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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

February 13, 2017

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
S-230, The Capitol
Washington, DC 20510

Dear Majority Leader McConnell:

We write regarding the scheduling of Senate consideration of the nomination of Oklahoma Attorney General E. Scott Pruitt to be Administrator of the Environmental Protection Agency. We ask that you postpone consideration of this nomination until the Senate can receive and review information that we expect to be forthcoming from the Oklahoma Attorney General's Office. In fact, a portion of this information was released late Friday, February 10, 2017.

This request is fully in keeping with the direction that Mr. Pruitt himself gave to members of the Environment and Public Works (EPW) Committee. Specifically, in his responses to written questions requesting that he provide certain documents and records, Mr. Pruitt directed members of the EPW Committee to "make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act".

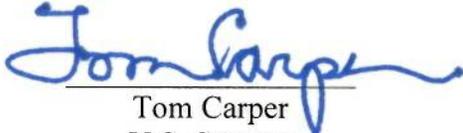
We now have reason to believe this information is likely to be produced in the very near term as a result of legal action in Oklahoma. On February 16, 2017, in response to litigation filed by the Center for Media and Democracy (CMD), the District Court of Oklahoma County will hold an expedited hearing on CMD's request for immediate release of many of the records that were also requested by EPW Committee Members. CMD requested these records more than two years ago from the Oklahoma Attorney General's Office under the Oklahoma Open Records Act.

Granting this request – to schedule consideration of Mr. Pruitt's nomination at a time that permits Senators to receive and review the information we previously requested – is compelled, in our view, by the Senate's obligation to provide advice and consent on Mr. Pruitt's nomination. These records are needed for the Senate to evaluate Mr. Pruitt's suitability to serve in the position for which he has been nominated.

At the same time, this request does not create an unreasonable delay in Mr. Pruitt's confirmation process. The fact that some of this information has just been released strongly suggests that much of the information that members of the EPW Committee are seeking will finally be made available to the public, and to us, shortly. Moreover, the District Court of Oklahoma County's expedited hearing schedule, and the clarity with which the Oklahoma Open Records Act establishes CMD's right to obtain the documents, indicates that the Court is likely to order the timely release of additional information.

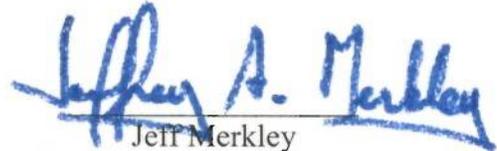
Thank you for your consideration of our request.

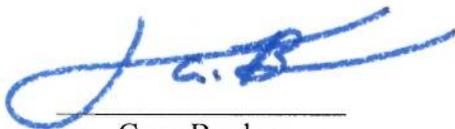
Sincerely,


Tom Carper
U.S. Senator

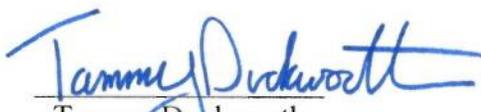

Bernard Sanders
U.S. Senator


Sheldon Whitehouse
U.S. Senator

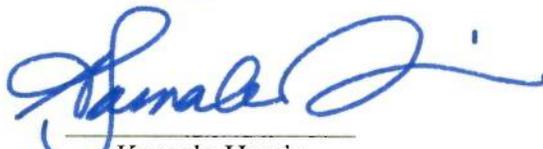

Jeff Merkley
U.S. Senator

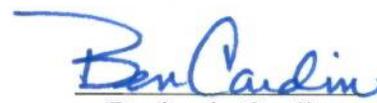

Cory Booker
U.S. Senator


Edward Markey
U.S. Senator


Tammy Duckworth
U.S. Senator


Kirsten Gillibrand
U.S. Senator


Kamala Harris
U.S. Senator


Benjamin Cardin
U.S. Senator