

United States Senate

WASHINGTON, DC 20510

May 23, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency (EPA)
1301 Constitution Ave. NW
Washington, DC 20460

Dear Administrator Wheeler,

We write regarding the Environmental Protection Agency (EPA) Acting Inspector General's recent determination that former EPA Administrator Scott Pruitt incurred \$123,942 for unjustified and unnecessary "excessive airfare costs" "associated with first/business-class trips taken by the former Administrator and his Protective Service Detail (PSD) from March 2017 to December 2017."¹ The Acting Inspector General conducted the audit after receiving numerous requests from us and other Members of Congress to investigate Mr. Pruitt's questionable travel.² The Acting Inspector General recommended that EPA evaluate and determine whether costs "should be recovered and, if so, from which responsible official or officials, and direct recovery of the funds." The Acting Inspector General also made 13 additional recommendations to the Agency related to Mr. Pruitt's travel or EPA's procedures for agency travel approvals.

As part of its findings, the Acting Inspector General determined that EPA improperly relied on an exception for first/business-class travel for former Administrator Pruitt and security agents traveling with him, concluding that "the agency used the exception as a blanket approval for the former Administrator and PSD to fly first and business class, which is prohibited under the [Federal Travel Regulation]." These findings appear to contradict information that EPA has previously provided to Senators Carper and Peters. On February 15, 2018, Senators Carper and Peters wrote then EPA Acting Deputy Administrator Mike Flynn questioning the former Administrator's use of a blanket approval for such travel.³ On March 21, 2018, EPA responded that "EPA had approved, on an individualized basis, each time the Administrator needed to use other than coach-travel accommodations."⁴ According to the Acting Inspector General, however, "[t]here was no evidence of a trip-by-trip analysis or separate approval by the [EPA] Comptroller for each trip."⁵

¹ https://www.epa.gov/sites/production/files/2019-05/documents/_epaig_20190516-19-p-0155.pdf

² <https://www.epa.gov/office-inspector-general/notification-audit-epas-adherence-policies-procedures-and-oversight-1>

³ Letter from Senators Thomas R. Carper and Gary C. Peters to EPA Acting Deputy Administrator Mike Flynn (February 15, 2018).

⁴ Letter from EPA Associate Administrator Troy M. Lyons to Senators Thomas R. Carper and Gary C. Peters (March 21, 2018).

⁵ https://www.epa.gov/sites/production/files/2019-05/documents/_epaig_20190516-19-p-0155.pdf

In response to the Acting Inspector General's recommendation, on March 28, 2019, EPA retroactively determined that "all costs incurred between March 1, 2017, and December 31, 2017, were valid," which means that EPA will not seek to recover them on behalf of the taxpayer. EPA later confirmed this in a public statement, claiming that recovery would be "inappropriate."⁶ As the Acting Inspector General explained in his evaluation of EPA's response, he disagreed with the agency's response and does not consider its primary recommendation to be resolved. The report also noted that EPA had not taken steps to resolve an additional nine of the 14 recommendations it made.

It is disappointing to learn that EPA decided not to heed the Acting Inspector General's findings and recommendations. These findings and recommendations were based on a meticulous analysis of EPA's own records. Failing to heed them essentially writes Mr. Pruitt a blank check for his lavish travel. A decision to ignore these findings puts EPA at odds with other federal agencies, such as the Federal Emergency Management Agency (FEMA)⁷ and the Department of Veterans Affairs,⁸ that have required senior officials to pay the agency back for similar transgressions. We ask that you reverse course on your previous determinations immediately, recover the costs from Mr. Pruitt and any other responsible officials, and modify agency procedures so that similar abuses of agency funds are not permitted to reoccur.

Of the 14 total recommendations made by the Acting Inspector General, the following 10 recommendations remain unresolved:

Recommendation 1: "Evaluate and determine whether the increased airfare costs estimated at \$123,942 related to former Administrator Pruitt's use of first/business-class travel without sufficient justification and proper approval, for the period March 1, 2017, through December 31, 2017, should be recovered and, if so, from which responsible official or officials, and direct recovery of the funds."

Recommendation 2: "For the period January 1, 2018, through his resignation in July 2018, evaluate and determine whether any costs related to former Administrator Pruitt's use of first/business-class travel without sufficient justification and proper approval should be recovered and, if so, from which responsible official or officials, and direct recovery of the funds."

