

Use the Holman Rule to Reduce the Salary of Mark Gabriel to \$1 *Support Amendment #40 to H.R.5895*

Dear Colleague:

I urge you to support Amendment #40 to H.R.5895 that utilizes the Holman Rule to reduce the salary of Mark Gabriel to \$1, during the remainder of his tenure as the Administrator of the Western Area Power Administration (WAPA).

In order to get a clear picture of why this amendment is necessary, one simply needs to read this [article](#) published by the Arizona Republic.

On Administrator Gabriel's watch, criminal activities have occurred, whistleblowers have been ignored and retaliated against, tens of millions of dollars have allegedly been spent on fraudulent and improper transactions, agency growth at headquarters has exploded, a lack of transparency has continued to plague the agency and rates have consistently increased for customers without adequate justification. Equally troubling, the agency refused to testify and ignored numerous document requests as well as deadlines for the House Committee on Government Oversight and Reform's (OGR's) investigation.

A 14-year federal employee who once worked for the U.S. Attorney's Office told reporters, "Instead of aggressively going after corruption, WAPA's bosses slow-walked the investigation, retaliated against those who uncovered fraud, and failed to protect them from threats." Unfortunately, this employee is not alone. WAPA's then Director of Security, who helped expose millions of dollars in fraudulent credit card transactions stated, "We asked them to look into all of this. What's appalling to me is, I cannot protect my staff because they just won't do anything." A different employee, a former WAPA vice president for procurement, went on record to state that during his 30 years of federal service he had "never seen anything like this and certainly have never felt unsafe at work like I do at Western (WAPA) on a daily basis."

The mismanagement, corruption and culture is so bad at WAPA that an independent consultant did a violence assessment in late 2015 and found, "Multiple employees reported having been threatened directly or heard others being threatened regarding the current investigations...Several indicated they had not bothered to report the incidents for reasons of fear and/or the belief upper management would not act. Because of past failures to address these issues more seriously, it is very likely the incidents will increase in number and severity."

In February of 2017, ABC15 [uncovered](#) "out-of-control waste, abuse and fraud" within WAPA. In a two-year period alone, "auditors discovered 11,600 questionable purchases totaling \$6.8 million." Wasteful and fraudulent expenditures by WAPA employees included things like ammunition, specialized weapons (including numerous purchases of \$1,200 rifle scopes), an unauthorized ATV at a cost of \$14,000, a John Deere lawn tractor, personal clothing, book store transactions totaling \$271,000 and questionable expenditures by one employee to the tune of \$50,000 **per month**. The agency's Director of Security stated, "Managers signed off on all the questionable expenses, rubber-stamping approvals every month. 90 percent of things that were purchased under questionable circumstances are unaccounted for."

One of the agency's customers told me it's like WAPA has a visa without a credit limit and we can't see the statement. Customers have gone so far as to offer to pay for any costs associated with increased transparency as long as they know exactly where the agency is spending their money.

Some of the many actions taken to provide transparency and end corruption within WAPA include:

- 5/17/18—The Senate Committee on Energy and Natural Resources passed the Western Area Power Administration Transparency Act.
- 3/23/18—As a result of [new customer requests](#) and [new bipartisan efforts in the House](#) to increase transparency, the FY18 Omnibus reduced WAPA’s net-zero appropriation by \$44.4 million.
- 2/17/18—The House of Representatives [passed](#) the Western Area Power Administration Transparency Act.
- 5/3/17—As a result of [customer requests](#) and [bipartisan efforts in the House](#) to increase transparency, the FY17 Omnibus reduced WAPA’s net-zero appropriation by \$34 million.
- 5/1/17—OGR sent a bipartisan [letter](#) seeking new information for their investigation into WAPA’s “financial mismanagement and whistleblower retaliation.”
- 3/2/17—A Senate [letter](#) to Gabriel highlighted recent reports of waste, fraud, and abuse within WAPA and requested info on plans to cut down on wasteful spending.
- 1/28/16—The Senate adopted an [amendment](#) that would have required WAPA to establish an online database containing a full accounting of its budgetary expenditures and rates.
- 11/08/16—OGR [threatened](#) to issue subpoenas “after WAPA declined to testify before the committee and had not produced a single document” in relation to the 10/18/16 request.
- 10/18/16—OGR sent a bipartisan [letter](#) after the DOE IG disclosed it was “devoting significant resources to the oversight of WAPA, and supporting efforts to hold individuals accountable for criminal activity.”
- 12/04/15— 8 bipartisan members of the House sent a [letter](#) to Appropriators requesting that they require WAPA to provide increased transparency on expenditures and growth at headquarters.
- 10/28/15—A Senate [letter](#) urged DOE “to examine the concerns raised about WAPA’s questionable practices, including the lack of oversight of WAPA’s activities and costs.”
- 11/3/14—A House [letter](#) urged funds for WAPA to be frozen after customers complained of growth in overhead of 59% over a 7-year period as well as a lack of transparency and input.
- 6/23/14—A bipartisan House [letter](#) raised concerns about WAPA’s failure to meet with customers and expressed concerns over agency contracting practices.
- 5/2/14—A bipartisan House [letter](#) alleged WAPA exceeded its authority and circumvented Congressional intent.

Despite investigations by the Government Accountability Office, the Inspector General, OGR, internal and external audits, and numerous actions taken by Congress to date, the agency has failed to fix this dysfunction. After a whistleblower recently confirmed that many of these issues are still ongoing, Secretary Perry [testified at a Senate hearing](#) that he would investigate new claims of waste, fraud, and abuse within WAPA.

Equally troubling, Administrator Gabriel continues to go rogue. At an [April 12, 2018 budget hearing](#), Mr. Gabriel took a public position contrary to that of the current Administration, advocating for tip funding even though the budget proposal proposed to eliminate such funding.

The Holman Rule, named after Indiana Democrat Congressman William Holman, was first enacted in 1876, was rescinded in 1983 and was reinstated in January 2017 on a temporary basis. The rule was renewed in the House rules package for 2018. [According to the nonpartisan Congressional Research Service](#), the current application of the Holman Rule authorizes three specific uses in an appropriations bill: the reduction of amounts of money in the bill; the reduction of the number and salary of the officers of the United States; or the reduction of the compensation of any person paid out of the Treasury of the United States.

We all know of the difficulties agencies face when seeking to fire and reassign bad government employees. Despite criminal activities and the aforementioned events, almost no one has been held accountable within WAPA. Congress must act boldly to rein in bad actors and provide oversight of federal expenditures wherever it can. Real leadership starts at the top. Clearly there is a lack of leadership at the Western Area Power Administration. Numerous customers no longer want Mr. Gabriel in charge and have lost faith in his leadership. I ask for your support of this common sense amendment that aims to assist the Department of Energy with cleaning house at WAPA and holding this rogue bureaucrat accountable to the American people and the victims that have suffered under his tenure.

Sincerely,

Paul A. Gosar, D.D.S.
Member of Congress