

**INVESTIGATING THE CULTURE OF
CORRUPTION AT THE DEPART-
MENT OF THE INTERIOR**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND
INVESTIGATIONS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

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CONTENTS

	Page
Hearing held on Tuesday, May 24, 2016	1
Statement of Members:	
Clay, Hon. Wm. Lacy, a Representative in Congress from the State of Missouri	4
Gohmert, Hon. Louie, a Representative in Congress from the State of Texas	1
Prepared statement of	3
Statement of Witnesses:	
Keable, Edward, Deputy Solicitor for General Law, Office of the Solicitor, U.S. Department of the Interior, Washington, DC	10
Prepared statement of	11
Questions submitted for the record	12
Kendall, Mary, Deputy Inspector General, Office of the Inspector General, U.S. Department of the Interior, Washington, DC	6
Prepared statement of	7
Questions submitted for the record	9
Supplemental requested information submitted for the record	17
Additional Materials Submitted for the Record:	
Oversight and Investigations Subcommittee, March 24, 2016 Letter to Secretary Jewell, U.S. Department of the Interior	30
Connor, Michael L., Deputy Secretary of the Interior, April 29, 2016 Response Letter to Chairman Gohmert	31
Director Jarvis, June 11, 2015 Handwritten note to Secretary Jewell	32
List of documents submitted for the record retained in the Committee's official files	32

OVERSIGHT HEARING ON INVESTIGATING THE CULTURE OF CORRUPTION AT THE DEPARTMENT OF THE INTERIOR

**Tuesday, May 24, 2016
U.S. House of Representatives
Subcommittee on Oversight and Investigations
Committee on Natural Resources
Washington, DC**

The subcommittee met, pursuant to notice, at 2:50 p.m., in room 1334, Longworth House Office Building, Hon. Louie Gohmert [Chairman of the Subcommittee] presiding.

Present: Representatives Gohmert, Labrador, Hice, and Clay.

Mr. GOHMERT. The Subcommittee on Oversight and Investigations will come to order.

The subcommittee is meeting today to hear testimony on investigating the culture of corruption at the Department of the Interior. I am very grateful for the witnesses being here today, and I am so sorry for the delay in beginning the hearing. You don't get paid extra to be here for a hearing, and then to have to wait on us; but votes were scheduled, not something that either of us could control. I appreciate your patience.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. Therefore, I ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted to the Subcommittee Clerk by 5:00 p.m. today.

[No response.]

Mr. GOHMERT. Hearing no objection, so ordered.

I will now recognize myself for 5 minutes for an opening statement.

STATEMENT OF HON. LOUIE GOHMERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. GOHMERT. This committee has, time and again, received reports about employees at the Department of the Interior acting in an unethical manner, including astounding violations on the part of high-ranking officials in the National Park Service and the Bureau of Indian Affairs. We are meeting today to hear testimony about these incidents, and to learn more about how the Ethics Office operates at the Department of the Interior.

Employees of the U.S. Government are bound by the highest standards of ethical conduct, and this Administration has painted itself as one that discourages unethical conduct, even requiring its employees to take an ethics oath. However, in practice, ethical misconduct, in what was supposed to be the most transparent administration in history, has been treated with a lack of accountability.

Failure to make ethical conduct a priority, or even a baseline expectation, has fostered a culture in which serious violations have little consequence.

We know there are thousands of hard-working and honest public servants throughout the agency. We are, however, convinced that the problems coming to our attention are not just isolated incidents. They are the result of a dismissive, even contemptuous, response to the violations of legal and ethical issues and rules on the part of the Department leadership.

This committee issued a staff report in 2014 highlighting the troubling fact that ethics officers at Interior have been told not to provide advice to political appointees, and that obtaining clear, consistent ethics advice in a timely fashion was harder than it should be. The Administration further diminished the authority of the Ethics Office by making the head ethics official report to the Deputy Solicitor for General Law, which is contrary to Inspector General recommendations.

Apparently, not much has changed since 2014. We know this because ethics violations keep happening at every level. In February, the Inspector General issued a disturbing report about Jonathan Jarvis, the Director of the National Park Service. Director Jarvis appears to have intentionally violated ethics rules by using his position to obtain a book deal, and then lied to the Secretary about it—that is the way it appears.

Then he used the National Park Service logo on his book and marketed it in the National Park Service stores. After attempting to mislead the Inspector General in its investigation, Director Jarvis eventually admitted that he purposely chose not to seek guidance from the Ethics Office because he would probably not have been allowed to publish his book, which is still available for sale on the Park Service Foundation Web site.

Funny that a book about values—its title is, by the way, “Guidebook to American Values and Our National Parks”—was written by a man who has shown so little regard for ethical behavior. It should be no surprise that Director Jarvis was heavily involved in mismanagement of a situation involving the Superintendent of the Grand Canyon National Park, who is retiring following an Inspector General investigation of sexual abuse at the park.

Or let’s look at the Director of the Bureau of Indian Education. In March, the Inspector General found that Charles Roessel improperly used his position to secure jobs for his girlfriend and his niece at the Bureau of Indian Education, in violation of several Federal laws. He even asked a human resources officer to change a job description and interfered in an interview panel, so that the unqualified individuals could be hired. This man was entrusted with educating approximately 47,000 Native American students since 2012. Mr. Roessel’s conduct is certainly not the example we want to set for those kids.

Misconduct at the Department of the Interior is not limited to political appointees. In fact, some employees at all levels seem to believe it is OK to benefit from their position.

The IG also recently found that Timothy Reid, Chief Ranger at Yellowstone National Park, and now Superintendent of Devils

Tower National Monument, improperly used his Park Service apartment at Yellowstone since 2008, and lied about it on his housing paperwork.

Rather than live in his apartment, as required, Mr. Reid instead had what the IG called “a steady stream of guests” stay there. On at least one occasion, his wife even offered use of the apartment as an overflow space for their nearby bed and breakfast operation, offering a French family use of the apartment in a proposed exchange that would have allowed Chief Ranger Reid to use their home in France. Unless Park Service wants corruption in its agency, it makes no sense to then promote this man to be Superintendent of Devils Tower National Monument with full knowledge that he had acted in such an unethical manner.

The Department of the Interior is entrusted with great responsibility, and yet its leadership has failed to hold its officials accountable for basic common-sense ethical behavior. It is this type of behavior that has earned the outrage of Americans across the political spectrum, and that erodes our confidence that Interior can manage our natural resources effectively.

I thank the witnesses again for coming today, and I look forward to your testimony.

[The prepared statement of Mr. Gohmert follows:]

PREPARED STATEMENT OF THE HON. LOUIE GOHMERT, CHAIRMAN, SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS

This committee has, time and again, received reports about employees at the Department of the Interior acting in an unethical manner—including astounding violations on the part of high-ranking officials in the National Park Service and the Bureau of Indian Affairs.

We are meeting today to hear testimony about these incidents and to learn more about how the Ethics Office operates at the Department of the Interior.

Employees of the U.S. Government are bound by the highest standards of ethical conduct and this Administration has painted itself as one that discourages unethical conduct, even requiring its employees to take an ethics oath.

However, in practice, ethical misconduct in the “most transparent administration in history” has been treated with a lack of accountability. The failure to make ethical conduct a priority—or even a baseline expectation—has fostered a culture in which serious violations have little consequence.

I want to make clear that by using the phrase “the culture of corruption” we are certainly not impugning the work of all of the employees at Interior. There are thousands of hard working and honest public servants throughout the agency.

We are, however, convinced that the problems coming to our attention are not just isolated incidents. They are the result of a dismissive—even contemptuous—response to violations of legal and ethical rules on the part of Department leadership.

This committee issued a staff report in 2014 highlighting the troubling fact that ethics officers at Interior have been told not to provide advice to political appointees, and that obtaining clear, consistent ethics advice in a timely fashion was harder than it should be.

And the Administration further diminished the authority of the Ethics Office by making the head ethics official report to the Deputy Solicitor for General Law, rather than directly to the Secretary—which is contrary to Inspector General recommendations.

Apparently not much has changed since 2014—we know this because ethics violations keep happening at every level.

In February, the Inspector General issued a disturbing report about Jonathan Jarvis, the Director of the National Park Service.

The IG found that Director Jarvis intentionally violated ethics rules by using his position to obtain a book deal—and lied to the Secretary about it. And then he used the National Park Service logo on his book, and marketed it in National Park Service stores.

After attempting to mislead the IG in its investigation, Director Jarvis eventually admitted that he purposely chose not to seek guidance from the Ethics Office because he would probably not have been allowed to publish his book—which, I might add, is still available for sale on the Park Service Foundation Web site.

Funny that a book about values—its title is “Guidebook to American Values and Our National Parks”—was written by a man who has shown so little regard for ethical behavior.

It should be no surprise that Director Jarvis was heavily involved in mismanagement of a situation involving the Superintendent of the Grand Canyon National Park—who is retiring following an Inspector General investigation of sexual abuse at the park.

Or how about the Director of the Bureau of Indian Education?