Recommendation 4: "Implement controls agency wide to verify that the use of other than coach-class travel is properly justified and documented prior to approval of the travel authorization."

Recommendation 5: "Implement controls to verify contract fares are used unless the non-contract fares are properly justified and documented."

⁶ <https://www.epa.gov/newsreleases/epa-responds-oig-travel-audit>

⁷ <https://www.politico.com/story/2018/09/21/fema-brock-long-vehicles-reimbursement-ig-inspector-general-report-836410>

⁸ <https://psmag.com/social-justice/top-va-official-used-tax-payer-money-for-travel/>

Recommendation 6: “Clarify EPA policy in Resource Management Directive System 2550B on the requirements for justifying and documenting carrier/flight/airfare selection when there are no contract fares.”

Recommendation 7: “Implement controls within the Office of the Administrator to include adequate justification to support the use of first/business-class travel and for carrier/flight/airfare selection when there are no contract fares.”

Recommendation 9: “Implement controls within the Office of the Administrator to confirm that adequate cost comparisons are provided before approving travel authorizations where an alternative travel method is used (i.e., when the direct or usually taken routes are not used).”

Recommendation 12: “Implement controls to verify that the use of first/business class travel complies with the requirements of the Federal Travel Regulation and EPA policy in Resource Management Directive System 2550B prior to approval of the travel authorization.”

Recommendation 13: “Provide guidance on documentation needed to support approval for first/business-class travel.”⁹

Recommendation 14: “Identify and review all business-class travel claimed for the staff and Protective Service Detail agents who accompanied the former Administrator on travel from March 2017 through his resignation in July 2018 for proper approval. Where policy was not followed, recover any excess costs claimed for the use of business class.”

EPA disagreed with most of these recommendations, but the Acting Inspector General found EPA’s justification for doing so to be unpersuasive or unresponsive.

So that we can understand EPA’s rationale for its inadequate response to the Acting Inspector General’s report and EPA’s original response to congressional inquiries about blanket approval for travel, we ask that, by no later than close of business on June 7, 2019, you provide the following information:

1. A description, with specificity, of all plans EPA has to address each of the Acting Inspector General’s unresolved recommendations, including the timeline for completing the agency’s efforts for each recommendation;
2. If EPA has determined that it will not respond further to any or all of the unresolved recommendations, please indicate why not;

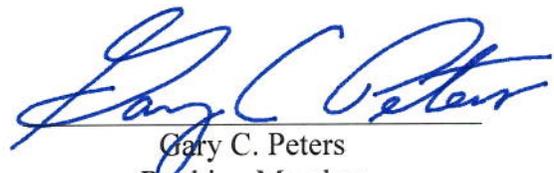
⁹ Although the agency agreed with Recommendation 13, the Acting Inspector General noted that “training courses did not cover requirements for approval of first/business-class travel,” and therefore Recommendation 13 also remains unresolved.

3. An explanation for the basis underlying EPA's March 21, 2018 response to Senators Carper and Peters, why the information about blanket approvals in that response differs from the information provided to and examined by the Acting Inspector General, and whether EPA would like to clarify any inaccuracies in its original response; and
4. The rationale for your decision not to pursue reimbursements for unjustified and unnecessary travel costs from former Administrator Pruitt. Please explain why and how this situation differs from other travel reimbursement decisions made during the Trump Administration.

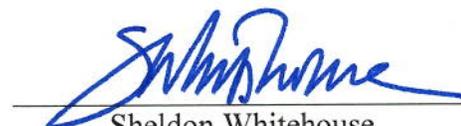
Thank you for your attention to this matter. Should you have any questions, please ask the appropriate member(s) of your staff to contact Michal Freedhoff (michal_freedhoff@epw.senate.gov) of the Environment and Public Works Committee staff, Joe Gaeta on Senator Whitehouse's staff (joe_gaeta@whitehouse.senate.gov), Alan Kahn (alan_kahn@hsgac.senate.gov) of the Homeland Security and Governmental Affairs Committee staff, or Melissa Zimmerman of the Appropriations Committee staff (Melissa_Zimmerman@appro.senate.gov).

Sincerely yours,


Tom Carper
Ranking Member
Committee on Environment and
Public Works


Gary C. Peters
Ranking Member
Committee on Homeland
Security and Governmental
Affairs


Tom Udall
Ranking Member
Subcommittee on the Department
of the Interior, Environment,
and Related Agencies
Committee on Appropriations


Sheldon Whitehouse
United States Senator