

ELIZABETH WARREN
MASSACHUSETTS

COMMITTEES
BANKING, HOUSING, AND URBAN AFFAIRS
HEALTH, EDUCATION, LABOR, AND PENSIONS
ARMED SERVICES
SPECIAL COMMITTEE ON AGING

United States Senate

UNITED STATES SENATE
WASHINGTON, DC 20510-2105
P: 202-224-4543

2400 JFK FEDERAL BUILDING
15 NEW SUDBURY STREET
BOSTON, MA 02203
P: 617-565-3170

1550 MAIN STREET
SUITE 406
SPRINGFIELD, MA 01103
P: 413-788-2690

www.warren.senate.gov

October 28, 2020

James Richard “Rick” Perry
Member of the Board of Directors
Energy Transfer LP
8111 Westchester Drive
Suite 600
Dallas, TX 75225

Dear Mr. Perry:

I am writing to follow up on our previous correspondence¹ regarding your ethically questionable decision to rejoin the board of directors of Energy Transfer, the company responsible for the Dakota Access Pipeline and other controversial infrastructure projects² and a company that lobbied the Department of Energy while you were Energy Secretary.³ Recent reports have also indicated that, while serving as Energy Secretary, you used your position at the Energy Department to push for deals that “advanced the business interests of [your] friends and political allies” including Energy Transfer.⁴ These reports come less than a year after I sent you and Energy Transfer’s chief executive officer Kelcy Warren letters earlier this year urging you to resign from Energy Transfer’s board of directors due to concerns about corruption and conflicts of interest.⁵ Your actions raise even more questions about your behavior during your time in government service, including your “alleged role in helping President Trump pressure Ukraine to investigate his political rivals,”⁶ and are a clear example of the need for Congress to pass my *Anti-Corruption and Public Integrity Act*.⁷

¹ Office of Senator Warren, “Sen. Warren Calls on Former Energy Secretary Rick Perry to Resign from Board of Energy Transfer, a Fossil Fuel Company Whose Board He Rejoined Weeks After Leaving Office,” January 17, 2020, <https://www.warren.senate.gov/oversight/letters/sen-warren-calls-on-former-energy-secretary-rick-perry-to-resign-from-board-of-energy-transfer-a-fossil-fuel-company-whose-board-he-rejoined-weeks-after-leaving-office>.

² Houston Chronicle, “Rick Perry rejoins Energy Transfer board of directors,” Sergio Chapa, January 3, 2020, <https://www.houstonchronicle.com/business/energy/article/Rick-Perry-rejoins-Energy-Transfer-board-of-14948307.php>.

³ OpenSecrets, “Client Profile: Energy Transfer Equity: Agencies Lobbied by Energy Transfer Equity, 2018,” Accessed October 28, 2020, <https://www.opensecrets.org/federal-lobbying/clients/agencies?cycle=2018&id=D000025688>.

⁴ ProPublica, “Rick Perry’s Ukrainian Dream,” Simon Shuster and Ilya Marritz, September 10, 2020, <https://www.propublica.org/article/rick-perrys-ukrainian-dream>.

⁵ Office of Senator Warren, “Sen. Warren Calls on Former Energy Secretary Rick Perry to Resign from Board of Energy Transfer, a Fossil Fuel Company Whose Board He Rejoined Weeks After Leaving Office,” January 17, 2020, <https://www.warren.senate.gov/oversight/letters/sen-warren-calls-on-former-energy-secretary-rick-perry-to-resign-from-board-of-energy-transfer-a-fossil-fuel-company-whose-board-he-rejoined-weeks-after-leaving-office>.

⁶ E&E News, “Records raise more questions about Rick Perry, Ukraine ties,” Lesley Clark, February 5, 2020, <https://www.eenews.net/stories/1062267129>.

⁷ Anti-Corruption and Public Integrity Act, S.3357 (115th Congress), <https://www.congress.gov/bill/115th-congress/senate-bill/3357>.

