

ELIZABETH WARREN
MASSACHUSETTS

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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

January 16, 2020

Kelcy Warren
Chief Executive Officer and Chairman of the Board of Directors
Energy Transfer LP
8111 Westchester Drive
Suite 600
Dallas, TX 75225

Dear Mr. Warren:

I write to request additional information regarding the decision by former Energy Secretary Rick Perry, just weeks after leaving his role at the Department of Energy in December 2019, to re-join the Board of Directors of Energy Transfer, the company responsible for the Dakota Access Pipeline and other controversial fossil fuel infrastructure projects.¹ Given that your company lobbied the Energy Department while former Secretary Perry oversaw the agency,² I additionally seek information regarding any discussions between former Secretary Perry and your company regarding ethics laws and rules in relation to Secretary Perry's role as a board member of Energy Transfer's general partner, including his restrictions related to representational activities and lobbying on behalf of Energy Transfer.

After serving as Governor of Texas from 2000 to 2015, Secretary Perry served as Energy Secretary for over two and half years, from 2017 to 2019.³ Between these roles, Secretary Perry became a member of the Board of Directors of your company and its subsidiary Sunoco in February 2015, the month after leaving office as Governor of Texas, and left the board in December 2016, the same month then-President-elect Trump announced his intention to nominate Perry for Energy Secretary.⁴ Secretary Perry announced his resignation as Energy Secretary in October 2019 and left office in December 2019.⁵ Securities and Exchange

¹ Energy Transfer, "Board of Directors," Accessed January 9, 2020, <https://ir.energytransfer.com/governance-policies/board-of-directors>; 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>.

² OpenSecrets, "Client Profile: Energy Transfer Equity: Agencies Lobbied by Energy Transfer Equity, 2018," Accessed January 13, 2020, <https://www.opensecrets.org/federal-lobbying/clients/agencies?cycle=2018&id=D000025688>.

³ Department of Energy, "Secretaries of Energy," Accessed January 9, 2020, <https://www.energy.gov/management/history/secretaries-energy>.

⁴ Energy Transfer, "Board of Directors," Accessed January 9, 2020, <https://ir.energytransfer.com/governance-policies/board-of-directors>; New York Times, "Rick Perry, Ex-Governor of Texas, Is Trump's Pick as Energy Secretary," Coral Davenport, December 13, 2016, <https://www.nytimes.com/2016/12/13/us/politics/rick-perry-energy-secretary-trump.html>.

⁵ 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.

Commission (SEC) filings indicate that Secretary Perry was appointed as a director of the general partner of Energy Transfer on January 1, 2020, one month after leaving the Energy Department.⁶

This appointment is a lucrative move for Secretary Perry, who reportedly could receive an annual retainer of up to \$100,000 and equally valuable stock options,⁷ and gives your company access to a well-connected former Trump administration official. This appointment, however, raises important concerns about corruption and conflicts of interest.

As Energy Secretary, Secretary Perry obviously played a significant role in planning and executing the federal government's energy policy over the past two years. He "aggressively promoted President Trump's fossil fuel agenda" and "energetically trumpeted oil and gas development while overseeing plans to reduce funding for wind, solar and other forms of renewable energy."⁸ During his tenure at the Energy Department, Secretary Perry was 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 Secretary Perry also worked steadfastly to boost the fossil fuel industry.¹⁰

Prior to his confirmation as Energy Secretary, various news reports detailed Secretary Perry's potential conflicts of interest between serving as a board member for your company prior to serving as Energy Secretary, particularly given Perry's close ties to the fossil fuel industry and their affiliated political arms.¹¹ According to reports, "[Perry's] involvement with [Energy Transfer], which is building the controversial Dakota Access Pipeline, had drawn attention as a

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>.

⁶ 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>.

⁷ 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>.

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 January 9, 2020, <https://climate.law.columbia.edu/climate-deregulation-tracker>; Sabin Center for Climate Change Law, "Silencing Science Tracker," Accessed January 9, 2020, <https://climate.law.columbia.edu/Silencing-Science-Tracker>; New York Times, "95 Environmental Rules Being Rolled Back Under Trump," Nadja Popovich, Livia Albeck-Ripka, and Kendra Pierre-Louis, December 21, 2019, <https://www.nytimes.com/interactive/2019/climate/trump-environment-rollbacks.html>.

