

United States Senate
WASHINGTON, DC 20510-5005

May 13, 2009

Director Peter Orszag
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Administrator Lisa Jackson
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Director Orszag and Administrator Jackson:

In response to my comments on May 12, 2009, at the Budget Hearing before the Senate Committee on Environment and Public Works, the Administration released a press statement. As part of the story, an unnamed official with the Office of Management and Budget disclosed the name of the individual who prepared some of the comments I referenced. The official was further quoted as saying that the individual who prepared the comments regarding the impact on small businesses was a Bush appointee.

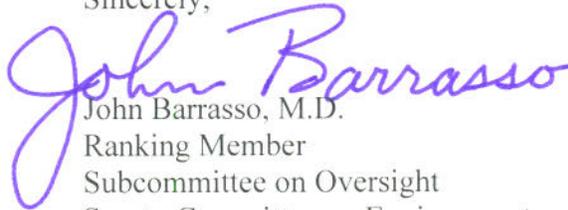
It is clear that the release of the individual's name was done solely for political reasons and to smear her credibility. Rather than present a coherent argument as to why the comments were ignored by the Environmental Protection Agency, officials within the Administration chose to take the path of publicly discrediting the individual who wrote the comments. Given the Administration's ongoing public pronouncements that it will change the environment in Washington, and set aside the politics of old, I can only say that actions speak louder than words.

It is unclear if the release of the name of the individual authoring the comments was authorized by you or the Administration. Did the official releasing the name of the commenter have the implicit or explicit authority to release her name? If they did not, what action is the Administration taking to prevent unauthorized releases in the future? What action are you going to take to identify the person who made the unauthorized release? When identified, what action will you take against this individual?

If the release of the name was authorized, please provide me the details of the policy authorizing this type of release. I would also request the names and titles of all people who authored comments in the document titled "Deliberative – Attorney Client Privilege" that was referenced at the May 12, 2009 hearing. I would also request that the agency identify the specific comments made by each individual.

Selectively releasing the names of individuals for political purposes is unacceptable. Condoning such behavior by failing to correct such action is equally egregious. I look forward to your immediate attention to this matter, and your commitment that such behavior will not be tolerated. If tolerated by you, I welcome your detailed justification for such a policy.

Sincerely,



John Barrasso, M.D.
Ranking Member
Subcommittee on Oversight
Senate Committee on Environment
and Public Works

Cc: Senator Sheldon Whitehouse
Chairman
Subcommittee on Oversight
Senate Committee on Environment and Public Works

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