In March, the IG found that Charles Roessel improperly used his position to secure jobs for his girlfriend and his niece at the Bureau of Indian Education—in violation of several Federal laws.

He even asked a human resources officer to change the job descriptions and interfered in an interview panel so that the unqualified individuals could be hired.

This man was entrusted with educating approximately 47,000 Native American students since 2012. Mr. Roessel’s conduct is certainly not the example we want to set for those kids.

Misconduct at the Department of the Interior is not limited to political appointees—in fact, some employees at all levels seem to believe it is OK to profit from their position.

The IG also has recently found that Timothy Reid, Chief Ranger at Yellowstone National Park and now Superintendent of Devils Tower National Monument, improperly used his Park Service apartment at Yellowstone since 2008 and lied about it on his housing paperwork.

Rather than live in his apartment, as required, Mr. Reid instead had what the IG called “a steady stream of guests” stay there.

On at least one occasion his wife even offered use of the apartment as an overflow space from their nearby bed and breakfast operation—offering a French family use of the apartment in a proposed exchange that would have allowed Chief Ranger Reid to use their home in France.

Why would the National Park Service then promote this man to be Superintendent of Devils Tower National Monument with full knowledge that he had acted in such an unethical manner?

The Department of the Interior is entrusted with great responsibility and yet its leadership has failed to hold its officials accountable for basic, common-sense ethical behavior. It is this type of behavior that has earned the outrage of Americans across the political spectrum, and that erodes our confidence that Interior can manage our natural resources effectively and responsibly.

I thank our witnesses for coming here today and I look forward to your testimony.

Mr. GOHMERT. At this time the Chair now recognizes Mr. Clay for an opening statement.

**STATEMENT OF HON. WM. LACY CLAY, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MISSOURI**

Mr. CLAY. Thank you, Mr. Chairman. And thank you for the opportunity to talk about a very important issue: ethics in the Department of the Interior.

Ensuring ethical conduct in the workplace is important for everyone, but for those of us who serve the public, it is especially critical. Certainly the three individuals we will be talking about today did the wrong thing. Their actions are even more inexcusable since they are all high-ranking officials. They should not only follow the rules like everyone else, but they should set an example for the people that work under them and the American people that they serve. Everyone involved needs to be held accountable, and I hope we make sure that is the case while we are here today.

That said, the title of today's hearing took me a little by surprise: "Investigating the Culture of Corruption at the Department of the Interior." I daresay it is catchy, but does the wrongdoing of these three individuals warrant a title worthy of a Maury Povich sweeps week episode?

I looked into these cases and into the agency in search of evidence of a culture of corruption. I am here to tell you that I found that evidence: one IG summary report found "a culture of ethical failure," and a "culture of substance abuse and sexual promiscuity." One employee pled guilty to a criminal charge. Employees engaged in illegal drug use and sexual intercourse with both subordinates and industry representatives.

Employees accepted gifts and gratuities from oil and gas companies and, as the report says, displayed no remorse, not surprisingly, given their, shall we say, intimate involvement with the industry. Contracts were manipulated and conflicts of interest were rampant.

In another series of cases, the Deputy Secretary of the Interior, the number two position in the entire Department, landed in prison for 5 months. He lied to the Senate about his relationship with a lobbyist who eventually went to prison for his own indiscretions. The Secretary herself resigned as investigations into the scandal began to heat up, and the scandal took down a sitting Congressman.

Two different movies have already been made about it, but here is the thing—the culture that birthed those headline-grabbing scandals all happened during the previous administration. Things seem to have changed. In contrast, the IG described the Department of the Interior under this administration, in her testimony, as "a culture at Interior that, for the most part, is one populated by individuals who are committed to the mission and doing the right thing."

This hearing seems to be the latest in a growing list of attempts in this subcommittee to do little more than attack the Administration. 'Tis the season, I guess.

We need to hear about the changes the Department is making to ensure the three cases before us are not repeated. The Department must have the resources and support it needs to ensure employees seek ethical consult when needed, but let's not pretend that a park ranger who let friends and family stay in his government home for which he paid rent is the same as Steven Griles, Gail Norton, Jack Abramoff, and the Minerals Management Service.

We have seen a culture of corruption at the Department, and this isn't it.

I yield back.

Mr. GOHMERT. I thank you. I will now introduce our witnesses.

Ms. Mary Kendall is the Deputy Inspector General for the Office of the Inspector General at the U.S. Department of the Interior. Also, Mr. Edward Keable is the Deputy Solicitor General for General Law for the Office of Solicitor at the U.S. Department of the Interior.

Now, let me remind the witnesses that, under our Committee Rules, oral statements must be limited to 5 minutes; but your

entire written statement will be part of the record, regardless of whether or not you are able to complete it within 5 minutes.

When the light goes from green to yellow, you have 1 minute remaining. When the light goes from yellow to red, your time is up, and then I will help you conclude, if you have not.

The Chair at this time recognizes Ms. Kendall for her opening statement.

Ms. Kendall, we are very grateful for your work and for your appearance here today. You may proceed.

STATEMENT OF MARY KENDALL, DEPUTY INSPECTOR GENERAL, OFFICE OF THE INSPECTOR GENERAL, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Ms. KENDALL. Thank you, Mr. Chairman and members of the subcommittee. Thank you for the opportunity to testify today on the important issue of behavioral culture at the Department of the Interior.

This hearing highlights the vital role of the Office of Inspector General as an independent, objective body to investigate matters that ultimately violate public trust. Through our investigations we lay bare misconduct on the part of Federal employees, so they can be held accountable; advise those who are brave enough to bring this conduct to our attention; encourage others to do the same; and make transparent the consequences of misconduct.

As you know, the OIG has a great deal of experience uncovering ethics and other conduct violations by Interior employees and officials. In my experience, however, the majority of Interior's 70,000 employees take the mission of the Department and their individual responsibilities very seriously.

I remain convinced that, as a whole, those who engaged in wrongdoing are in the minority, although I do not diminish the misconduct we recently found on the part of the Director of the National Park Service, Director of Bureau of Indian Affairs, or the Chief Ranger at Yellowstone National Park. Unfortunately, misconduct by the few generates great notoriety and casts a shadow over the entire Department.

With fewer than 80 investigators, we work with constrained resources. We have addressed this in part by capitalizing on Interior employees and others who are committed to the mission and doing the right thing. In fact, they are often quick to report wrongdoing to the OIG. Unfortunately, not all leadership in DOI fully supports their employees contacting us.

There is a perception by employees in some of the bureaus that contacting the OIG to report wrongdoing places them in jeopardy of retaliation, and management often makes more effort to identify the source of a complaint than to explore whether the complaint has merit. More can be done at Interior to address employee misconduct and provide a clear message of what behavior is expected.

Inspectors General do not have the authority to compel action within their agencies. To influence change, we rely primarily on our audits and investigations. To this end, we recently implemented a policy of making public our investigative reports, whether allegations are substantiated or not. Having nothing to hide and, as it turns out, much to gain by making our investigative results

more transparent, we now publish all investigative results unless there is a compelling reason not to do so.

To spur the Department into taking swifter and more effective action, we have also reduced the time for posting the results of administrative investigations on our Web site to 30 days after providing the report to the Department. This holds the Department more accountable, and provides Congress and the public with more timely notice of our investigative results.

These new practices appear to be having an impact. Working with the Deputy Secretary, Chief of Staff, and Solicitor, we have witnessed an increased effort to be more responsive and decisive in their actions regarding employee wrongdoing, and an improved tone at the top.

Recently a bureau head strongly condemned conduct in a serious criminal matter, and encouraged bureau employees to report any concerns of potential criminal or ethical misconduct to ethics officials or the OIG without fear of retaliation for doing so. Similarly, two other bureau directors implemented policy requiring ethics training for all their employees in response to analysis and discussion between the OIG, bureau leadership, and ethics officials about allegations of wrongdoing by bureau employees.

These are a few positive examples of efforts to curb misbehavior, but more is needed before the impact is seen throughout the Department.

I reiterate my thanks to the subcommittee for holding this hearing, for giving these issues the attention they deserve, and for recognizing the need for transparency and accountability in this important arena. This concludes my prepared testimony, and I would be happy to answer any questions.

[The prepared statement of Ms. Kendall follows:]

PREPARED STATEMENT OF MARY L. KENDALL, DEPUTY INSPECTOR GENERAL,
U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, good afternoon. Thank you for the opportunity to testify today on the important issue of behavioral culture at the U.S. Department of the Interior (DOI). There are too many examples of bad behavior. Not just at Interior, but Government-wide. This hearing highlights the importance of bringing into the public view the vital role of the Office of Inspector General (OIG) as an independent, objective body to investigate matters that ultimately violate public trust. Through our investigations, we lay bare misconduct on the part of Federal employees so they can be held accountable, advise those who are brave enough to bring misconduct to the attention of the OIG or other responsible officials, encourage others to do the same, and make transparent the consequences of misconduct, providing deterrence from future misconduct.

