

**To:** Ryan Jackson [Personal Email/Ex. 6]  
**From:** Hupp, Sydney  
**Sent:** Mon 3/27/2017 4:33:20 PM  
**Subject:** FW: Invitation to speak at MI

Millan thinks that with these edits it defeats the purpose of the interview. This is something the Administrator wants to do. What do you think about this?

**From:** Hupp, Millan  
**Sent:** Monday, March 27, 2017 12:28 PM  
**To:** Hupp, Sydney <hupp.sydney@epa.gov>  
**Subject:** RE: Invitation to speak at MI

Can you talk to Ryan about this?

**From:** Fugh, Justina  
**Sent:** Friday, March 24, 2017 3:02 PM  
**To:** Hupp, Millan <hupp.millan@epa.gov>  
**Cc:** Hupp, Sydney <hupp.sydney@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** RE: Invitation to speak at MI

Hi there,

It was very helpful to have the questions that MI proposes to ask. Several of them seem to me to verge over the line into improper endorsement (e.g., how has MI improved American lives, how can cities benefit from adoption of MI ideas). The Standards of Ethical Conduct for Employees of the Executive Branch include specific provisions at 5 CFR 2635.702 that prohibit employees from misusing their federal positions:

*Appearance of governmental sanction* -- an employee shall not use or permit the use of government position or title or any authority associated with his public office that can be reasonably construed that his agency or the government sanctions or endorses the activities of another; and

*Endorsements* -- an employee shall not use or permit the use of government position or title or any authority associated with his public office to endorse any product, service or enterprise except: in furtherance of statutory authority to promote products, services or

enterprises, or as a result of documentation of compliance with Agency requirements or standards or the result of recognition for achievement given under an agency program of recognition for accomplishment in support of the Agency's mission.

It is not permissible for him to laud the non-governmental entity and then allow his words to be used by them for promotional purposes. What he could do instead, if he's still keen on this idea, is to talk from his own perspective about environmental protection or his vision for the Agency. See my edits to their questions below to show what I mean:

## **Ex. 5 - Deliberative Process**

By the way, Jennie Keith (copied here) is back at work, so we'll both be working on invitations with you. I expect that she'll reach out to you both in the near term to meet and to share her insights into invitations. She has been the primary ethics contact for Administrator invitations over the past several years.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Hupp, Millan  
**Sent:** Friday, March 24, 2017 11:25 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Hupp, Sydney <[hupp.sydney@epa.gov](mailto:hupp.sydney@epa.gov)>  
**Subject:** Fw: Invitation to speak at MI

Justina,

Could you please take a look at this request to do a filming of the Administrator on his thoughts regarding the Manhattan Institute. I think this will probably be something he wants to do but we of course want to ensure abides by all ethical considerations.

Thank you so much,

Millan

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**From:** Dean Ball <[dball@manhattan-institute.org](mailto:dball@manhattan-institute.org)>

**Sent:** Friday, March 24, 2017 11:07 AM  
**To:** Hupp, Millan  
**Subject:** Re: Invitation to speak at MI

(Ralf, will move you to BCC)

Millian,

The video would be screened at our Hamilton Award Dinner on May 4; attendees would include the Manhattan Institute's board of trustees and other supporters, and high-level figures from media, government, and the non-profit sector. We would of course give your office final approval over his portion of the video. We also might seek to screen it publicly after that, on social media and our website, but would again only do so with your approval.

We are willing to be as flexible as possible to Administrator Pruitt's schedule, with the only constraint being that we'd need to do the filming before April 7 in order to have the video ready in time. We will have a film crew in DC on one of the following days: March 28, March 30, April 4, April 5, and April 7. If any of those dates works on your end, we would prefer to schedule it on those days. But as I said, we'll gladly accommodate whatever time within that range is ideal for you.

The questions we would ask are copied below. Of course, if there are any questions, for whatever reason, that he would prefer not to discuss, we can change this list.

- 1) How has MI changed American lives for the better?
- 2) In your opinion, what is the **single-most influential contribution** MI has made to foster greater economic choice and individual responsibility?
  - 2b) And/or, what has been its most significant intellectual contribution? What is the "big idea" from MI that has mattered most?
- 3) What do you hope the "**next 40 years**" look like for MI?
  - 3b) How might America (or its cities?) look different 40 years from now if MI's ideas are more broadly understood and implemented?

