

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

August 1, 2017

The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street NW
Washington, DC 20548

Dear Mr. Dodaro:

On July 21, 2017, the *Washington Post*¹ and *The Hill*² reported that the U.S. Government Accountability Office (GAO) received a request calling for an investigation into whether U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt violated the Antideficiency Act³ and the Consolidated Appropriations Act (CSA) of 2017.⁴ I write to request a formal opinion as to whether recent actions by Administrator Pruitt violated the Antideficiency Act, and the publicity or propaganda and anti-lobbying provisions of the CSA during the time period before President Trump decided to pull out of the Paris climate accord.⁵

Pursuant to section 715 of the CSA:

No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

¹ *Pruitt accused by watchdog of breaking law by bashing Paris deal*, Washington Post (July 21, 2017).

² *Liberal group files lobbying complaint against Pruitt*, The Hill (July 21, 2017).

³ 31 USC § 1341.

⁴ Consolidated Appropriations Act of 2017, Pub. L. 115-31.

⁵ *Id.*

Administrator Pruitt made many statements advocating for the U.S. withdrawal from the Paris climate accord. For example, at an April 2017 meeting between Administrator Pruitt and the National Mining Association,⁶ Pruitt reportedly called for the group to publicly support the U.S. pulling out of the Paris climate change agreement.⁷ Additionally, Politico reported that “Pruitt’s staff also urged lawmakers and conservative groups to publicly criticize the agreement... which had the effect of increasing public pressure on Trump.”⁸ Following Pruitt’s meeting, executives of the National Mining Association voted to support the U.S. withdrawal from the Paris climate accord.⁹

Additionally, Administrator Pruitt may have violated CSA prohibitions on general publicity or propaganda. Pursuant to CSA section 718:

“No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.”¹⁰

GAO has interpreted this language to prohibit “covert propaganda activities,” defined as “materials... prepared by an agency and circulated as the ostensible position outside the agency” and that “a critical element of covert propaganda is the concealment of the agency’s role in sponsoring material.”¹¹ Administrator Pruitt made statements that potentially violated the CSA’s anti-propaganda provisions, as it was uncertain whether he was speaking as an individual or in his official capacity as EPA Administrator. For example, in an April television news interview, Pruitt stated, “Paris is something that we need to really look at closely. It’s something that we need to exit in my opinion.”¹²

These reports illustrate just a few examples of a potentially larger universe of actions by Administrator Pruitt that may have violated the Antideficiency Act and the CSA. To that end, I request GAO open a full investigation into the Administrator’s misuse of appropriated funds and

⁶ See note 1.

⁷ *EPA lobbies coal industry to oppose Paris climate accord*, New York Magazine (Apr. 25, 2017).

⁸ *How Bannon and Pruitt boxed Trump in on climate pact*, Politico (May 31, 2017).

⁹ *Mining group to support pulling out of Paris after meeting with Pruitt*, Politico (Apr. 25, 2017).

¹⁰ See note 4.

¹¹ U.S. Government Accountability Office, *Sec. 1913 Where Members of the Public Are Not Urged to Contact Their Congressional Representatives Regarding this Issue* (Jun. 1988) (GAO B-229257).

¹² *Scott Pruitt calls for an ‘exit’ from the Paris accord, sharpening the Trump White House’s climate rift*, Washington Post (Apr. 14, 2017).

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issue a formal determination as to whether Administrator Pruitt's actions violated the Antideficiency Act and the CSA.

I appreciate your immediate attention to this matter. Should you have any questions about my request, please contact Jon Monger of the Democratic Committee staff at (202) 225-3641.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." with a stylized flourish at the end.

Frank Pallone, Jr.
Ranking Member