As you know, OIG has a great deal of experience uncovering ethics and other conduct violations by Interior employees and officials. For many years, we have had a specialized unit dedicated to investigating cases of ethical and other misconduct, particularly by high-ranking officials and others whose positions of trust make their misconduct particularly detrimental to the operations of the Department, the morale of its employees, and the reputation of Federal Government employees. Our specialized unit has investigated many instances in which DOI employees have engaged in behavior that fails to meet the standards of conduct that are expected of Federal Government employees.

You may wonder how widespread the ethical lapses are, and what their impact is. In my experience, the majority of Interior's 70,000 employees take the mission of the Department and their individual responsibilities very seriously. I remain convinced that, as a whole, those who engage in wrongdoing are in the minority.

Yet after more than 16 years with the OIG, as much as I would like to say that I have seen it all, I am continually surprised by the variations of misconduct

brought to our attention. Unfortunately, misconduct by those few receives notoriety and casts a shadow over the entire Department.

That shadow looms large, especially following the recent release by the OIG of a series of investigative reports, including reports on violations of law, rule, or regulation by high-level officials within the National Park Service (NPS) and the Bureau of Indian Education (BIE).

Blatant ethical violations by the NPS Director, made worse by his admission that he intentionally avoided seeking ethics guidance, conveys the message to employees that ethics rules are not important, perhaps even optional. Another egregious example is the former BIE Director who abused his position of authority to improperly influence the hiring of relatives and personal acquaintances in violation of the Merit System Principles. We learned that other employees knew of these improper actions, but did not report the violations, thinking it was accepted behavior, or if reported that nothing would be done.

Our investigative reporting of the pattern and practice of sexual harassment at Grand Canyon National Park provided a glaring example of NPS management failing to take proper action when employees reported wrongdoing. Similarly, after receiving an investigative report on the Chief Ranger of Yellowstone National Park violating the rules on the use of Park housing, the Chief Ranger was transferred to another park and named Superintendent. The appearance of rewarding bad behavior is not the desired outcome—nor a proper deterrent.

With fewer than 80 investigators, we work with constrained resources and can never detect all of the wrongdoing at Interior. We have addressed this in part by capitalizing on a culture at Interior that, for the most part, is one populated by individuals who are committed to the mission and doing the right thing. In fact, they are quick to report wrongdoing to the OIG. We were one of the first in the OIG community to create a Whistleblower Protection Program, one that is regularly referred to as a model by the Office of Special Counsel and other OIGs. Our Whistleblower Protection Program helps to advise, and thereby protect, those brave enough to shine a light on the wrongdoing they observe. In 2015 alone, the Whistleblower Protection Program has supported and protected well over 100 employees, contractors, or other individuals willing to come forward with allegations of fraud, waste, abuse, misconduct, or retaliation.

Unfortunately, not all leadership in DOI fully supports their employees contacting the OIG to report potential wrongdoing. There is a pervasive perception by many employees in some bureaus that contacting the OIG to report wrongdoing places them in jeopardy of retaliation. We often learn that management makes more effort to identify the source of a complaint than to explore whether the complaint has merit. In some instances, efforts have been made to restrict the ability of employees to contact us. When we become aware of such incidents we have been able to successfully intervene; however, we seldom see corrective action taken against individuals who attempt to silence their employees or identify whistleblowers.

More can be done at Interior to address employee misconduct and mismanagement. A pattern and practice of accountability begins at the top. Consistent messaging by senior leadership—or in other words, “the tone at the top”—must provide a clear message of what behavior is expected. We have encouraged Department leadership to demonstrate more support for those who serve in gatekeeper roles, such as contracting officers and human resource personnel. We are aware, however, that many gatekeepers feel undue pressure from managers to “make things happen” regardless of rules and regulations.

DOI does not do well in holding accountable those employees who violate laws, rules, and regulations. We see too few examples of senior leaders making the difficult decision to impose meaningful corrective action and hold their employees accountable. Often, management avoids discipline altogether and attempts to address misconduct by transferring the employee to other duties or to simply counsel the employee. The failure to take appropriate action is viewed by other employees as condoning misbehavior. I was recently briefed on a matter in which an employee was detailed to another agency—at the expense of Interior—in lieu of using proper performance management and progressive discipline to correct performance and conduct issues. I am told that in response to our inquiry concerning the paid detail, the approving senior leader replied that she agreed with the action and that it was “expeditious and responsible.” There is no question that transferring an employee who is considered disruptive out of the agency is more expedient than taking formal disciplinary action, but I do not consider it “responsible.”

Inspectors General do not have authority to compel action within their agencies. To influence change, we rely mostly on our audits and investigations. To this end, the OIG recently implemented a policy of making public essentially all of our investigative reports, whether allegations are substantiated or not. A little more than a

year ago, we were called out by the media on the relatively small number of investigations that we did make public. In responding to that challenge, we realized that we were simply practicing what had been done in the past and following the practice of much of the IG community. Having nothing to hide, and, as it turns out, much to gain by making our investigative results more transparent, we reversed our policy and now publish all investigative results, unless there is a compelling reason not to do so.

To spur the Department into taking swifter and more effective action, we have also recently instituted a practice of posting the results of our administrative investigations on our Web site 30 days after providing the report to the Department for review and action. With a 30-day public release date, we hold the Department accountable for prompt action and provide Congress and the public with more timely notice of our investigative results.

These new practices appear to be having an impact. Working with Interior's Deputy Secretary, Chief of Staff, and Office of the Solicitor, we have witnessed an increased effort to be more responsive and decisive in their actions regarding employee wrongdoing, and an improved "tone at the top."

As recently as February of this year, after my office alerted the Commissioner of the Bureau of Reclamation to a serious criminal matter involving a Reclamation employee, he immediately issued a memorandum to all Bureau employees condemning the criminal conduct. The memo also encouraged employees to report and discuss concerns of potential ethical lapses with ethics officials or the Office of Inspector General, reminding them that they need not fear retaliation for doing so.

Within the past year, both the Bureau of Land Management and U.S. Geological Survey Directors implemented policy requiring ethics training for all their employees in response to analysis and discussion between the OIG, bureau leadership, and ethics officials about allegations of wrongdoing by bureau employees.

These are a few positive examples of efforts to curb misbehavior, but much more of this kind of action—as well as prompt, appropriate disciplinary action in response to OIG reports of misconduct—is needed before the impact is seen throughout the Department.

I reiterate my thanks to the subcommittee for holding this hearing, for giving these issues the attention they deserve, and for recognizing the need for transparency and accountability in this important arena.

This concludes my prepared testimony. I would be happy to answer any questions that members of the subcommittee may have.

QUESTIONS SUBMITTED FOR THE RECORD BY REPRESENTATIVE GOHMERT TO MARY KENDALL, DEPUTY INSPECTOR GENERAL, OFFICE OF THE INSPECTOR GENERAL, U.S. DEPARTMENT OF THE INTERIOR

Question 1. You stated that you were working with the Designated Ethics Agency Official to provide agency-wide ethics training. Please describe any progress you have made in that effort.

Answer. OIG has regular discussions with U.S. Department of the Interior (DOI) ethics officials. In those discussions, we encouraged DOI to become the first cabinet-level Department to require ethics training for all its employees. While we can encourage DOI to establish comprehensive ethics training, OIG does not hold the authority to implement such a program or to require the Department to do so. DOI must take the initiative to support and implement such a comprehensive ethics program.

Our OIG ethics officer meets monthly with other DOI ethics officers, and ethics training is a frequent subject discussed at these meetings. We have also met with senior Department officials to discuss whether ethics training can be expanded to reach all non-seasonal DOI employees. Under Office of Government Ethics requirements, only financial disclosure filers are required to receive annual training, but the Department's Ethics Office periodically provides ethics training that is available to all Department personnel. Our concern is that many employees do not avail themselves of this training because it is not required.

In addition to the OIG, the following offices and bureaus have stated that they require annual—or at least periodic—ethics training for their employees, even those who do not file financial disclosure forms:

- Office of Natural Resources Revenue;
- Bureau of Land Management (all employees except seasonal firefighters);
- Bureau of Safety and Environmental Enforcement;

- Office of Surface Mining;
- Bureau of Ocean Energy Management; and
- U.S. Geological Survey

The Department's Acquisitions and Property Management Division has also proposed that all series 1102 and series 1105 contract specialists be required to file a confidential financial disclosure form, which would in turn require those individuals to receive annual ethics training.

Mr. GOHMERT. Thank you very much.

At this time the Chair now recognizes Mr. Keable for his testimony.

**STATEMENT OF EDWARD KEABLE, DEPUTY SOLICITOR FOR
GENERAL LAW, OFFICE OF THE SOLICITOR, U.S. DEPARTMENT
OF THE INTERIOR, WASHINGTON, DC**

Mr. KEABLE. Chairman Gohmert and members of the subcommittee, thank you for the opportunity to appear before you today. My name is Ed Keable and I am the Deputy Solicitor for General Law at the Department of the Interior.

I have been a career public servant for over 25 years, beginning as a lawyer in the U.S. Army Judge Advocate General's Corps. I have been the Department's Deputy Solicitor for General Law since 2012. While serving in the Army, I learned the value of public service and the importance of providing high-quality and thoughtful legal counsel. Since my arrival at the Department, I have proudly served both Republican and Democratic administrations with equal dedication to excellence, with the goal of ensuring that the Department pursues its great mission in a lawful and ethical manner.

