

# United States Senate

WASHINGTON, DC 20510

April 5, 2018

The Honorable Arthur A. Elkins, Jr.  
Inspector General  
U.S. Environmental Protection Agency  
1301 Constitution Ave. NW, Rm 3102  
Washington, DC 20460

Dear Mr. Elkins,

On January 8, 2018, your office announced<sup>1</sup> that it would “begin preliminary research on the Office of the Administrator’s use of its authority to fill administratively determined positions created pursuant to the Safe Drinking Water Act Amendment of 1978.” You further noted that this investigation was partly based upon a congressional request. Our offices verbally requested such an investigation during the summer of 2017. We now write to ask that you expand your investigation to include the latest developments surrounding Environmental Protection Agency (EPA) Administrator Scott Pruitt’s alleged used of the Safe Drinking Water Act (SDWA) hiring authority to grant aides large pay raises.

On April 3, 2018, *The Atlantic* reported<sup>2</sup> that Pruitt asked the White House to approve substantial pay raises for Sarah Greenwalt and Millan Hupp, two aides who accompanied him from Oklahoma to Washington. Because both Greenwalt and Hupp were schedule C hires, any pay raises had to be approved by the White House. According to *The Atlantic*’s reporting, the White House denied the \$56,765 raise Pruitt requested for Greenwalt and the \$28,130 raise Pruitt requested for Hupp. Pruitt is then alleged to have reappointed Greenwalt and Hupp under the SDWA in order to grant them the raises that the White House had rejected.

On April 4, 2018, Pruitt granted an interview<sup>3</sup> to *Fox News*. In this interview, he emphatically denied giving Greenwalt and Hupp raises and claimed that “[his] staff” was responsible for the pay raises at issue and that he only “found out about the issue yesterday” (April 3, 2018) and “corrected the action.”

The SDWA grants exclusive authority to the EPA Administrator to both hire personnel and determine their salaries:

“To the extent that the **Administrator of the Environmental Protection Agency** deems such action necessary to the discharge of his functions under title XIV of the Public

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<sup>1</sup> U.S. Environmental Protection Agency, Audit of Administratively Determined Positions, Project No. OA-FY2018-0085, [https://www.eenews.net/assets/2018/01/09/document\\_gw\\_09.pdf](https://www.eenews.net/assets/2018/01/09/document_gw_09.pdf).

<sup>2</sup> Elaina Plott and Robinson Meyer, “Scott Pruitt Bypassed the White House to Give Big Raises to Favorite Aides,” *The Atlantic* (April 3, 2018), <https://www.theatlantic.com/politics/archive/2018/04/pruitt-epa/557123/>.

<sup>3</sup> Barnini Chakraborty, “EPA’s Scott Pruitt pushes back on pay raise, condo controversy in Fox News exclusive,” *Fox News* (April 4, 2018), <http://www.foxnews.com/politics/2018/04/04/epas-scott-pruitt-pushes-back-on-pay-raise-condo-controversy-in-fox-exclusive.html>.

Health Service Act [42 U.S.C. 300f et seq.] (relating to safe drinking water) and under other provisions of law, **he** may appoint personnel to fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws **and may** fix the compensation of such personnel not in excess of the maximum rate payable for GS-18 of the General Schedule.”<sup>4</sup> (Emphasis added.)

The primary purpose of this hiring authority is to allow the Administrator to retain personnel “necessary to the discharge of his functions under title XIV of the Public Health Service Act,” the Safe Drinking Water Act.

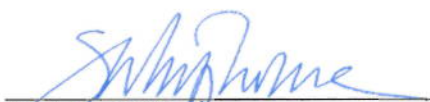
Pruitt’s interview with *Fox News* raises several troubling questions. If Pruitt’s statements to *Fox News* were accurate, then one or more EPA officials other than the Administrator appointed and fixed the compensation of these individuals absent direction from or knowledge of the Administrator. This could indicate a serious breakdown of internal controls on the appropriate use of this authority. If Pruitt’s statements were false, then the SDWA hiring authority may have been intentionally abused under the direction of the Administrator to award large raises to favored aides.

A determination whether the Administrator and/or his staff has used this process to provide raises to favored staff is central to achieve this report’s expected goal, “to strengthen agency policies and procedures related to filling administratively determined positions.” We urge you to consider the facts and statements reported above as you continue your investigation of Pruitt’s use of the SDWA hiring authority. Should you have any questions, do not hesitate to contact Dan Dudis at [Dan\\_Dudis@whitehouse.senate.gov](mailto:Dan_Dudis@whitehouse.senate.gov) or Michal Freedhoff at [Michal\\_Freedhoff@epw.senate.gov](mailto:Michal_Freedhoff@epw.senate.gov).

Sincerely,



Thomas R. Carper  
United States Senator



Sheldon Whitehouse  
United States Senator

cc: The Honorable John Barrasso, Chairman, Committee on Environment and Public Works

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<sup>4</sup> 42 U.S. Code § 300j-10, <https://www.law.cornell.edu/uscode/text/42/300j-10>.