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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

BETTINA POIRIER, MAJORITY STAFF DIRECTOR
ZAK BAIG, REPUBLICAN STAFF DIRECTOR

January 15, 2014

The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Dear Chairman Boxer:

I write to reiterate my previous requests that you hold a Senate Committee on Environment and Public Works (Committee) hearing to examine the fraudulent activity that occurred at the U.S. Environmental Protection Agency (EPA) perpetrated by a very senior official, John C. Beale.¹ While you have made several commitments to me and in the press to hold such a hearing, it has yet to be placed on the calendar, despite the fact that nearly five months have passed since Beale's fraud was exposed. The failure to hold a hearing on one of the biggest frauds in EPA's history is an abdication of this Committee's oversight responsibilities.

As you are aware, I initially requested a Committee hearing soon after the Department of Justice (DOJ) filed criminal charges against Beale on August 23, 2013. At that time, your office indicated that a hearing would occur, but refused to place a hearing on the Committee's schedule. Only after the House Committee on Oversight and Government Reform announced its hearing scheduled for October 1, 2013, did you publicly engage in the matter. Then, instead of using your oversight authority to hold a Committee hearing to fully understand the circumstances that lead to Beale's fraud and despite scheduling reservations expressed by the EPA's Office of Inspector General (OIG) and Committee Members, you opted to hold an impromptu briefing that was limited to the testimony of the OIG on September 30, 2013.²

This briefing did not follow Committee procedures for hearings that would have included at least a one week notice to all Members, an opportunity to invite additional witnesses, and

¹Press Release, Minority Staff, S. Comm. on Env't & Public Works, *2013 Year End Review: The Hearings That Didn't Happen* (Dec. 13, 2013), available at http://www.epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord_id=ece88add-e92d-7c09-0e2c-74740ffb668e.

²*EPA IG on the Beale Investigation: Briefing Before the S. Comm. on Env't & Public Works*, 113th Cong. (Sept. 30, 2013), available at http://www.epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=606e5ec4-c45e-fe6c-d779-4f03d617a304.

would have required witnesses to provide written testimony forty-eight hours in advance.³ Accordingly, I memorialized my request for a full Committee hearing with EPA witnesses, including former EPA officials that worked with Beale, in a letter to you on the morning of the briefing.⁴ At the briefing, I reiterated my request and you responded with a commitment to holding such a hearing, in addition to the briefing.⁵ Yet, over three months have passed and EPA has still not been brought before this Committee on this urgent matter.

Disappointingly, it appears that it is your current position that the September 30, 2013, briefing was a “full inquiry” on the matter.⁶ This position ignores the fact that there have been several developments since the briefing that warrant the full Committee’s review. Such developments include, but are not limited to: the Congressional testimony of Beale’s close friend and former supervisor, Robert Brenner, before the House hearing on October 1, 2013, which raised additional concerns;⁷ the release of EPA’s Report of Evaluation and Corrective Actions regarding the Beale case on December 9, 2013;⁸ the filing of Beale’s 112-page sentencing memorandum;⁹ and the DOJ response to the sentencing memorandum filed December 12, 2013.¹⁰ Additionally, on December 12, 2013, the EPA OIG released two Early Warning Reports on Beale’s pay issues and travel fraud in response to my August 27, 2013, request, which revealed, among other things, that Beale’s fraud was exposed as early as June 2010.¹¹ Therefore,

³ S. Comm. on Env’t & Public Works, *Committee Rules*, available at <http://www.epw.senate.gov/public/index.cfm?FuseAction=CommitteeResources.CommitteeRules> (last accessed Jan. 14, 2014).

⁴ Letter from the Honorable David Vitter, Ranking Member, S. Comm. on Env’t & Public Works, to the Honorable Barbara Boxer, Chairman, S. Comm. on Env’t & Public Works (Sept. 30, 2013), available at http://www.epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord_id=6f5dd60b-0bbe-7f77-1be7-8751a8455828&Region_id=&Issue_id.

⁵ Emily Yehle, *EPA: Ex-official who faked CIA works, traveled lavishly is ‘outraged’ that agency didn’t catch him – IG*, *Env’t & Energy Daily* (Oct. 1, 2013), <http://www.eenews.net/eedaily/2013/10/01/stories/1059988110>.

⁶ *Boxer Eyes Climate, Budget Hearing After Blaming Delay on GOP Obstruction*, *InsideEPA* (Dec. 16, 2013), <http://insideepa.com/201312162455959/EPA-Daily-News/Daily-News/boxer-eyes-climate-budget-hearing-after-blaming-delay-on-gop-obstruction/menu-id-95.html>.

⁷ *Secret Agent Man? Oversight of EPA’s IG Investigation of John Beale: Hearing Before the H. Comm. on Oversight & Gov’t Reform*, 113th Cong. (Oct. 1, 2013), available at <http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg85907/pdf/CHRG-113hhrg85907.pdf>.

⁸ *Report of Evaluation & Corrective Actions*, U.S. Env’t Prot. Agency (Dec. 5, 2013), available at http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=a3536b8e-1c65-4da6-b264-382f67c1bded.

⁹ Sentencing Memorandum of John C. Beale, *United States v. John C. Beale*, Cr. No. 13-247 ESH (D. D.C. filed Dec. 9, 2013), available at http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=ec1ad9c4-b2fc-4f24-94a0-97087071fc47, http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=5157c7a7-b563-4b98-b40d-d234603a2731.

¹⁰ Government’s Memorandum in Aid of Sentencing, *United States v. John C. Beale*, Cr. No. 13-247-1 ESH (D. D.C. filed Dec. 12, 2013), available at http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=549b056e-d913-432b-8e49-8a14871a8ce5.

¹¹ OFFICE OF INSPECTOR GEN., U.S. ENVT’L PROT. AGENCY, EARLY WARNING REPORT: INTERNAL CONTROLS AND MANAGEMENT ACTIONS CONCERNING JOHN C. BEALE’S TRAVEL, REPORT NO. 14-P-0037 (Dec. 11, 2013), available at <http://www.epa.gov/oig/reports/2014/20131211014-P-0037.pdf>; OFFICE OF INSPECTOR GEN., U.S. ENVT’L PROT. AGENCY, EARLY WARNING REPORT: INTERNAL CONTROLS AND MANAGEMENT ACTIONS CONCERNING JOHN C.

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it is clear the hastily arranged and limited briefing in September was not a “full inquiry.” A full Committee hearing with testimony from former and current EPA officials is necessary to fulfill the Committee’s oversight responsibilities and to protect the American taxpayers from further abuse at the EPA.

Accordingly, I request that you promptly schedule a full Committee hearing on this matter.

Sincerely,



David Vitter
Ranking Member
Environment and Public Works