As the Deputy Solicitor for General Law, I am responsible for managing the Division of General Law in the Solicitor's Office, the Office of Ethics, and the legal work of the Office's regional and field offices.

A part of my area of legal practice is also providing legal advice to senior leaders in the Department in response to reports of investigation from the Office of Inspector General. In that capacity, I give counsel on whether and how subjects of OIG reports of investigation might be held accountable, and whether and how bureaus and offices might improve processes addressed in those reports.

The Department's ethics program is also located within the Office of Solicitor, and is sound, robust, and serves the Department well. The Ethics Office has been recognized by the Office of Government Ethics for leading a strong program. The Department Ethics Office is made up of a talented group of ethics attorneys and professional staff headed by the Department's Designated Agency Ethics Officer (DAEO). It is important to note that the Ethics Office is not an enforcement or investigatory office, but one that provides ethics advice, counseling, and education to the Department's employees.

Each bureau in the Department has the regulatory responsibility to manage its own ethics programs. Bureau directors are tasked with the responsibility of managing the ethics programs in their bureaus, and they rely on dedicated ethics professionals to assist them in this important work.

The Ethics Office works closely with the bureau ethics programs to ensure that they are operating to the standards established by OGE. The Ethics Office audits bureau ethics programs. Using the information from these audits, from OIG reports, and from day-to-day engagements Ethics Office staff have with clients and bureau ethics professionals, the Ethics Office continually looks for opportunities to improve the Department's ethics program.

Some examples of improvements that the Department has made to its ethics program in recent years include: the establishment of full-time deputy ethics counselors, or DEC's, in every bureau at the GS-14 level or higher; elevating the reporting level of the DEC's in the bureaus; increasing training opportunities for both ethics professionals and ethics employees generally; increasing organizational ties between the Ethics Office and bureau ethics programs; and strengthening recusal processes, financial disclosure, and advise and counseling processes.

The constructive relationship between the Ethics Office and the Inspector General's office is critical to the success of both organizations. The Interior DAEO has access to the Inspector General's office for referral of possible ethics breaches. The Inspector General's investigators have access to the Ethics Office staff as subject matter experts in their investigations that touch on ethics issues. Relationships like these, between these critically important offices, serve to strengthen the Department's ethics program.

The Department is committed to promoting a culture of ethics within the Department and to providing its employees with a strong ethics program.

I look forward to any insights members of the subcommittee might have to assist the Department in meeting this important goal. Thank you, and I am happy to answer any questions you might have.

[The prepared statement of Mr. Keable follows:]

PREPARED STATEMENT OF EDWARD TIMOTHY KEABLE, DEPUTY SOLICITOR—GENERAL LAW, U.S. DEPARTMENT OF THE INTERIOR

Chairman Gohmert, Ranking Member Dingell, members of the subcommittee, thank you for the opportunity to appear before you today. My name is Ed Keable and I am the Deputy Solicitor for General Law at the Department of the Interior (Department).

I have been a career public servant for over 25 years, beginning as a lawyer in the U.S. Army Judge Advocate General's Corps. I have been the Department's Deputy Solicitor for General Law since 2012. While serving in the Army, I learned the value of public service and the importance of providing high-quality and thoughtful legal counsel. Since my arrival at the Department, I have proudly served both Republican and Democratic administrations with equal dedication to excellence, with the goal of ensuring that the Department pursues its great mission in a lawful and ethical manner.

As the Deputy Solicitor for General Law, I am responsible for managing the Division of General Law in the Solicitor's Office, the Office of Ethics, and the legal work in the Office's regional and field offices. As would be expected by such a large agency with diverse missions, the general legal work carried out in the Solicitor's Office is equally as diverse, and includes providing counsel on administrative matters that may include Departmental organization and delegated authorities, appropriations law, information law, contracting and procurement issues, grants, patents, copyrights, trademarks, property management, land titles, records management, personnel and civil rights matters, issues involving the Insular Areas administered by the Department, and issues involving Native Hawaiians, to name just a few.

A part of my area of legal practice also includes providing legal advice to senior leaders in the Department in response to reports of investigation from the Office

of Inspector General. In that capacity, I give counsel on whether and how subjects of OIG reports of investigation might be held accountable and whether and how bureaus and offices might improve processes addressed in those reports.

The Department's ethics program is also located within the Office of the Solicitor, and is sound, robust, and serves the Department well. The Department Ethics Office (DEO) has been recognized by the Office of Government Ethics (OGE) for leading a strong program.

The DEO is made up of a talented group of ethics attorneys and professional staff headed by the Department's Designated Agency Ethics Officer (DAEO). It is important to note that the DEO is not an enforcement or investigatory office, but one that provides ethics advice, counseling and education to the Department's employees. The DEO also manages the financial disclosure reporting process.

Each bureau in the Department has the regulatory responsibility to manage its own ethics programs. Bureau directors are tasked with the responsibility of managing the ethics programs in their bureaus and they rely on dedicated ethics professionals to assist them in this important work. The DEO works closely with the bureau ethics programs to ensure they are operating to the standards established by OGE.

The DEO audits bureau ethics programs. Using the information from these audits, from OIG reports, and from day-to-day engagements DEO staff has with clients and bureau ethics professionals, the DEO continually looks for opportunities to improve the Department's ethics program. Some examples of improvements that the Department has made to its ethics program in recent years include: the establishment of a full-time deputy ethics counselors (DEC) in every bureau at the GS-14 level or higher; elevating the reporting level of the DECs in the bureaus; increasing training opportunities for both ethics professionals and employees generally; increasing the organizational ties between the DEO and the bureau ethics programs; and strengthening recusal processes, financial disclosure, and advice and counseling processes. The DEO maintains a general supervisory role in relation to the bureau ethics programs, has review and concurrence authority for the hiring the DECs, sets the performance standards for the DECs, and has input in the performance ratings of the DECs.

The constructive relationship between DEO and OIG is critical to the success of both organizations. The Interior DAEO has access to the OIG for referral of possible ethics breaches. The OIG investigators have access to the DEO staff as subject-matter experts in OIG investigations that touch on ethics issues. Relationships like these, between these critically important offices, serve to strengthen the Department's ethics program.

The Department is committed to promoting a culture of ethics within the Department and to providing its employees with a strong ethics program. I look forward to any insights members of the subcommittee might have to assist the Department in meeting these important goals. Thank you and I am happy to answer any questions you might have.

QUESTIONS SUBMITTED FOR THE RECORD BY REPRESENTATIVE GOHMERT TO EDWARD KEABLE, DEPUTY SOLICITOR FOR GENERAL LAW, OFFICE OF THE SOLICITOR, U.S. DEPARTMENT OF INTERIOR

Question 1. You stated that you had a meeting scheduled the day after the hearing with OGIS to discuss the FOIA issues and you agreed to provide information about that meeting. Please provide about the purpose and goals of that meeting. Please describe discussions held during the meeting, and the outcome of the meeting.

Answer. OGIS Deputy Director Nikki Gramian and I met telephonically on May 25, 2016. The purpose of the meeting was to address concerns Ms. Gramian had raised with me about the responsiveness of the Department of the Interior's (DOI) FOIA Appeals Office to OGIS and the anticipated length of time for finalizing the appeals. During the meeting, I explained that the FOIA Appeals Office had recently undergone staffing challenges that I was working with the FOIA Appeals Officer to address. I explained that I expected OGIS's concerns regarding responsiveness to be resolved by that effort. DOI did address the FOIA Appeals Office staffing and that did help to resolve OGIS's concerns. I had a follow-up conversation with Ms. Gramian on or about October 19, 2016, to confirm that she was getting the information she subsequently sought from the FOIA Appeals Office and she confirmed that she was pleased with their responsiveness.

Question 2. What day did you decide to schedule that meeting?

Answer. Beginning on May 19, 2016, OGIS Deputy Director Nikki Gramian and I had an email exchange discussing an opportunity to meet telephonically. We settled on a meeting time of May 25, 2016, on May 23, 2016.

Question 3. Please provide, as you agreed to do in the hearing, written responses from your Department to OGIS.

Answer. As indicated in the prior answers, OGIS and I discussed the issues raised and I believe that we have addressed those issues. No written response to the incoming letter was sent to OGIS.

Question 4. Please provide detailed information about ethics training programs and requirements now in effect at DOI.

Answer. The DOI Ethics training program meets and exceeds the Office of Government Ethics (OGE) requirements. OGE requires all financial disclosure filers (OGE Form 278e and 450) to receive annual ethics training and all new employees to receive ethics orientation training. DOI provides annual ethics training, ethics orientation training, and specific ethics topic training on-line, in-person and via webinars on a regular basis.

Mr. GOHMERT. Thank you very much. We appreciate both your testimonies here today. To begin questioning, I recognize myself for 5 minutes.