¹⁰ 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>.

¹¹ 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/>.

potential conflict of interest after Trump tapped him for the Cabinet post.”¹² Reports further detailed your and your company’s close political ties to Secretary Perry, including that during his 2016 presidential campaign, “[a]t the same time Perry sat on the [Energy Transfer] board, [Energy Transfer] CEO Kelcy Warren poured millions of dollars into Perry’s political ambitions... [and] chipped in \$6 million to super-PACs backing Perry.”¹³ I am concerned that, given Secretary Perry’s decision to rejoin your company’s board immediately after leaving public office and his tenure overseeing the weakening of environmental protections that may benefit the fossil fuel industry, Secretary Perry may have used his leadership of the Energy Department to benefit his former business affiliates, future benefactors, and political allies, such as you and your company.

It is disheartening that immediately following his tenure as Energy Secretary, Secretary Perry decided to rejoin the Energy Transfer board. Secretary Perry’s rapid trip through the revolving door between public office and membership on your company’s board will lead to countless questions about whether Energy Transfer is purchasing access to high-level Trump administration officials and whether top Energy Department officials are making decisions that benefit the department’s former head. Additionally, given the time between Secretary Perry’s announced resignation in October 2019 and departure in December 2019, and then his swift appointment to your company’s board, I have questions about whether discussion about the reappointment and compensation occurred while he remained at the head of the Energy Department.

I have introduced far-reaching ethics legislation, the *Anti-Corruption and Public Integrity Act*, which would shut the revolving door and prohibit corporations from wielding undue influence by hiring or compensating the Energy Secretary, or any other senior government official from an agency that Energy Transfer lobbied in the past two years.¹⁴ I intend to keep working to make that plan law. In order to help inform this legislation and understand how Secretary Perry was re-appointed to the board of your company, I ask that you provide answers to the following questions no later than January 31, 2020.

1. When did Energy Transfer or its general partner begin discussions or negotiations with Secretary Perry about his reappointment to the board of Energy Transfer’s general partner?


¹² 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/>.

¹³ 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>.

¹⁴ Office of Senator Warren, “Warren Anti-Corruption Bill Gains Momentum as Jayapal, Sarbanes, Others Co-Sponsor House Companion,” November 26, 2018, <https://www.warren.senate.gov/newsroom/press-releases/warren-anti-corruption-bill-gains-momentum-as-jayapal-sarbanes-others-co-sponsor-house-companion>; Office of Senator Warren, “Anti-Corruption and Public Integrity Act – Senator Elizabeth Warren,” August 21, 2018, <https://www.warren.senate.gov/imo/media/doc/2018.08.21%20Anti%20Corruption%20Act%20Summary.pdf>.

- a. Did any discussions or negotiations begin before or during the time between Secretary Perry's announced resignation in October 2019 and his departure from office in December 2019?
 - b. Please provide a detailed timeline of all discussions and negotiations.
2. Did Energy Transfer or its general partner discuss ethics laws and rules in relation to Secretary Perry's role as a board member of Energy Transfer's general partner, including Secretary Perry's restrictions related to certain representational activities and lobbying directed under current federal officials on behalf of Energy Transfer?¹⁵
 - a. If so, please provide copies of all memoranda, notes, or other materials discussing this issue.
3. Please provide detailed information of Secretary Perry's compensation package for serving as a board member of Energy Transfer's general partner.
4. Please provide copies of all email or other communications between Secretary Perry or any associates of Secretary Perry and Energy Transfer's and its general partner's employees or representatives involving Secretary Perry's offer and decision to join the board of Energy Transfer's general partner.

Sincerely,



Elizabeth Warren
United States Senator

cc: Susan Beard, Designated Agency Ethics Officials, Department of Energy
Office of Government Ethics

¹⁵ 18 U.S.C. 207.