirect=on&utm_term=.3decce15747f

⁵ <https://docs.house.gov/meetings/IF/IF18/20171207/106701/HRG-115-IF18-Transcript-20171207.pdf>

⁶ <https://www.c-span.org/video/?c4726639/congressman-lance-questions-epa-administrator-scott-pruitt>

⁷ <https://www.epw.senate.gov/public/index.cfm/2018/4/carper-whitehouse-call-on-pruitt-to-immediately-clarify-role-in-exorbitant-pay-raises-for-favored-staff>

⁸ <https://www.documentcloud.org/documents/4436623-4-12-2018-Letter-to-Pruitt.html>

- **Morocco:** Administrator Pruitt said that he was invited to Morocco by that country's ambassador in order to "negotiate the environmental chapter" of a free trade agreement being worked on between the two countries.⁹ There is no official record of the Administrator ever meeting with the Office of the United States Trade Representative (USTR) or the Department of Commerce before he departed.¹⁰ Nor is there any record of the USTR delegating to Administrator Pruitt any negotiating authority to participate in trade negotiations, or of Mr. Pruitt ever participating in trade negotiations during that trip. Moreover, it has now come to light that Administrator Pruitt's trip to Morocco was largely organized by a lobbyist, who has since been hired by Morocco as a foreign agent on a \$40,000 per month retainer.
- **Security Threats:** Administrator Pruitt repeatedly told lawmakers that EPA Inspector General Arthur Elkins wrote a memo outlining the alleged "unprecedented" security threats that existed against him. For example, in response to Congresswoman McCollum's statement she wanted to know about whether "the Inspector General himself has noted threats", Pruitt responded "well that is what I was just reading for you." The EPA Inspector General's Office has confirmed that the memo to which Pruitt referred was not written by Elkins. Pruitt also did not acknowledge that EPA's Office of Homeland Security reviewed the memo on which his claim was based and found that it did not identify any specific, credible and direct threats against Pruitt.¹¹ This judgment was also supported by two memos from the Secret Service stating that it was unaware of any threats against Pruitt.
- **Staff Attendance:** Administrator Pruitt stated at the hearings that he did not know if Samantha Dravis, one of his closest aides who served as his Associate Administrator for the Office of Policy at EPA and previously worked with him at the Republican Attorney Generals Association, came to work for much if not all of the months of November 2017 to January 2018.¹² Specifically, when questioned by Congresswoman Schakowsky during the House Energy & Commerce hearing about how much Dravis was paid for the 3 months she did not work, Mr. Pruitt responded: "I'm not aware that she did or did not appear for work."¹³

In addition to the above examples of inconsistent testimony, troubling new information has come to light about Administrator Pruitt's international travel. We have recently learned that like his trip to Morocco, Administrator Pruitt's planned trips to Australia and Israel were also largely driven by business interests. A consultant and former lobbyist for foreign governments played a central role in planning the Australia visit, while the planned trip to Israel appears to have grown out of Administrator Pruitt's interest in an Israeli water company that had been recommended to him by billionaire Sheldon Adelson, one of the largest contributors to a political group linked to Pruitt. This pattern of allowing private business interests to dictate the Administrator's international travel warrants further inquiry by this Committee.

⁹ <https://www.c-span.org/video/?444370-1/epa-administrator-pruitt-pressed-concerns-expenses-management&start=13046>

¹⁰ <https://abcnews.go.com/Politics/scott-pruitts-moroccan-calendar-draws-blanks/story?id=54556574>

¹¹ <https://www.nytimes.com/interactive/2018/04/10/climate/document-Pruitt-EPA-Security-Spending.html>

¹² <https://www.nytimes.com/interactive/2018/04/05/climate/document-Samantha-Dravis-Letter.html>

¹³ <https://www.c-span.org/video/?444370-1/epa-administrator-pruitt-pressed-concerns-expenses-management&start=10586&transcriptQuery=dravis>

While we may disagree on the policy choices made by Administrator Pruitt, we hope we can agree that cabinet officials of any party owe Congress clear and truthful answers to questions and should be held to the highest ethical standards as Administrator Pruitt himself acknowledged last week. We should also be able to agree that claims of accountability are meaningless unless they can be credibly backed up by meaningful oversight and investigations of misconduct. Your Republican colleagues on and off this Committee, as well as those in the House, have already called upon Administrator Pruitt to testify. We hope you share this view, and look forward to working with you to ensure that the mismanagement currently plaguing EPA is rectified promptly and effectively.

Sincerely,



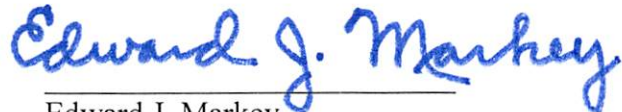
Thomas R. Carper
Ranking Member



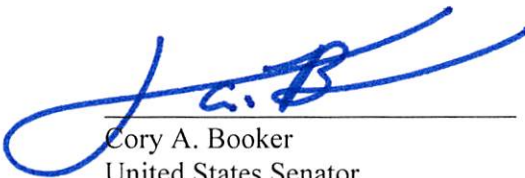
Sheldon Whitehouse
United States Senator



Jeffrey A. Merkley
United States Senator



Edward J. Markey
United States Senator



Cory A. Booker
United States Senator



Kirsten Gillibrand
United States Senator