[Slide]

Mr. GOHMERT. Ms. Kendall, Director Jarvis sent a handwritten note to the Secretary after his book was published. We can see from the screen there that his note states that he wrote the book "at the request of the publisher, Eastern National." To your knowledge, is that true?

Ms. KENDALL. To my knowledge, Mr. Jarvis was the one who came up with the idea for the book, not Eastern National.

Mr. GOHMERT. How did your team determine that Director Jarvis lied about approaching Eastern National to obtain the book deal?

Ms. KENDALL. I believe that they made this determination through interviews with Mr. Jarvis, with representatives at Eastern National, and a review of email messages between the two.

Mr. GOHMERT. And his note says, "I wrote this on my own time," but was that statement true?

Ms. KENDALL. I don't believe we found that statement not to be true, because we found that he did not write it on work time. He wrote most of it at home.

Mr. GOHMERT. OK. Then Director Jarvis wrote in there to Secretary Jewell, the head of Interior, that there are no ethics issues. Is that statement true?

Ms. KENDALL. I believe that is not accurate. It was his assumption, but we found differently.

Mr. GOHMERT. And what did you find?

Ms. KENDALL. We found that, really, he should have started his whole process by consulting the Ethics Office about the propriety of writing this book, about any number of issues, including copyright and publication issues. Again, he should have consulted the Office of Ethics, and probably the Solicitor's Office generally, in terms of the appropriateness of writing, publishing, and partnering with Eastern National in distributing the book.

Mr. GOHMERT. Do you know why he did not consult with ethics folks first?

Ms. KENDALL. I believe he told our investigators that he intentionally chose not to consult the Ethics Office, because he was afraid it would either slow down or thwart his efforts to write the book.

Mr. GOHMERT. Does it concern you that that book was then made for sale through the Park Service, of which he is Director?

Ms. KENDALL. It was made available for sale, as I understand it, through Eastern National, which is a concessionaire of the Park Service.

Mr. GOHMERT. Let's touch on that. Eastern National, you mentioned they are a concessionaire. What does that entitle them to do, and how do they obtain that position?

Ms. KENDALL. I may be mistaken about the term "concessionaire." They are associated with the National Park Service, and my understanding is that they make the book available maybe through a concessionaire or someone who sells things on National Park property.

Mr. GOHMERT. So the Park Service, then, has authority to make contracts with individual contractors, individual companies, to allow them to sell or provide services or goods on Park Service property. Is that correct?

Ms. KENDALL. That is my understanding, yes.

Mr. GOHMERT. And so, as Director of the Park Service, it sure would appear that he could have a lot to do with who gets contracts, who doesn't get contracts; and yet he used that position to get Eastern National to publish the book, and it raises other issues.

Mr. Keable, let me ask you. Director Jarvis is quoted in his report acknowledging the risk he was willing to take going around the Solicitor's Office. From what we can see, there was no risk because he was caught and there have been no real consequences. Has Director Jarvis affected the credibility of the ethics program at Interior, in your opinion?

Mr. KEABLE. Thank you for that question, Mr. Chairman. I disagree with the statement that there were no consequences for what he did. The Director was disciplined for—

Mr. GOHMERT. And how was he disciplined?

Mr. KEABLE. He was issued a letter of reprimand. His authority to manage the National Park Service ethics program was removed from him, and he is required to take ethics training on a monthly basis for the rest of the term.

Mr. GOHMERT. OK. Well, from what I understand of people involved in supervising ethics, it is a thankless job and most folks are delighted to get rid of it.

My time is expired. The Chair recognizes the Ranking Member, Mr. Lacy Clay, from Missouri.

Mr. CLAY. Ms. Kendall, can you please tell us how your office was made aware of the alleged violations in each of the three cases we are discussing here today?

Ms. KENDALL. In Mr. Jarvis's case, the information was brought directly to my attention by the Chief of Staff, the Secretary's Chief of Staff, and the Ethics Office.

In regard to Mr. Roessel, we received a complaint from an employee within the Bureau of Indian Education.

And, my recollection in terms of the Chief Ranger at the Grand Canyon is that we also received a complaint from inside—complainants in the park.

Mr. CLAY. So you are saying that all three cases were reported by another DOI employee.

Ms. KENDALL. I can say that with assuredness relative to Mr. Roessel and Mr. Jarvis. That is my recollection regarding Mr. Reid.

Mr. CLAY. OK. If DOI employees are the ones who are bringing ethical violations to the Inspector General's attention, that sounds more like a culture of doing the right thing to me. You don't have to answer that; it was rhetorical.

Anyway, the Deputy Secretary of the Interior, under the previous administration, Mr. Steven Griles, spent 5 months in prison because he lied to Senate investigators about his involvement with convicted lobbyist, Jack Abramoff. In addition to Mr. Griles's indiscretion, Secretary Norton herself resigned from the Department before investigations into her involvement could begin.

We have seen time and time again that an organization's culture is shaped at the top. In your testimony, you mention that the current leadership at Interior, including the Deputy Secretary, has been working with you to be more responsible, more responsive, and decisive in their actions regarding employee wrongdoing. What kinds of things are you working on, and are you moving toward or away from a more ethical Department of the Interior?

Ms. KENDALL. Well, I would hope that we are always working toward a more ethical department at Interior. As for the things that I referred to in my testimony, we have had a much more open and engaging relationship at the Deputy Secretary, Chief of Staff, and the Solicitor's Office level, where we do share information and concerns with the Office of Ethics. I raise issues to the Deputy Secretary and Chief of Staff when I am aware of them, and they feel comfortable doing it for our office, as well.

Mr. CLAY. Do you get many executive-level inquiries about what are best practices—I mean which way they—or those that are seeking direction from your office, do you see more of that?

Ms. KENDALL. I can really only speak to one conversation that I had with the Secretary herself when she came on board, quite early in her tenure. She asked me my advice as to what to do, she, coming from the private sector, to deal with all the rules that applied to Federal Government employees. My very simple answer was to make best friends with the ethics department.

Mr. CLAY. Good response. Despite the three incidents we are discussing here today, would you agree that the vast majority of the employees at Interior take the mission of the Department and their individual responsibilities very seriously?

Ms. KENDALL. Yes, sir.

Mr. CLAY. OK. All right. You have answered all of my questions. Mr. Chair, I will yield back.

Mr. GOHMERT. Thank you. The Chair recognizes Mr. Labrador for 5 minutes.

Mr. LABRADOR. Thank you, Mr. Chairman.

Ms. Kendall, Director Jarvis admitted to your team that he had been in trouble many, many times for not asking permission. In 2008, the IG found that then-Superintendent to Mount Rainier

National Park, David Uberuaga—I think it is Uberuaga—had sold his home at an inflated price to a park concessionaire in an obvious conflict of interest. You referred his case for Federal prosecution.

When the sale was arranged, who was Mr. Uberuaga's boss in the region and his predecessor at Mount Rainier?

Ms. KENDALL. I do not know that, sir.

Mr. LABRADOR. It was John Jarvis.

Ms. KENDALL. OK.

Mr. LABRADOR. When the case was referred for prosecution, who was the regional director in charge of Mr. Uberuaga?

Ms. KENDALL. I am going to venture a guess that it was Mr. Jarvis.

Mr. LABRADOR. Correct. To your knowledge, was Mr. Uberuaga ever prosecuted?

Ms. KENDALL. He was not prosecuted.

Mr. LABRADOR. Was he fired by Mr. Jarvis?

Ms. KENDALL. No.

Mr. LABRADOR. In fact, after the incident, he was promoted to Superintendent of Grand Canyon National Park, one of the most coveted positions in the Park Service. Who was the Director of the Park Service that approved this prestigious promotion?

Ms. KENDALL. I don't know for a fact, sir, but I am going to guess that it was Mr. Jarvis.

Mr. LABRADOR. Yes, it was. I guess we see a pattern here, right?

Recently the IG revealed the disturbing pattern of sexual harassment that was known to leadership at Grand Canyon National Park. Who was the Superintendent of Grand Canyon National Park at the time the harassments occurred?

Ms. KENDALL. Mr. Uberuaga.

Mr. LABRADOR. Has he been fired?

Ms. KENDALL. No. As far as I know, he resigned effective last week.

Mr. LABRADOR. OK. Effective last week, but was he offered before that a transfer to Washington, DC?

Ms. KENDALL. I do not know.

Mr. LABRADOR. My information is that he was. Do you know who offered that transfer?

Ms. KENDALL. I don't.

Mr. LABRADOR. Mr. Jarvis. And, as you just indicated, he has decided to retire instead of accepting the transfer.

Ms. Kendall, in 2008, who was the Regional Director over Point Reyes National Seashore when, as the IG reported, the Park Service misrepresented research in order to kick a historic oyster farm out of the park?

Ms. KENDALL. I believe it was Mr. Jarvis at the time.

Mr. LABRADOR. To your knowledge, did Mr. Jarvis fire anyone for the deception at Point Reyes?

Ms. KENDALL. I don't have any recollection of that happening, sir.

Mr. LABRADOR. I believe the answer is no, as far as we can tell.

Who was the Director of the Park Service that ultimately kicked the oyster farm out of the park, using the fictitious data?

