

**Congress of the United States**  
**Washington, DC 20515**

September 20, 2016

The Honorable Gina McCarthy  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20460

Dear Administrator McCarthy,

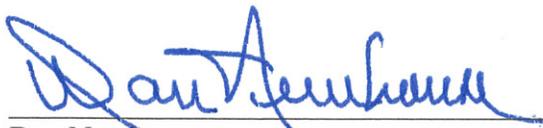
In a Senate Committee on Environment and Public Works hearing on April 19, 2016, you responded to a question asked by Senator Deb Fischer about the “What’s Upstream” campaign in Washington State, declaring that, “EPA also was distressed about the use of the money and the tone of that campaign.” In a follow-up question from Senator Fischer, asking about protections the Environmental Protection Agency (EPA) could put in place to ensure grant funds are not misused in this manner in the future, you stated, “we need to relook at the details and the scope of our contracts, so that subcontractors that are then used not only meet the legal merits of what we have to do, but also reflect the tone and interest of EPA in collaborating with agriculture on these issues.”

It has now been five months since you made these initial comments to Senator Fischer, pledging to review the details and scope of EPA contracts to ensure contractors and subcontractors are operating within the law. We are writing to request a briefing, from you or the appropriate agency official responsible for overseeing this review process, on the results of EPA’s review and the agency’s progress assembling and enacting reforms to ensure appropriated funds are not being used in contravention of the law.

In light of the Government Accountability Office’s (GAO) finding that EPA violated the *Antideficiency Act* and federal appropriations law by promoting the Waters of the United States (WOTUS) rule, followed so closely by the revelation of misuse of funds to lobby state legislators through the “What’s Upstream” campaign, we are growing increasingly concerned about EPA’s use of taxpayer dollars. As we await the Office of Inspector General’s (OIG) report on the “What’s Upstream” campaign and discuss the need for and scope of potential legislative reform, an update from EPA on what proactive steps have been taken to address this disturbing trend could help better direct our conversations.

We thank you for your attention to this important matter and look forward to meeting with you or your staff for further discussion of this issue. We request a response in writing by September 30 notifying us of your availability for a briefing. If you have any questions regarding this request, please contact Kyle Kunkler with the Office of Congressman Dan Newhouse.

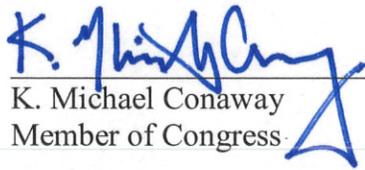
Sincerely,



Dan Newhouse  
Member of Congress



Rick Crawford  
Member of Congress

  
K. Michael Conaway  
Member of Congress

  
Collin C. Peterson  
Member of Congress

  
Bob Gibbs  
Member of Congress

  
David Scott  
Member of Congress