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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

ADAM TOMLINSON, REPUBLICAN STAFF DIRECTOR
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March 11, 2025

The Honorable Pam Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable Kash Patel
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Bondi and Director Patel:

I write seeking information about the Department of Justice and FBI investigation into the Environmental Protection Agency's Greenhouse Gas Reduction Fund (GGRF) and the reported freezing of grant money awarded from that fund.

Congress lawfully appropriated more than \$20 billion to the GGRF in the Inflation Reduction Act. This funding is intended to combat the climate crisis by leveraging public and private capital for greenhouse gas and air pollution-reducing projects across the country. Citibank holds accounts for grant recipients who receive funds from two GGRF programs, the National Clean Investment Fund and the Clean Communities Investment Accelerator. Nearly all of the funds legally granted during the Biden Administration and now maintained at Citibank are frozen with no explanation.

DOJ and the FBI reportedly began investigating the GGRF after EPA Administrator Lee Zeldin announced on social media his desire to claw back the funding. Zeldin asserted without evidence that the grant awards were "a rush job with reduced oversight" meant to "get billions of your tax dollars out the door before Inauguration Day." However, the funding process followed a centuries-old framework that is set out transparently in a contract between Citibank and the Department of the Treasury and was announced publicly in April 2024.¹ Without a true basis to

¹ Maxine Joselow, *EPA chief says Biden was 'irresponsibly shoveling boatloads of cash,' vows to get back \$20 billion*, Wash. Post (Feb. 13, 2025), <https://www.washingtonpost.com/climate-environment/2025/02/12/lee-zeldin-epa-climate-funding/>.

interfere with these properly appropriated and obligated funds, it appears you reverted to a pretextual criminal investigation to provide an alternative excuse to interfere.

Recent reporting on DOJ's conduct raises doubt that its investigation is adequately predicated.² Before taking office, Interim U.S. Attorney for the District of Columbia Ed Martin posted critical statements about one of the grant recipients, saying, "Insanity: \$6.7 billion given to Green activists by Biden to disburse to others. Total graft. Needs to stop." The head of the Criminal Division of the U.S. Attorney's Office that Martin now leads—a 24-year DOJ veteran—resigned after being ordered to open a grand jury investigation into the funding program so as to freeze the grants without any evidence of wrongdoing. That resignation is obviously unusual.

Martin then personally submitted a seizure warrant application to freeze the funding, which was rejected by a D.C. magistrate judge for lack of probable cause. Both a United States Attorney proceeding thus solo, and a federal magistrate judge rejecting a warrant application, are also unusual. The Acting Deputy Attorney General Emil Bove then shopped the same investigation and warrant application to other U.S. Attorney's offices trying to find an office that would pursue the warrant. He evidently failed—another warning sign.

The FBI has now reportedly begun questioning EPA employees, supposedly at the behest of the U.S. Attorney's Office for the Southern District of Florida, and the EPA's Acting Inspector General is reviewing spending under the grant program. Martin has also reportedly sent letters to at least two groups that were awarded funding through GGRF, demanding they turn over records related to GGRF to the FBI. The groups also received a summons to appear in federal court later this month to testify.³

This chain of events provides abundant reason to believe that the Trump administration is purposefully misusing the tools of law enforcement, and pursuing false allegations of criminal conduct, with the improper purpose to wrongfully freeze assets appropriated by Congress and obligated to designated recipients, all to humor President Trump's vindictive political whims. If DOJ and the FBI are aiding and abetting this unlawful plot, it crosses very significant redlines for the agency and its personnel. That kind of misconduct is itself a violation of law and subjects lawyers participating in such conduct to professional as well as legal consequences. It is therefore imperative that the truth be told about what has gone on in this ominous episode.

Please respond to the following by March 25, 2025:

1. Before beginning its own investigation, did DOJ or FBI (i) request that Treasury terminate its agreement with Citibank pursuant to the terms of that agreement; or (ii) understand that EPA had requested that Treasury terminate its agreement with Citibank pursuant to the terms of that agreement?

² See Spencer S. Hsu, Maxine Joselow and Nicolás Rivero, *FBI takes up EPA probe amid pushback from judge, prosecutors*, Wash. Post (Feb. 27, 2025), <https://www.washingtonpost.com/dc-md-va/2025/02/27/trump-fbi-epa-grant-investigation/>; Spencer S. Hsu, Carol D. Leonnig and Nicolás Rivero, *High-ranking D.C. federal prosecutor resigns over order to freeze EPA funds*, Wash. Post (Feb. 18, 2025), <https://www.washingtonpost.com/investigations/2025/02/18/federal-prosecutor-dc-resigns/>.

³ See Jean Chemnick, *Trump officials escalate fight to take pack \$20B in climate money*, Politico (Mar. 8, 2025), <https://www.politico.com/news/2025/03/08/trump-doj-climate-nonprofits-hand-over-info-come-to-court-00218992>.

2. Please produce all evidence predicated a criminal investigation of the administration of and distribution of funds from the Greenhouse Gas Reduction Fund, including any seizure warrant applications and accompanying affidavits and exhibits.
3. Did any EPA officials or staff make recommendations to DOJ regarding a criminal investigation into the Greenhouse Gas Reduction Fund?
 - a. If so, who?
 - b. Please provide copies of any such recommendations.
4. Which U.S. Attorney's offices did then-Acting Deputy Attorney General Bove approach to open an investigation or seek a warrant application related to the Greenhouse Gas Reduction Fund?
 - a. Did any office agree to open such an investigation or move to freeze funds?
 - b. If yes, which office, and who signed off? Please provide all relevant documents.
5. Has DOJ obtained a court order freezing grant funds disbursed through the Greenhouse Gas Reduction Fund?
 - a. If yes, which court and on what grounds?
 - b. Please provide a copy of any such order.
6. Have any DOJ or FBI officials communicated with EPA Administrator Zeldin, EPA Acting Deputy Administrator Chad McIntosh, any persons in the Administrator's or Deputy Administrator's offices, any persons affiliated with the so-called "Department of Government Efficiency," or EPA's Office of Inspector General about investigating the Greenhouse Gas Reduction Fund? Please provide copies of all such communications.
7. Please provide copies of all information requests or other correspondence from Interim U.S. Attorney Ed Martin to recipients of grants from the Greenhouse Gas Reduction Fund.

Sincerely,



SHELDON WHITEHOUSE
Ranking Member
Senate Committee on Environment
and Public Works

Ranking Member
Senate Judiciary Subcommittee on
Federal Courts, Oversight,
Agency Action, and
Federal Rights

cc: Administrator Lee Zeldin
U.S. Environmental Protection Agency

Senator Shelly Moore Capito
Chairman, Senate Committee on Environment
and Public Works

Senator Ted Cruz
Chairman, Subcommittee on Federal Courts,
Oversight, Agency Action and Federal Rights,
Senate Committee on the Judiciary