

United States Senate

WASHINGTON, DC 20510

June 12, 2018

Kevin Minoli
Principal Deputy General Counsel
Designated Agency Ethics Official
Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue NW, 2310A
Washington, D.C. 20460

Dear Mr. Minoli,

It has been reported that EPA Administrator Scott Pruitt has been granted a 45-day extension to file his 2017 public financial disclosure (PFD), which was due on May 15, 2018.¹ Mr. Pruitt's 2017 disclosure is of significant public interest. Throughout the course of his tenure as EPA Administrator, Mr. Pruitt has or may have obtained many things of value including:

- Tickets to Oklahoma Sooners football games;
- Tickets to the Rose Bowl;
- Air travel to Oklahoma;
- Unpaid assistance with various personal tasks provided to him by subordinate EPA employees;
- Below market-rate rent on a residence used by him and family members; and
- Meals that he requested subordinate employees pay some or all of the costs of.

It has also been reported that Administrator Pruitt used his official position to secure employment for his wife from at least two sources, at least one of which was an organization with which Mr. Pruitt was himself involved in his official capacity.² The PFD requires Mr. Pruitt to disclose certain gifts and travel reimbursements and his spouse's sources of income in 2017.

Mr. Pruitt's PFD will give Congress and the public a full accounting of Mr. Pruitt's gifts, reimbursed travel, and spousal sources of income. Mr. Pruitt has previously frustrated your efforts to provide guidance consistent with federal ethics law by not seeking your advice before engaging in conduct and then not providing full information about that

¹ Miranda Green, "Pruitt granted extension to file financial disclosure form," *The Hill*, May 16, 2018.

² Juliet Eilperin, Brady Dennis and Josh Dawsey, "Scott Pruitt enlisted an EPA aide to help his wife find a job — with Chick-fil-A," *Washington Post*, June 5, 2018.

conduct when advice was sought.^{3,4} With respect to his efforts to obtain employment for his wife—his unsuccessful attempt to do so with Chick-fil-A and his successful attempt with the Concordia event—if the facts are as they have been reported, we must believe that Mr. Pruitt similarly failed to seek your advice.⁵

Compliance with federal ethics rules and regulations is absolutely essential for Americans to have faith that their public officials place public service above their personal financial interests. We urge you to make every effort to ensure that Mr. Pruitt's final PFD is fully accurate and complete and published in a timely fashion. In addition, we request by June 25, 2018, the following documents so that Congress and the public can evaluate other aspects of Mr. Pruitt's compliance with federal ethics laws during 2017.

- a copy of Mr. Pruitt's request(s) for an extension for his PFD under 5 CFR § 2634.201(f);
- copies of each waiver given to Mr. Pruitt under 5 C.F.R. 2635.204(g)(2) (free attendance at widely attended gathering if in the agency's interest);
- copies of all records related to the disposition of improperly received gifts as suggested under 5 C.F.R. §2635.206; and
- copies of the cover letters for all waivers granted in whole or in part to the rules requiring the reporting of gifts, 5 C.F.R. 2634.304(f).

We also request your prompt response to the following questions when Mr. Pruitt's 2017 PFD is released:

1. At what point did you become aware of the Administrator's efforts to secure employment for Mrs. Pruitt using official EPA resources?
2. Have you sought to determine whether all such efforts have been disclosed on the Administrator's 2017 PFD?
3. For each identified effort to obtain employment for Mrs. Pruitt, have you determined whether it a) involved an entity that had interests in front of the

³ See, e.g., Memo from Kevin S. Minoli to Matthew Z. Leopold, "Record for 'Review of Lease Agreement Under Federal Ethics Regulations Regarding Gifts,'" Apr. 4, 2018, available at <http://cdn.cnn.com/cnn/2018/images/04/04/new.record.re.review.of.lease2018-04-04-163433.pdf>

⁴ With respect to social invitations, recent revisions to 5 C.F.R. 2635.204(h)(3) make clear an employee must seek approval in advance and having provided full information to the agency's ethics official ("If either the sponsor of the event or the person extending the invitation to the employee is not an individual, the agency designee *has made* a written determination after finding that the employee's attendance would not cause a reasonable person *with knowledge of the relevant facts* to question the employee's integrity or impartiality") (modifications made in 2016 emphasized).

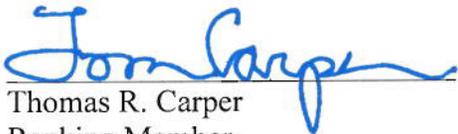
⁵ See, e.g., 5 C.F.R. 2635.702 ("An employee shall not use his public office for his own private gain...or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity..."); 5 C.F.R. 2635.502(a) ("Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household... and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee....")

Agency, b) resulted in the use of EPA resources and time and c) presented an actual financial conflict of interest or appearance thereof, or other legal or regulatory violation?

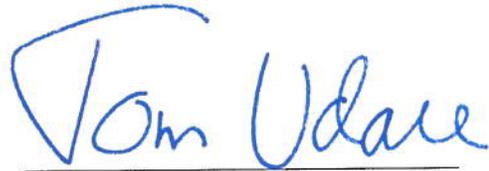
4. With respect to any gifts or reimbursed travel listed on Mr. Pruitt's PFD, did your office provide a determination whether acceptance of the gift or travel would create an actual conflict of interest or the appearance thereof, or provide any other advice pursuant to 5 C.F.R. 5 CFR 2635.201(b)(4)? If so, when were those determinations made and what was the nature of that advice?

Thank you for your attention to these important issues. Please contact [REDACTED] of the Senate Committee on Environment and Public Works staff at [REDACTED] or [REDACTED] of Senator Udall's staff at [REDACTED] if you have any questions about this letter.

Sincerely yours,



Thomas R. Carper
Ranking Member
Senate Committee on Environment
and Public Works



Tom Udall
Ranking Member
Subcommittee on Interior,
Environment, and Related
Agencies