

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

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

March 5, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Pruitt:

We write today to follow up on the Committee's July 13, 2017 letter¹ regarding serious concerns of impartiality of current U.S. Environmental Protection Agency (EPA) political appointees and to request additional information regarding appointees engaged in outside activity for compensation.

On January 25, 2018, over six months after the Committee's July request, EPA provided a partial response that included federal records indicating that several current EPA political appointees have received approval from EPA's Alternate Designated Agency Ethics Official to engage in outside activity for compensation.² However, key information is redacted, leaving many vital questions unanswered.

The documents provided by EPA indicate that EPA's Deputy Associate Administrator for the Office of Public Affairs, John Konkus, is one of these appointees. On August 1, 2017, EPA's Alternate Designated Agency Ethics Official approved Mr. Konkus' request to provide

¹ Letter from Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, to The Honorable Scott Pruitt, Administrator, U.S. Environmental Protection Agency (July 13, 2017).

² Letter from Kevin Minoli, Designated Agency Ethics Official and Principal Deputy General Counsel, U.S. Environmental Protection Agency to Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce (Jan. 25, 2018).

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“consultative media advice” to likely clients whose names are redacted from the document.³ The document also states that Mr. Konkus “anticipate[s] getting more clients in the next six months.”⁴ Mr. Konkus previously served as an executive vice president at Jamestown Associates, a Republican political consulting firm that lists on its website services such as campaign advertisement production, direct mail, and media buying.⁵ “Donald Trump for President, Inc.” appears to be one of the firm’s premiere clients.⁶

On September 8, 2017, members of the Committee wrote you with concerns regarding politicization of the Agency’s grants process and your decision to place Mr. Konkus in charge of vetting hundreds of millions of dollars in grants EPA awards each year.⁷ Mr. Konkus has reportedly cancelled nearly \$2 million in competitively awarded grants to universities and nonprofit organizations.⁸ He also has reportedly told career officials “the American people have major concerns with newspapers and the media” when explaining the Agency’s recent decision to cut funding for the *Bay Journal*.⁹

A political appointee cutting millions of dollars in funding to EPA grant recipients on what appears to be a politically motivated basis, while at the same time being authorized to serve as a paid media consultant to unnamed outside clients, raises serious concerns of potential conflicts of interest.

Federal records further indicate that on February 3, 2017, EPA’s Alternate Designated Agency Ethics Official approved another current EPA political appointee, Patrick Davis, to engage in outside activity for compensation as the sales director for Telephone Town Hall

³ Memorandum from Justina Fugh, Alternate Designated Ethics Official, U.S. Environmental Protection Agency to John Konkus, Deputy Associate Administrator for Public Affairs, U.S. Environmental Protection Agency (Aug. 1, 2017).

⁴ *Id.*

⁵ Jamestown Associates, Services (www.jamestownassociates.com/services/).

⁶ Open Secrets, Jamestown Assoc. (<https://www.opensecrets.org/expends/vendor.php?year=2018&vendor=Jamestown+Assoc>) and (<https://www.opensecrets.org/expends/vendor.php?year=2016&vendor=Jamestown+Assoc>) (accessed Feb. 16, 2018).

⁷ Letter from Rep. Frank Pallone, Jr., Rep. Kathy Castor, Rep. Diana DeGette, and Rep. Paul Tonko to The Honorable Scott Pruitt, Administrator, U.S. Environmental Protection Agency (Sept. 8, 2017).

⁸ *EPA now requires political aide’s sign-off for agency awards, grant applications*, The Washington Post (Sept. 4, 2017).

⁹ *Politics killed newspaper grant – ex-Bay Program chief*, E&E News (Jan. 4, 2018); EPA reportedly agreed to restore funding for the *Bay Journal* following pressure from Democratic members of Congress, *Under pressure from Senate Democrats, EPA restores funding for the Bay Journal*, Washington Post (Mar. 1, 2018).

Meeting.¹⁰ The company's website lists services such as robocalls¹¹ and "live calls to a target audience to accomplish your specific outreach goals"¹² for association and advocacy organizations, campaigns and legislators, emergency management, health care industry, and municipalities and schools.¹³ The approval document further indicates that Mr. Davis was affirmatively permitted to "solicit prospective clients" on his own time.¹⁴ Mr. Davis is a Republican political consultant whose firm, Patrick Davis Consulting, LLC, is based in Colorado Springs, Colorado.¹⁵ Mr. Davis currently serves as a senior advisor for public engagement to the Regional Administrator in EPA's Denver office.¹⁶

Mr. Davis' simultaneous roles as an EPA senior advisor for public engagement and a sales director for Telephone Town Hall Meeting serve to create possible confusion among stakeholders and raises further concerns of potential conflicts of interest.

We believe it is critical that EPA political appointees serve the public trust above private gain and in an unbiased and impartial manner. We therefore request the following, no later than March 19, 2018:

- 1) Please provide a list of all EPA political appointees, including individuals occupying Administratively Determined appointments, who have received approval to engage in outside activity for compensation. Include all individuals who served as EPA appointees during the time-period of January 20, 2017 to present, including the appointee name, EPA title and office, name of the outside organization(s) or companies providing compensation, and nature of work authorized.
- 2) Where EPA has granted an appointee approval, please provide a non-redacted copy of the memorandum of approval authorizing any outside activity. Please also include

¹⁰ Memorandum from Justina Fugh, Alternate Designated Ethics Official, U.S. Environmental Protection Agency to Patrick Davis, Special Assistant, Office of the Administrator (Feb. 3, 2017).

¹¹ Telephone Town Hall Meeting, Robocalls (www.telephonetownhallmeeting.com/robocalls/) (accessed Jan. 31, 2017).

¹² Telephone Town Hall Meeting, Live Call Center Outreach (www.telephonetownhallmeeting.com/live-calls/).

¹³ Telephone Town Hall Meeting, Mobile Phone Outreach (www.telephonetownhallmeeting.com/mobile-outreach/).

¹⁴ Memorandum from Justina Fugh, Alternate Designated Ethics Official, U.S. Environmental Protection Agency to Patrick Davis, Special Assistant, Office of the Administrator (Feb. 3, 2017).

¹⁵ *Trump campaign aide lands at Denver office*, E&E News (Feb. 6, 2018).

¹⁶ *Id.*

any subsequent approvals issued, including approvals reflecting a change in the nature or scope of outside activities or any new clients.

- 3) Where EPA has authorized an appointee to conduct outside activity, please provide a non-redacted list naming and describing each authorized client.

We also request that you provide us all subsequent approvals for outside activity for compensation within seven days of their issuance.

We appreciate your prompt attention to this matter. If you have questions, please contact Jon Monger or Caitlin Haberman of the Democratic Committee staff at (202) 225-3641.

Sincerely,



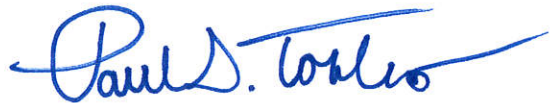
Frank Pallone, Jr.
Ranking Member



Diana DeGette
Ranking Member
Subcommittee on Oversight
and Investigations



Kathy Castor
Vice Ranking Member
Committee on Energy and Commerce



Paul D. Tonko
Ranking Member
Subcommittee on Environment

Cc: The Honorable Greg Walden, Chairman
The Honorable Gregg Harper, Chairman, Subcommittee on Oversight and Investigations
The Honorable Joe Barton, Vice Chairman
The Honorable John Shimkus, Chairman, Subcommittee on Environment