



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE INSPECTOR GENERAL

June 29, 2020

MEMORANDUM

SUBJECT: Office of the Chief Financial Officer's Corrective Action Plans for Office of Inspector General Report No. 19-P-0155, *Actions Needed to Strengthen Controls over the EPA Administrator's and Associated Staff's Travel*, May 16, 2019

FROM: Sean W. O'Donnell 

TO: David A. Bloom, Deputy Chief Financial Officer

Thank you for your memorandum dated March 30, 2020, which included planned corrective actions for Recommendations 1, 2, 4, 5, 6, 12, 13, and 14 in the subject report. The report included 14 recommendations. When the report was issued, the Office of the Chief Financial Officer had completed corrective actions for Recommendations 3 and 8. We reached resolution with the Office of International and Tribal Affairs on Recommendations 10 and 11, for which corrective actions are pending. We have not received a response from the chief of staff for Recommendations 7 and 9, which remain unresolved.

Based on your memorandum, the Office of Inspector General has concluded that the OCFO's corrective actions for Recommendations 4, 5, 6, and 13 are complete. Recommendations 1, 2, 12, and 14 remain unresolved.

Recommendation 1 requests that the OCFO "[e]valuate 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 requests that the OCFO, "[f]or the period January 1, 2018, through [former Administrator Pruitt's] 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."

Recommendations 1 and 2, in part, request that the OCFO evaluate and determine whether any costs related to the former administrator's travel should be recovered, including the cost associated with the protective service detail. Although the OCFO communicated to the OIG in its determination that it will not recover questioned costs identified in the audit, it has not provided sufficient justification to support the basis of the determination, that is, evidence that a security risk existed at the time.

In regard to the Office of General Counsel's legal opinion, referenced in the OCFO's memorandum, it was issued in response to OIG Report No. 18-P-0239, *EPA Asserts Statutory Law Enforcement Authority to Protect Its Administrator but Lacks Procedures to Assess Threats and Identify the Proper Level of Protection*, issued September 4, 2018. The audit report discussed the Agency's authority to expend appropriated funds on protective services and whether the protective service detail agents have law enforcement authority under 18 U.S.C. § 3063. The legal opinion addresses these two issues; however, it does not specifically address the authorization of protective service detail agents to determine when a security risk exists that would endanger an EPA employee's life, as stated in the OCFO's memorandum. Nor does it address the analysis of security risks or threats at the time of the travel. Until this matter is adequately addressed and sufficient justification provided, Recommendations 1 and 2 will remain unresolved.

Recommendation 12 requests that the OCFO "[i]mplement 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."

The OCFO's planned corrective action does not meet the intent of the recommendation. Our May 2019 report found that using business class for international travel was not approved in accordance with Federal Travel Regulations and Agency travel policy because the authorizations lacked formal requests and constructive cost analyses. Your response reaffirmed the requirement of the contracted Travel Management Center to comply with the FTR but does not constitute a new control. The Agency is responsible for complying with the existing FTR. We consider Recommendation 12 unresolved with resolution efforts in progress.

Recommendation 14 requests that the OCFO "[i]dentify 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."

The OCFO's planned corrective action did not address the recommendation. Our May 2019 report found that several protective service detail agents and members of the former administrator's staff flew business class for international travel without a formal request or without properly applying and documenting the 14-hour rule. This travel was not related to the administrator's safety. The OCFO's response addressed issues identified in Recommendation 1, not this recommendation. We consider Recommendation 14 unresolved with resolution efforts in progress.

If you or your staff have any questions, please contact Kathlene Butler, acting assistant inspector general for Audit and Evaluation, at (404) 562-9736 or butler.kathlene@epa.gov; or John Trefry, director, Forensic Audits, at (202) 566-2474 or trefry.john@epa.gov.

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