- 4) What is MI's unique contribution? What differentiates MI from others?
- 5) Who are your favorite fellow(s) and why?
- 6) Make any comment that you (the toaster) would like to make (you never know what you get from them)
- 7) Do you have any thoughts or comments about Larry Mone (MI's President) or Paul Singer (MI's Chairman)?
- 8) Do you remember your first interaction with MI, its scholars, or their ideas?
- 9) What wishes do you have for MI for the next 40 years?
- 10) Would you say that MI's scholars or their work have changed your thinking significantly, on a personal level? Why did you find these ideas compelling or how did they help you see policy/culture differently?

Thank you,

Dean

**Dean W. Ball**

Deputy Director, State & Local Policy

Manhattan Institute for Policy Research

52 Vanderbilt Avenue, Third Floor

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646.839.3339

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**From:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Sent:** Friday, March 24, 2017 10:54 AM  
**To:** Rafael Mangual  
**Cc:** Dean Ball  
**Subject:** Re: Invitation to speak at MI

Ralf,

Yes, everything was perfect with the request form. The Administrator very much wants to participate here so we are just working on determining the best date.

Dean - it is a pleasure to meet you via email. This sounds like a wonderful opportunity. It is very kind of you all to want to include him! Would you be willing to share what questions you would have of him for this video, who all will be seeing it, and when you would like to do the filming?

Thank you very much,

Millan

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**From:** Rafael Mangual <[rmangual@manhattan-institute.org](mailto:rmangual@manhattan-institute.org)>  
**Sent:** Thursday, March 23, 2017 1:51:56 PM  
**To:** Hupp, Millan  
**Cc:** Dean Ball  
**Subject:** RE: Invitation to speak at MI

Hi Millan!

Just thought I'd check in to make sure everything was okay with the request form I submitted last week. As always, feel free to let me know if you need anything further on my part.

I also wanted to introduce my colleague Dean Ball (Cc'd), who is putting together a short 40<sup>th</sup> Anniversary video to be shown at our annual Hamilton Awards Dinner (to which the Administrator has also been invited). The video would feature interviews with several of our country's most prominent political and intellectual figures discussing their thoughts on MI's past, present, and future; and we'd be honored to include Administrator Pruitt. It would only require about 30 minutes of his time, and we would be more than happy to send someone down to his office to film. If that's something you guys are open to, please feel free to coordinate with Dean.

I look forward to hearing back from you soon.

Kind regards,

-Ralf

**Rafael A. Mangual, J.D.**

*Project Manager, Legal Policy*

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**From:** Hupp, Millan [<mailto:hupp.millan@epa.gov>]

**Sent:** Tuesday, March 14, 2017 6:11 PM

**To:** Rafael Mangual

**Subject:** FW: Invitation to speak at MI

Ralf,

I have email! Could you kindly complete the attached Event Request Form and send back my way? Once we have that form, we will address in our Scheduling meeting and get back to you asap.

Thank you so much,

Millan

**From:** Millan Hupp [mailto:[Personal Email/Ex. 6](mailto:Personal Email/Ex. 6)]  
**Sent:** Tuesday, March 14, 2017 6:06 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** Fwd: Invitation to speak at MI

Millan Hupp

Begin forwarded message:

**From:** Rafael Mangual <[rmangual@manhattan-institute.org](mailto:rmangual@manhattan-institute.org)>  
**Date:** March 10, 2017 at 12:27:09 PM EST  
**To:** "hale.michelle@epa.gov" <[hale.michelle@epa.gov](mailto:hale.michelle@epa.gov)>  
**Cc:** Millan Hupp <[Personal Email/Ex. 6](mailto:Personal Email/Ex. 6)>  
**Subject:** Invitation to speak at MI

Good afternoon, Michelle!

My name is Ralf Mangual, and I manage legal policy projects here at the Manhattan Institute. I just got off the phone with Millan Hupp who kindly returned my call in regards to an invite our President would like to extend to Administrator Pruitt. She asked me to send an e-copy of the letter (see attached) your way. We're thinking late May but are very flexible in terms of timing.

Please don't hesitate to reach out to me at any time if you have any questions or need more information. Thanks in advance for your time, and I hope we'll have the pleasure of hosting Administrator Pruitt again soon.

Kind regards,

-Ralf

**Rafael A. Mangual, J.D.**

*Project Manager, Legal Policy*

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