As Energy Secretary for the first two years of the Trump administration, you were one of the chief architects in planning and executing the federal government’s energy policy, notably “aggressively promot[ing] President Trump’s fossil fuel agenda” and “energetically trumpet[ing] oil and gas development while overseeing plans to reduce funding for wind, solar and other forms of renewable energy.”⁸ You were responsible for numerous agency actions to weaken environmental protections and suppress climate science as part of the Trump administration’s anti-climate policy agenda,⁹ in addition to previously calling to eliminate the Energy Department while running for president in 2012.¹⁰ You also worked steadfastly to boost the fossil fuel industry, even to the point of absurdly claiming that fossil fuels can help prevent sexual assault.¹¹

The policies you oversaw directly benefitted the fossil fuel industry, including Energy Transfer and its role building and promoting controversial fossil fuel infrastructure.¹² In October 2019, you announced your resignation as Energy Secretary and left office less than two months later.¹³ Within weeks of leaving office, you were appointed as a director of the general partner of Energy Transfer.¹⁴ This was a lucrative move for you; you are reportedly eligible for an “annual retainer of \$100,000 as well as annual stock awards worth up to \$100,000 in value” in your new role.¹⁵ New filings with the Securities and Exchange Commission now show that “three months after leaving government, [you] owned Energy Transfer shares currently worth around \$800,000.”¹⁶

⁸ New York Times, “Rick Perry Is Said to Be Resigning as Energy Secretary by Year’s End,” Lisa Friedman and Maggie Haberman, October 4, 2019, <https://www.nytimes.com/2019/10/04/climate/rick-perry-energy-secretary.html>.

⁹ Sabin Center for Climate Change Law, “Climate Deregulation Tracker,” Accessed October 28, 2020, <https://climate.law.columbia.edu/climate-deregulation-tracker>; Sabin Center for Climate Change Law, “Silencing Science Tracker,” Accessed October 28, 2020, <https://climate.law.columbia.edu/Silencing-Science-Tracker>; New York Times, “The Trump Administration Is Reversing Nearly 100 Environmental Rules. Here’s the Full List.,” Nadja Popovich, Livia Albeck-Ripka, and Kendra Pierre-Louis, October 15, 2020, <https://www.nytimes.com/interactive/2020/climate/trump-environment-rollbacks-list.html>.

¹⁰ Vox, “Rick Perry once wanted to abolish the Energy Department. Trump picked him to run it.,” Brad Plumer, December 13, 2016, <https://www.vox.com/energy-and-environment/2016/12/13/13936210/rick-perry-energy-department-trump>.

¹¹ NBC News, “Energy Secretary Rick Perry Says Fossil Fuels Can Prevent Sexual Assault,” Dartunorro Clark, November 2, 2017, <https://www.nbcnews.com/politics/white-house/rick-perry-says-fossil-fuels-can-prevent-sexual-assault-n816896>; Houston Chronicle, “Perry calls shift away from fossil fuels ‘immoral,’” James Osborne, March 7, 2018, <https://www.chron.com/business/energy/article/Perry-drops-in-on-CERA-12734786.php>.

¹² ProPublica, “Rick Perry’s Ukrainian Dream,” Simon Shuster and Ilya Marritz, September 10, 2020, <https://www.propublica.org/article/rick-perrys-ukrainian-dream>.

¹³ New York Times, “Perry to Resign as Energy Secretary,” Maggie Haberman and Lisa Friedman, October 17, 2019, <https://www.nytimes.com/2019/10/17/us/politics/rick-perry-energy-secretary-resigns.html>; Reuters, “U.S. Energy Secretary Perry to step down December 1: DOE,” Timothy Gardner, October 21, 2019, <https://www.reuters.com/article/us-usa-trump-whistleblower-perry/us-energy-secretary-perry-to-step-down-december-1-doe-idUSKBN1X01XT>.

¹⁴ Securities and Exchange Commission, “Form 8-K: Energy Transfer LP,” January 1, 2020, <https://www.sec.gov/ix?doc=/Archives/edgar/data/1276187/000127618720000004/et8-k01032020newdirect.htm>.

¹⁵ Houston Chronicle, “Rick Perry rejoins Energy Transfer board of directors,” Sergio Chapa, January 3, 2020, <https://www.houstonchronicle.com/business/energy/article/Rick-Perry-rejoins-Energy-Transfer-board-of-14948307.php>.

¹⁶ ProPublica, “Rick Perry’s Ukrainian Dream,” Simon Shuster and Ilya Marritz, September 10, 2020, <https://www.propublica.org/article/rick-perrys-ukrainian-dream>.

Prior to your confirmation as Energy Secretary, various reports outlined your potential conflicts of interest between serving as a board member for Energy Transfer and its subsidiary Sunoco prior to serving as Energy Secretary, particularly given your close ties to the fossil fuel industry and its political arms.¹⁷ According to reports, “[your] involvement with [Energy Transfer], which is building the controversial Dakota Access Pipeline, had drawn attention as a potential conflict of interest after Trump tapped [you] for the Cabinet post.”¹⁸ Reports further detailed close political ties between you and Energy Transfer, as well as its CEO Kelcy Warren. During your 2016 presidential campaign, “[a]t the same time [you] sat on the [Energy Transfer] board, [Energy Transfer] CEO Kelcy Warren poured millions of dollars into [your] political ambitions... [and] chipped in \$6 million to super-PACs backing [you].”¹⁹ New reports show that during your tenure at the Energy Department, you “worked to advance energy deals that were potentially worth billions of dollars to [your] friends and political donors,” including a deal “worth an estimated \$20 billion.”²⁰ Ethics experts have stated that your efforts “were violations of federal regulations” because “[a]dministration officials are not allowed to participate in matters directly relating to companies on whose board they have recently served.”²¹