Ms. KENDALL. I believe it was Mr. Jarvis who terminated the lease with the oyster farm.

Mr. LABRADOR. Correct. Ms. Kendall, did your investigation determine whether or not Director Jarvis worked on his book while staying at Brinkerhoff, the exclusive National Park Service VIP lodge in the Tetons?

Ms. KENDALL. I don't believe our investigation determined that he worked on it while he was there.

Mr. LABRADOR. OK. Ms. Kendall, can you tell us about any other investigations you have conducted that involve Director Jarvis?

Ms. KENDALL. None come to mind directly, sir, but I would be glad to get back to you on that.

Mr. LABRADOR. I am concerned about this pattern of ethical lapses and lack of accountability. I think it is very disturbing to our constituents. I am concerned—you know, this is the second hearing that I have today about unethical behavior in an administration office; and many people say, "Well, worse things happened under previous administrations," and I think that is true.

But what is really interesting is that a lot of those investigations happened in Republican administrations, and it was Republicans that were willing to actually investigate the unethical relationship. It is interesting to me that Democrats do not seem particularly interested in investigating unethical behavior on the part of their administration.

Has the Department of the Interior fired anyone, to your knowledge, because of this unethical behavior?

Ms. KENDALL. The ones we are talking about today, as far as I know, the answer is no.

[Information requested by Rep. Labrador from Ms. Kendall follows:]

UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
Washington, DC 20240

July 8, 2010

Memorandum

To: Assistant Inspector General for Investigations, Office of Inspector General
From: Daniel N. Wenk—for the Director
Subject: Jeffery Burton, OIG Case File No. OI-NM-10-0299-I

This is in response to your May 27, 2010, Management Advisory recommending a broader ethics training policy at the National Park Service and the implementation of a conflict of interest and non-disclosure statement prior to the commencement of financial assistance evaluation panels. These recommendations stem from an alleged conflict of interest pertaining to Jeffery Burton, Archeologist, in the Pacific West Region, who served on a grant review panel for the Intermountain Region.

While the Service forwarded to your office the alleged conflict of interest matter as required by 28 U.S.C. 535, your office noted it was not expeditiously done. The holdup was due to the gathering of background information surrounding the allegation which resulted in the unfortunate delay.

In the intervening period, the Service took steps to mitigate the concerns stemming from the alleged conflict of interest by rescoring the grant proposal without Mr. Burton's input for the project, "Multidisciplinary Research and Education at Honouliuli Internment Camp" where he was listed as a consultant by the University of Hawaii. Furthermore, the University of Hawaii, who was awarded the grant, was informed by the Service that no Federal funds could be used to pay for Mr. Burton's work on the grant.

As a result of Mr. Burton's case, your office raised a concern about employees' understanding of the ethics rules and regulations and whether they could benefit from increased training. The Service is aware of the ethics training regulations at 5 CFR 2638 and the requirement for initial ethics orientation of employees coming to the Service and the mandatory annual ethics training requirement for financial disclosure filers as this training data is reported in the annual Office of Government Ethics questionnaire.

Every year the Service uses several training methods to train not only those employees with a mandatory training requirement as a result of being a financial disclosure filer, but encourages non-filers to attend as well. This year, the Service released into the DOI Learn training system several on-line ethics training modules it had developed to help educate employees. Furthermore, a senior member of my ethics staff was involved with the making and taping of the "DOI New Entrant Ethics Orientation." A DVD copy of this taping was sent to all field ethics offices for use in meeting the orientation requirement and is attached for your information.

The Service is also actively participating with the Department Ethics Office on several of its efforts to develop a stellar ethics program as envisioned by Secretarial Order 3288, "Enhancing and Promoting an Ethical Culture within the Department of the Interior." To date, this has included attending the Assistant Ethics Counselor Summit meeting on June 15-17, 2010, to brainstorm program ideas and volunteering to participate in the first Departmental assessment next month in Denver, Colorado, where assistance will be given to local ethics officials on running their programs and where employees can express their ethics concerns at "town hall meetings." The Service will have its "town hall meeting" on July 20, 2010. While the Service assesses the vitality of its ethics program through these avenues, it will revisit your recommendation that all employees must receive ethics training.

The Service is adopting your recommendation to develop processes and a conflict of interest and non-disclosure statement prior to the commencement of financial assistance evaluation panels and this undertaking is being headed by the Associate Director, Business Services. A draft copy is attached for your information. In the meantime, the Intermountain Region has already implemented steps to help prevent what occurred with Mr. Burton from happening again and a copy of their requirements is attached for your information. Please note such procedures are already in place for contract panels.

The Service is committed to fostering the highest ethical standards for our employees. If you have any questions, please contact my office.

Attachment

To: Peggy Moran-Gicker, Ethics Program Manager

From: Greg Kendrick, Assistant Regional Director, Partnerships and External Relations

Re: Review Panel Protocols

The NPS, Intermountain Region (IMR), in an effort to ensure that grants are awarded in a fair and ethical manner, has implemented protocols for all regional review panels involved in the evaluation of grant applications. These protocols, outlined below, were implemented prior to the 2010 Japanese American Confinement Sites (JACS) Grant Program Review Panel, which convened at the NPS Intermountain Regional Office during the week of March 15, 2010. The protocols are:

Required Ethics Training Session for all Review Panels

Each review panel meeting must begin with a one-hour training session on DOI ethics laws and regulations. As occurred with the 2010 Japanese American Confinement Sites review panel, an Employees Relations Officer, with appropriate level of ethics training, will conduct this ethics training session for the review panelists, which will be held before the review panelists begin their review of the project proposals. The session will provide an overview of ethics in the federal government, clarify the roles and responsibilities of the review panelists, and specifically address how panelists can identify and avoid a potential conflict of interest in their review of the grant project proposals. The session will discuss how DOI regulations prohibit employees from using their public office for private gain or for the private gain of family or friends. The training will include a discussion of 18 U.S.C., Sec. 208 as well as 5 C.F.R. Section 2635.502. As part of that training, the panelists must agree to recuse themselves from reviewing any proposals for which there may

be a potential conflict of interest. As in the case of the 2010 JACS review panel, each review panelists will be provided a copy of the *Department of the Interior Ethics Guide* (November 2008) as part of the training, and must sign a “Confidentiality and Conflict of Interest Certificate” prior to the beginning of the review process.

Required Ethics Training for all Grants Program Staff

All NPS staff involved in the implementation and management of grants must have annual training in ethics. In the case of the JACS program, JACS Program Manager, Kara Miyagishima; JACS Program Staff Member, Alexandra Hernandez; Heritage Partnerships Program Manager, Christine Whitacre; and Assistant Director, External Relations and Partnerships, Greg Kendrick have completed such training.

Enforcement of Ethics Rules during Review Panels

The Grants Program Manager, or a qualified member of the program staff, must be in attendance during the entire review panel process, to ensure that ethics laws and regulations are being followed. In the event of an ethics violation—for example, a review panelist failing to recuse himself/herself from the review of a project in which there may be a potential conflict of interest—the Grants Program Manager will stop the proceedings, and confer with an Employee Relations Officer as to the appropriate course of action.

Memorandum

To: NLC

From: Associate Director, Business Services

Subject: Financial Assistance Evaluation Panels

It has come to my attention that there are inconsistencies in how evaluation panels for financial assistance are managed. Henceforth, the following guidance will be used in addition to all other legal requirements when any evaluation panel is used. Unless specific permission is sought and approved, all panel members will be government employees.

Grants Manager or Technical Evaluation Panel Chair:

1. Establish the criteria for the award based on the authorizing legislation and as included in the Funding Opportunity Announcement.
2. Assign values to each of the criteria.
3. Select evaluation panel members with the expertise to provide an informed judgment of the applications.
4. Prepare an evaluation sheet for each panel member.
5. Require that each evaluation be reviewed by a minimum of two panel members.
6. Require each panel member to complete a Non-disclosure Agreement prior to starting the evaluation process.
7. Require each panel member to sign an Ethics form prior to starting the evaluation process.
8. Inform all panel members of their roles and responsibilities.
9. Attend all meetings of the panel to assure all applicable ethics laws and regulations are followed.
10. Document the selection proceedings including the scoring of each application.
11. Maintain the rating sheets in the grant files and apply the Records Management standards for retention, archiving and disposal.

Evaluator duties:

1. Review each application separately using the criteria written for the award.
2. Sign the Non-disclosure and Ethics forms; identify any potential conflicts if they occur.
3. Assign a rating based on the criteria and the evaluation sheet.

4. Participate in discussions regarding disparities in panel members' ratings and reach a consensus on the rating.
5. Maintain confidentiality regarding the proposals, the proceedings and the discussions leading to the decisions.

Jon Jarvis Cases as requested by Rep. Labrador

Investigations

1. OI-CA-07-0297-I (W) Opened 05/01/2007 Closed 04/16/2009

In April of 2007, Kevin and Nancy Lunny wrote to us requesting an investigation into the actions of Point Reyes National Seashore (PRNS) Superintendent Donald Neubacher. Specifically, the Lunny family, which owns and operates the Drakes Bay Oyster Company (DBOC) and the G Ranch, both located within the PRNS, alleged that Neubacher had undermined and interfered with the Lunny family's businesses and had slandered the family's name. Further, they believed there was a movement by Neubacher and local environmentalists to shut down the family's oyster farm by crippling the family financially. We opened an investigation shortly after receiving the Lunnys' allegations.

