

United States Senate
WASHINGTON, DC 20510

May 2, 2018

The Honorable Arthur A. Elkins, Jr.
Inspector General
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 2410T
Washington, D.C. 20460

Dear Inspector General Elkins:

We write to you with questions about the advice that your office is providing to the Environmental Protection Agency (EPA) related to Administrator Scott Pruitt's security requirements. The EPA, and the Administrator himself in recent congressional testimony, has cited statistics from the Office of Inspector General (OIG) as justification for unprecedented security spending during the Administrator's tenure. At the same time, OIG has opened several investigations into this same spending.

Specifically, in his appearances before two committees in the House of Representatives last week, Administrator Pruitt cited an August 16, 2017, "Summary and Threat Statistics" report [hereafter August 16 Report] by OIG's Threat Investigations unit as justification for his unprecedented spending on personal security.¹ EPA previously referenced information contained in this report in correspondence with Senator Carper as justification for security spending, and OIG Assistant Inspector General for Investigations Patrick Sullivan has referenced this report in media interviews on this topic.² The August 16 Report was also included in talking points prepared for Administrator Pruitt for his August 26 congressional hearings.³

At the House Committee on Energy & Commerce Environment Subcommittee hearing, Administrator Pruitt had the following exchange with Rep. Ryan Costello (R-PA):

Rep. Costello: It has been reported that, I believe, the IG has indicated, or at least someone in the IG's office has not found some of the personal security concerns that you have proffered in relation to the enhanced security that you've received to be either warranted or credible. Would you kindly provide a little bit more detail on why you think you need, and I'm just going to be very honest with you – when folks read of trips to Disneyland, professional basketball games, Rose Bowl, and the additional security detail related to that, that doesn't sit well with a lot of people.

¹ To date, EPA has spent nearly three million dollars on Administrator Pruitt's personal security, which includes 24 hours a day, seven days a week protection, including on personal trips to Disneyland, the Rose Bowl, and college football and basketball games, by a team of 20 agents, some of whom are drawn from the EPA's enforcement arm, taking them away from their normal duties investigating environmental crimes.

² Letter from Troy M. Lyons, Associate Administrator, to Senator Thomas R. Carper, dated Mar. 21, 2018. Attachment A.

³ Attachment B.

Administrator Pruitt: So, Congressman, I can read directly from an Inspector General's threat investigation, and I can provide this to you. [...] These are threats that the IG has documented. We can provide this to you. The IG has said that the threats against me as Administrator are unprecedented in terms of quantity and type.

Later that same day, Administrator Pruitt had the following exchange with Rep. Betty McCollum (D-MN) when he appeared before the Interior, Environment, and Related Agencies Subcommittee of the House Committee on Appropriations:

Rep. McCollum: We asked IG Elkins [about Administrator Pruitt's comments at the Energy & Commerce Environment Subcommittee hearing relating to threats against him] and he disputed your claim. Please explain yourself, Administrator. Do you need to correct the record from this morning? Are you suggesting that Elkins is not telling the truth? [...] Did the Inspector General him or herself tell you that you did not face death threats, that they have not found death threats?

Administrator Pruitt: Actually, as I indicated, Ranking Member McCollum, this morning, I'm actually looking at an Inspector General's threat investigation report. [...] Those are just two examples of what the Inspector General...

Rep. McCollum: Can I see the letter please? [Report is introduced into the record.]

EPA's use of OIG data creates the appearance that OIG has formally signed off on spending it is now investigating. To help us assess how OIG has advised on security matters in the past, and how the OIG will ensure the impartiality of its ongoing investigations, we would appreciate answers to the following questions:

1. What is OIG's statutory or regulatory basis for producing reports like the August 16 Report? Has this sort of a summary threat report been authored by OIG in the past or since? If so, please provide us with copies of all such similar reports from the last ten years, and explain differences, if any, in how the August 16 Report was prepared compared with earlier reports. If the August 16 Report was not one produced in the ordinary course of business by OIG, please explain who requested the report and the reasons why OIG provided it.
2. EPA's talking points for Administrator Pruitt say the August 16 Report lists 13 threats made against the Administrator and his family. The report actually lists 14 threats. The tally at the end of the report says 16 threats. Furthermore, several of the incidents listed in the report were determined not to be threats by OIG, but they nevertheless appear to have been included in the Report's final tally, which has been used to support claims that this Administrator had seen a 400% increase in threats. What is the correct number of actual threats in the August 16 Report? Please explain the criteria you use to determine what a threat is. And please explain any discrepancy between that number, and the 16 threats in the tally at the end of the Report.

3. We understand that many of the threats in the August 16 Report were referred to a United States Attorney's Office (USAO). Please explain your process for referring matters to a USAO, including the criteria you use to determine whether to refer a matter to that office. Have the USAOs prosecuted any of the threats that your office referred?
4. The August 16 Report purports to summarize threat data from fiscal year 2017 (FY17), but it is dated August 16, 2017, a month and a half before the end of the fiscal year. Further, the FY17 report includes threat data for Administrator McCarthy. Why was FY17 chosen to be the period of analysis? Have there been any subsequent updates to this report? Has OIG provided any other reports or analysis related to Administrator Pruitt's security?
5. On July 5, 2017, E&E News ran a story detailing the fact that Administrator Pruitt's security spending in his first months in office was nearly double that of his two predecessors.⁴ The timing of the August 16 Report suggests it may have been produced to justify Administrator Pruitt's unprecedented security spending. Why was the report issued when it was? Who are the points of contact between OIG and EPA on these issues? Did EPA request OIG prepare this or any other report, or request that OIG engage in any other activities or assessments, related to the Administrator's security?
6. Four of the 14 alleged threats against Administrator Pruitt in the August 16 Report involve postings on social media. The report says that OIG learned of these alleged social media threats in the following manner: OIG received an "investigative referral" for threat one; OIG agents "discovered" threat three; OIG "received notification" of threat five; and OIG "found" threat nine. Please explain how OIG investigates potential threats posted on the internet or social media. Does OIG affirmatively search for threats against Administrator Pruitt posted on the internet or social media? Has OIG ever affirmatively searched for internet or social media threats against previous administrators? If the answer to any of these questions is yes, please explain the rationale for conducting these searches and what safeguards are in place to protect First Amendment rights of individuals who post messages on social media.
7. Is it part of OIG's mission to advise the Administrator as to the appropriate level of security s/he should have?
8. Has the Administrator or his staff consulted with you or your staff on the appropriateness of relying on OIG's statements to increase his spending or award raises to his staff? Specifically, did anyone at EPA speak with OIG about the Administrator's talking points for his April 26 hearings? What steps has and will OIG take to ensure going forward that any reports or assessments it may produce are not improperly represented as justification for programmatic decisions by the agency?

⁴ Kevin Bogardus, "Big spike in security spending for Pruitt," *E&E News* (July 5, 2017), <https://www.eenews.net/stories/1060056958>.


9. What steps are being taken by OIG to create a firewall between OIG employees who have assessed or investigated threats against Administrator Pruitt and those tasked with conducting the audits of his security spending?
10. In our prior conversations with your office, OIG staff have differentiated between investigations, audits, and assessments when describing the work your office does and the output it delivers to the public. Please explain the differences between these types of projects, including the standards used in conducting such projects, the types of conclusions the IG is permitted to draw from this work, and how those different OIG public products may be relevant here.

We would very much appreciate a prompt and timely response to this letter as soon as possible, given the pendency of your investigations and the need for Congressional oversight on these matters.

Sincerely,



Thomas R. Carper
United States Senator



Sheldon Whitehouse
United States Senator