These findings appear to contradict your recusal statement, signed on March 3, 2017, and made public through a Freedom of Information Act (FOIA) request on November 18, 2019, where you stated that you “have a ‘covered relationship’ with Energy Transfer Partners, L.P.,” and that you “[would] not participate personally and substantially in any particular matter involving specific parties in which [you] know [Energy Transfer] is a party or represents a party for a period of two years.”²² I am concerned that, given your decision to rejoin Energy Transfer’s board immediately after resigning from federal public service and your tenure overseeing the weakening of environmental protections that may benefit your political allies in the fossil fuel industry,²³ you may have used your time as Energy Secretary to benefit your former business affiliates, political allies, and future benefactors.

This is exactly the kind of unethical, revolving-door corruption that has made Americans cynical and distrustful of the federal government. I have introduced far-reaching ethics

¹⁷ OpenSecrets, “Rick Perry, with multiple ties to CEO of controversial pipeline project, tapped for Energy Dept.,” Ashley Balcerzak, December 13, 2016, <https://www.opensecrets.org/news/2016/12/rick-perry-tapped-for-energy-dept/>.

¹⁸ Texas Tribune, “Rick Perry resigns from board of Dallas company building Dakota Access Pipeline,” Patrick Svitek, January 5, 2017, <https://www.texastribune.org/2017/01/05/perry-tapped-energy-secretary-resigns-pipeline-com/>.

¹⁹ Newsweek, “Rick Perry Has a Paid Position on the Board of the Company Behind the Dakota Access Pipeline,” Patrick Caldwell, December 15, 2016, <https://www.newsweek.com/rick-perry-board-energy-transfer-partners-dakota-access-pipeline-532405>.

²⁰ ProPublica, “Rick Perry’s Ukrainian Dream,” Simon Shuster and Ilya Marritz, September 10, 2020, <https://www.propublica.org/article/rick-perrys-ukrainian-dream>.

²¹ *Id.*


²² American Oversight, “DOE Recusal Statement from Secretary Perry,” November 18, 2019, <https://www.americanoversight.org/document/doe-recusal-statement-from-secretary-perry>.

²³ Sabin Center for Climate Change Law, “Climate Deregulation Tracker,” Accessed October 28, 2020, <https://climate.law.columbia.edu/climate-deregulation-tracker>; Sabin Center for Climate Change Law, “Silencing Science Tracker,” Accessed October 28, 2020, <https://climate.law.columbia.edu/Silencing-Science-Tracker>; New York Times, “The Trump Administration Is Reversing Nearly 100 Environmental Rules. Here’s the Full List.,” Nadja Popovich, Livia Albeck-Ripka, and Kendra Pierre-Louis, October 15, 2020, <https://www.nytimes.com/interactive/2020/climate/trump-environment-rollbacks-list.html>.

legislation, the *Anti-Corruption and Public Integrity Act*, which would prevent senior government officials from spinning through the revolving door by prohibiting corporations like Energy Transfer from hiring or compensating the Energy Secretary, or any other senior government official from an agency that Energy Transfer lobbied in the past two years.²⁴

I intend to keep working to make that proposal law. As I urged you to do in January,²⁵ however, you should rectify your mistake and immediately resign from your position on the board of directors of Energy Transfer. Doing so would send a strong and necessary message about government ethics and your own integrity, which you have already tarnished through your actions before, during, and after your time in the Trump administration.

Sincerely,


Elizabeth Warren
United States Senator

²⁴ Anti-Corruption and Public Integrity Act, S.3357 (115th Congress), <https://www.congress.gov/bill/115th-congress/senate-bill/3357>.

²⁵ Office of Senator Warren, "Sen. Warren Calls on Former Energy Secretary Rick Perry to Resign from Board of Energy Transfer, a Fossil Fuel Company Whose Board He Rejoined Weeks After Leaving Office," January 17, 2020, <https://www.warren.senate.gov/oversight/letters/sen-warren-calls-on-former-energy-secretary-rick-perry-to-resign-from-board-of-energy-transfer-a-fossil-fuel-company-whose-board-he-rejoined-weeks-after-leaving-office>.