Our investigation determined that PRNS published a report on Drakes Estero, where the Lunny family farms oysters, containing several inaccuracies regarding the source of sedimentation in the estero. After receiving complaints from Corey Goodman, a neurobiologist, NPS removed the report from its Web site on July 23, 2007, and 2 days later, it posted an "acknowledgement of errors" in its place. Our investigation determined that in this report and in a newspaper article, PRNS Senior Science Advisor Sarah Allen had misrepresented research regarding sedimentation in Drakes Estero completed in the 1980s by U.S. Geological Survey scientist Roberto Anima. In addition, we determined that she failed to (1) provide a copy of a germane e-mail message between Anima and herself in response to a FOIA request that specifically sought such correspondence and (2) stated in a public forum that NPS had over 25 years of seal data from Drakes Estero when in fact that was inaccurate.

While Allen denied any intentional misrepresentation of Anima's work, our investigation revealed that Allen was privy to information contrary to her characterization of Anima's findings in the Sheltered Wilderness Report and other public releases, and she did nothing to correct the information before its release to the public.

Additionally, Neubacher and Allen made concerted attempts to refute Kevin Lunny's disputed portrayal of oyster farming as beneficial for Drakes Estero. Our investigation revealed that although Neubacher intended to bring the potential negative effects of the DBOC operation to the public's eye to counter what he considered "misinformation," in several instances he could have exercised better judgment and expressed NPS' position with greater clarity and transparency. Further, he exaggerated the Marine Mammal Commission's role in responding to DBOC's impact on the harbor seal population in Drakes Estero when he spoke before the Marin County Board of Supervisors (MCBS).

Although the complainants provided numerous examples of what they perceived as disparate treatment by Neubacher, our investigation revealed no indication that Neubacher treated the Lunny family with any disparity regarding either of their businesses in the park. We found no indication that Neubacher was planning to shut DBOC down prior to 2012, when DBOC's Reservation of Use and Occupancy (RUO) expires. Further, we found that Neubacher did not have the authority to extend any RUO. In addition, an extension of DBOC's particular RUO would violate a congressional mandate that the oyster operation be removed as soon as the RUO expires in order to manage Drakes Estero as wilderness.

Conversely, our investigation revealed that, until April 22, 2008, Kevin Lunny had been operating DBOC without a Special Use Permit since he bought the oyster operation in 2005 and had refused to sign a permit despite ongoing negotiations with PRNS, the Pacific West Region of the National Park Service (NPS), U.S. Department of the Interior (DOI), and the San Francisco Field Office of the DOI Solicitor's Office. Similarly, his parents had been operating the G Ranch without a signed Special Use Permit since it came up for renewal in 2004 despite efforts by PRNS to bring him into compliance with federal regulations. According to the Code of Federal Regulations, engaging in any business within a national park is prohib-

ited without a “permit, contract, or other written agreement with the United States.”

We referred our investigative report to NPS Director Mary Bomar on June 21, 2008, for information only. No response was required.

We also sent a Management Advisory (MA) to Director Bomar on December 2, 2008, relating our finding that the Point Reyes National Seashore's methods for peer review and standards for conveying information to the public were haphazard and ineffectual. We made a number of suggestions to improve that situation in the MA.

On April 9, 2009, then Acting Director Daniel Wenk, responded to the suggestions in the MA, stating, in part that it agreed with some suggestions and had already taken actions to address the issues noted in the MA.

2. PI-PI-08-0508-I (W) Opened 08/26/2008 Closed 03/17/2009

On August 22, 2008, the Department of the Interior, Office of Inspector General (DOI OIG), Program Integrity Division, received information from a confidential source alleging that there was a possible conflict of interest regarding a real estate transaction between Dave Uberuaga [Seller], Superintendent, Mount Rainier National Park (MRNP), and Peter and Erika Whittaker [Buyer], part owners of Rainier Mountaineering, Inc. (RMI), a concessioner at MRNP.

During this investigation, we determined that Uberuaga originally bought the property in 1992 for \$84,000, sold it in December 2002 for \$425,000, and subsequently financed the sale of his property to Whittaker over the course of 63 months. Uberuaga was interviewed and denied that there was a quid pro quo based on the sale of the property to Whittaker and subsequently passed a polygraph examination regarding this issue. Based on the appearance of a conflict of interest, we reviewed several documents submitted by Uberuaga and determined that he made false statements or concealed material facts on his Office of Government Ethics (OGE) form 450; an e-mail he sent to the NPS reviewing official, who requested additional information of the nature of the transaction; and by signing the conflict of interest certification for MRNP's contract process.

Our findings were presented to the United States Attorney's Office for the Western District of Washington. That office declined any prosecution of Uberuaga. The results of this investigation will be forwarded to the Director of the National Park Service for review and appropriate action.

We referred our investigative report to NPS Director Mary Bomar on December 10, 2008, with a request that NPS respond to the findings in our report.

On or about March 9, 2009, Jonathan Jarvis, then Director of the NPS Pacific West Region, reported that he had issued Uberuaga a written Letter of Reprimand on February 24, 2009.

Drakes Bay Oyster Company Cases

1. OI-CA-07-0297-I (W) Opened 05/01/2007 Closed 04/16/2009

In April of 2007, Kevin and Nancy Lunny wrote to us requesting an investigation into the actions of Point Reyes National Seashore (PRNS) Superintendent Donald Neubacher. Specifically, the Lunny family, which owns and operates the Drakes Bay Oyster Company (DBOC) and the G Ranch, both located within the PRNS, alleged that Neubacher had undermined and interfered with the Lunny family's businesses and had slandered the family's name. Further, they believed there was a movement by Neubacher and local environmentalists to shut down the family's oyster farm by crippling the family financially. We opened an investigation shortly after receiving the Lunnys' allegations.

Our investigation determined that PRNS published a report on Drakes Estero, where the Lunny family farms oysters, containing several inaccuracies regarding the source of sedimentation in the estero. After receiving complaints from Corey Goodman, a neurobiologist, NPS removed the report from its Web site on July 23, 2007, and 2 days later, it posted an “acknowledgement of errors” in its place. Our investigation determined that in this report and in a newspaper article, PRNS Senior Science Advisor Sarah Allen had misrepresented research regarding sedimentation in Drakes Estero completed in the 1980s by U.S. Geological Survey scientist Roberto Anima. In addition, we determined that she failed to (1) provide a copy of a germane e-mail message between Anima and herself in response to a FOIA request that specifically sought such correspondence and (2) stated in a public forum that NPS had over 25 years of seal data from Drakes Estero when in fact that was inaccurate.

While Allen denied any intentional misrepresentation of Anima's work, our investigation revealed that Allen was privy to information contrary to her characterization of Anima's findings in the Sheltered Wilderness Report and other public releases, and she did nothing to correct the information before its release to the public.

Additionally, Neubacher and Allen made concerted attempts to refute Kevin Lunny's disputed portrayal of oyster farming as beneficial for Drakes Estero. Our investigation revealed that although Neubacher intended to bring the potential negative effects of the DBOC operation to the public's eye to counter what he considered "misinformation," in several instances he could have exercised better judgment and expressed NPS' position with greater clarity and transparency. Further, he exaggerated the Marine Mammal Commission's role in responding to DBOC's impact on the harbor seal population in Drakes Estero when he spoke before the Marin County Board of Supervisors (MCBS).

Although the complainants provided numerous examples of what they perceived as disparate treatment by Neubacher, our investigation revealed no indication that Neubacher treated the Lunny family with any disparity regarding either of their businesses in the park. We found no indication that Neubacher was planning to shut DBOC down prior to 2012, when DBOC's Reservation of Use and Occupancy (RUO) expires. Further, we found that Neubacher did not have the authority to extend any RUO. In addition, an extension of DBOC's particular RUO would violate a congressional mandate that the oyster operation be removed as soon as the RUO expires in order to manage Drakes Estero as wilderness.

Conversely, our investigation revealed that, until April 22, 2008, Kevin Lunny had been operating DBOC without a Special Use Permit since he bought the oyster operation in 2005 and had refused to sign a permit despite ongoing negotiations with PRNS, the Pacific West Region of the National Park Service (NPS), U.S. Department of the Interior (DOI), and the San Francisco Field Office of the DOI Solicitor's Office. Similarly, his parents had been operating the G Ranch without a signed Special Use Permit since it came up for renewal in 2004 despite efforts by PRNS to bring him into compliance with federal regulations. According to the Code of Federal Regulations, engaging in any business within a national park is prohibited without a "permit, contract, or other written agreement with the United States."

We referred our investigative report to NPS Director Mary Bomar on June 21, 2008, for information only. No response was required.

