

DOC HASTINGS, WA
CHAIRMAN
DON YOUNG, AK
LOUIE GOHMERT, TX
ROB BISHOP, UT
DOUG LAMBORN, CO
ROBERT J. WITTMAN, VA
PAUL C. BROUN, GA
JOHN FLEMING, LA
TOM McCLINTOCK, CA
GLENN THOMPSON, PA
CYNTHIA LUMMIS, WY
DAN BENISHEK, MI
JEFF DUNCAN, SC
SCOTT R. TIPTON, CO
PAUL A. GOSAR, AZ
RAÚL R. LABRADOR, ID
STEVE SOUTHERLAND II, FL
BILL FLORES, TX
JON RUNYAN, NJ
MARKWAYNE MULLIN, OK
STEVE DAINES, MT
KEVIN CRAMER, ND
DOUG LAMALFA, CA
JASON SMITH, MO
VANCE McALLISTER, LA
BRADLEY BYRNE, AL

TODD YOUNG
CHIEF OF STAFF

U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

Opening Statement of Chairman Doc Hastings

Committee on Natural Resources

On Wednesday, September 10, 2014

1324 Longworth House Office Building

Full Committee Oversight Hearing on "Oversight of the Office of Inspector General and its Ongoing Failure to Comply with a Subpoena for Documents about a Recent Investigation"

PETER A. DeFAZIO, OR
RANKING DEMOCRATIC MEMBER
ENI F.H. FALCOMAEGA, AS
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
RUSH HOLT, NJ
RAÚL M. GRIJALVA, AZ
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
GREGORIO KILILI CAMACHO SABLAN, CNMI
NIKI TSONGAS, MA
PEDRO R. PIERLUISI, PR
COLLEEN W. HANABUSA, HI
TONY CÁRDENAS, CA
STEVEN HORSFORD, NV
JARED HUFFMAN, CA
RAUL RUIZ, CA
CAROL SHEA-PORTER, NH
ALAN LOWENTHAL, CA
JOE GARCIA, FL
MATTHEW CARTWRIGHT, PA
KATHERINE CLARK, MA

PENNY DODGE
DEMOCRATIC STAFF DIRECTOR

"There are long-held concerns about the integrity and independence of the Department of the Interior's Office of Inspector General under the leadership of Deputy Inspector General Mary Kendall. A Committee report released last year highlighted several examples of mismanagement and there are ongoing issues that continue to undermine the credibility of the OIG's work.

The OIG is supposed to serve as an independent watchdog over the Department and report findings to Congress. Instead, Ms. Kendall has established an accommodating and deferential relationship between the OIG and the Department, hindering the OIG's ability to conduct impartial, independent work.

The OIG is currently in violation of a congressional subpoena for an unredacted copy of their report and documents on the Department's rewrite of the 2008 Stream Buffer Zone Rule. Their report exposed mismanagement of the rulemaking process and significant ongoing problems.

However, key parts of the report have been redacted, including one section entitled "Issues with the New Contract." The Committee has made multiple requests for this unredacted report and documents, including the issuance of a subpoena, but the OIG refuses to comply and says that the report is being withheld at the request of the Interior Department. Specifically, the Department's Office of the Solicitor reviewed the OIG's report and documents and identified what parts were to be redacted.

Rather than serve as an independent watch dog of the Department, the OIG is now letting the Department call the shots.

The OIG conducted a two-year investigation, then handed all of the documents of the investigation to the very Department that was the subject of the investigation, and then allowed the Department to go line-by-line through the documents and decide what would be provided to Congress.

It's astounding. The OIG has given control over to the Department and is allowing it to dictate what should be provided to Congress pursuant to a subpoena.

The OIG claims that the redacted material consists of an on-going deliberative process related to the rulemaking. But the IG report was not created as part of the rulemaking and was not used in the furtherance of the rulemaking. The report and documents were created solely by the OIG and remain in the possession and control of the OIG. That's why it was absurd when Ms. Kendall said we should seek these documents from the Department instead. They are OIG documents.

Furthermore, the OIG has failed to provide any reason for each redaction. Though we've been informed that Ms. Kendall has asked the Solicitor's Office to prepare this – once again yielding her statutory power to the Department she is supposed to be investigating.

Finally I'm alarmed that the OIG appears to feel that it has to enter into a deferential relationship with the Department in order to have access to information. In a letter to the Committee, Ms. Kendall wrote that in order to secure that level of access from the Department, the OIG "has agreed to protect privileged information." Assistant Inspector General for Investigations Robert Knox testified before us in January saying, "The fear we have is if we don't show that respect, we may lose that access that we need for our investigations and audits in the future."

The IG Act provides unfettered access to documents and information in order for Inspector Generals to have the necessary tools to main their independence and do their jobs as watch dogs. They shouldn't have to "fear" about not having access if they don't show them respect.

Recently, 47 separate Inspector Generals wrote a letter to Congress reaffirming their authority under the IG Act to have access to all agency records. Interestingly, Ms. Kendall did not sign this letter that defends the importance of independent IGs.

For over a year and a half I've been calling on President Obama to appoint a permanent IG for the Interior Department. It's ridiculous that the OIG has been without a permanent head for five years. The credibility of the OIG has been tarnished under the leadership of Ms. Kendall and immediate steps should be taken to restore the independence and trust of the office.."

###