We also sent a Management Advisory (MA) to Director Bomar on December 2, 2008, relating our finding that the Point Reyes National Seashore's methods for peer review and standards for conveying information to the public were haphazard and ineffectual. We made a number of suggestions to improve that situation in the MA.

On April 9, 2009, then Acting Director Daniel Wenk, responded to the suggestions in the MA, stating, in part that it agreed with some suggestions and had already taken actions to address the issues noted in the MA.

2. OI-HQ-11-0052-R Opened 11/09/2010 Closed 06/06/2011

We received information from Corey Goodman reporting that in 2007, the Point Reyes National Seashore (PRNS), National Park Service (NPS), set up a camera overlooking Drake's Estero within PRNS to record Drakes Bay Oyster Company (DBOC) employees disturbing harbor seals without telling the OIG at the time when OIG had an ongoing investigation concerning DBOC. Goodman alleged that NPS kept the camera secret because photos taken disproved their contention that DBOC employees disturbed the harbor seals.

We referred the complaint to NPS Director Jonathan Jarvis on November 9, 2010, with a request that he respond to the allegations.

On May 2, 2011, Peggy O'Dell, NPS Deputy Director, responded that NPS requested the DOI Office of the Solicitor (SOL) to review the complaint. SOL reported that it found no criminal violations or scientific misconduct; however, it also found that NPS employees made mistakes that may have eroded public confidence in the way NPS addressed the matter. NPS did not take any further action.

Management Advisories

PI-PI-09-0443-I	Issued January 28, 2010	Response Received May 7, 2010
OI-NM-10-0299-I	Issued May 27, 2010	Response Received July 8, 2010
PI-PI-10-0690-I	Issued February 3, 2011	Response Received August 1, 2011
OI-PI-14-0695-I	Issued Nov. 16, 2015	Response Received Feb. 18, 2016 (Distribution of Letter and Declarations sent to Secretary Sally Jewell)
OI-PI-14-0695-I	Issued Nov. 16, 2015	Response Received Feb. 18, 2016 (Hiring of Bryan Edwards)

Mr. LABRADOR. But you, Mr. Keable, believe that they have held some people accountable?

Mr. KEABLE. Yes, sir. The Department has followed due process in following through with each of these Inspector Generals' investigations, assessing how and whether to hold people accountable.

Mr. LABRADOR. And holding them accountable, according to you, is taking some jobs away from them. But no one has been fired because of these actions, correct?

Mr. KEABLE. No, sir. Holding people accountable is following due process. It is looking at the IG investigations and assessing how we can fashion charges that can be sustained if litigated.

Mr. LABRADOR. Are you not bothered by the pattern of unethical behavior?

Mr. KEABLE. I believe the Department has a culture of compliance. I believe that—

Mr. LABRADOR. I am not going into that. Are you not bothered by this pattern of unethical behavior?

Mr. KEABLE. I believe the Department has a culture of compliance.

Mr. LABRADOR. Thank you for not responding to the question. That is really outrageous.

Mr. GOHMERT. The Chair recognizes the gentleman from Georgia, Mr. Hice, for 5 minutes.

Dr. HICE. Thank you, Mr. Chairman. I appreciate you calling today's hearing on examining this culture of corruption at the Department of the Interior. I certainly regret that a few political appointees at the Department have taken advantage of public service for their own personal gain.

Mr. Keable, let me begin with you. Obviously, the purpose of this hearing is to stress the importance of ethical behavior and accountability at the Department of the Interior. Right at the heart of that is transparency.

It is extremely important for the Inspector General to report its findings to Congress in a timely manner. Likewise, it is important that the Department, as a whole, respect the fact that it is impossible to hold people accountable without fostering a culture of openness and transparency.

First question. Do you believe, and do you agree, that transparency is a very important part of accountability?

Mr. KEABLE. Yes, sir.

Dr. HICE. Well, then, Mr. Keable, I hope you can explain why the Solicitor's Office is stonewalling a number of FOIA requests. As you know, FOIA gives the public the right to access certain types of Federal agency information. Just within the past 2 weeks, the

Office of Government Information Services sent a letter to you requesting half a dozen delayed FOIA requests. They actually said in that letter, "Over the last few months OGIS has contacted the DOI Office of the Solicitor, seeking information about the status, including the tracking number for these appeals. But we have received no substantive response to these inquiries."

So, can you tell this subcommittee again how you take transparency and accountability so seriously?

Mr. KEABLE. Sir, as it happens, I have a meeting scheduled with OGIS tomorrow to talk about those matters. And I would say that the Department's FOIA program does its level best to provide timely services to the public who are seeking information before the Department, and we—

Dr. HICE. Does the fact that we are having a hearing today have any impact on why you happen to be having a meeting tomorrow?

Mr. KEABLE. No, sir. This hearing is about ethics compliance and OIG reports. It has nothing to do with transparency.

Dr. HICE. Well then, can you explain why your office has been ignoring these FOIA requests?

Mr. KEABLE. Sir, I don't believe our office has been ignoring these FOIA requests. I think that we have been processing FOIA requests as quickly as we can with the resources we have.

Dr. HICE. Well, that is not the feeling of OGIS. They feel very much ignored; and I think your excuse is, quite frankly, rather lame.

So, let me ask you this. Are you stating today in testimony that you will make it a commitment to deal with these FOIA requests?

Mr. KEABLE. Yes, sir.

Dr. HICE. Will you, likewise, send a copy to this subcommittee of your response to OGIS?

Mr. KEABLE. If I have a written response. As I said, I have a meeting scheduled tomorrow with the Acting Director at OGIS.

Dr. HICE. We would like the information from that meeting. We want to make sure that these requests are being taken care of. Will you commit to do that?

Mr. KEABLE. I am happy to follow up with the committee.

Dr. HICE. OK. Ms. Kendall, I understand that you recently changed your policy and decided to only give the Department 30 days to review a report before releasing it publicly. What is the reasoning behind that decision?

Ms. KENDALL. Part of the reasoning was that we found that giving 90 days was sort of both not enough time and too much time—not enough time, if the Department needed to take administrative action against an employee, because that can take a fair amount of time, just procedurally; but it was too much time, in our view, for getting the information both to Congress and out to the public.

So, we changed our process to issue our reports and post them on the Web site within 30 days of providing them to the Department, whether we have a response from the Department or not.

Dr. HICE. Have you seen a change in how the Department responds?

Ms. KENDALL. To a certain extent, I would say, yes. In a couple of instances we have had much quicker responses. But I would also say that in others, where the need to take the time to make sure

the administrative action is proper, we simply issue the report and provide it to Congress; and they continue to take the administrative action and then ultimately report it back to us.

Dr. HICE. Thank you, Mr. Chairman.

Mr. GOHMERT. I thank the gentleman. We will commence a second round of questioning.

Ms. KENDALL, when the current Administration went against your advice and reduced the authority of the Ethics Office, and shifted back that authority under the supervision of Mr. Keable, did you say anything about that? Did you have any kind of response expressing concerns?

Ms. KENDALL. Mr. Chairman, this happened quite some time ago. Mr. Devaney was still the Inspector General.

Mr. GOHMERT. This was when you were Deputy, though, correct?

Ms. KENDALL. Right. Yes. Oh, no, and I am aware of the time. The Office of the Solicitor and I think the Department may have had representatives and did brief us on this.

The complicating factor, and what we found back in 2004, was the Ethics Office was outside of the Solicitor's Office but it was not staffed by attorneys; and the Solicitor's Office had an attorney in its office that would provide sort of ad hoc ethics advice, but it was not binding. Therefore, our recommendation was really to empower the Ethics Office.

That it was placed in the Office of the Solicitor, in my view and, at the time, Mr. Devaney's view, did not diminish its power; it just put it over where it could be overseen by attorneys and staffed by attorneys.

Mr. GOHMERT. Well, we know, as Mr. Keable indicated, that Director Jarvis suffered the excruciating punishment of being removed from being in charge of the Ethics Office, which I have never heard anybody that ever enjoyed being in charge of an ethics office. It is about as thankless a job as you can have—but we are always grateful when somebody with a conscience is in charge.

But Director Jarvis is still at the top of the National Park Service. Let me ask you about Mr. Reid at Yellowstone. He was the Chief Ranger and the Chief Law Enforcement Officer there. What is he doing now?

Ms. KENDALL. He is the Superintendent at a park whose name I am blanking on right now.

Mr. GOHMERT. Well, Superintendent is an elevated title from where he was before, isn't it?

Ms. KENDALL. It certainly has the appearance of an elevation. Yes, sir.

Mr. GOHMERT. I mean he was Chief Ranger before, and then he goes to, as I understand, the Devils Tower National Monument.

Ms. KENDALL. Yes, that is correct.

Mr. GOHMERT. Which is, I understand, a plum assignment within the Park Service, an amazing place. That is not exactly a punishment, either. And I would bet that if you asked Mr. Jarvis, "Which of your responsibilities previously would you like to get rid of?" it would be getting rid of the Ethics Office.

There are so many other issues, but I want to go back and be clear for the record. With regard to Director Jarvis' statement that it was Eastern National that made the request for him to write the

book, and he failed to disclose the request he made of Eastern National; wouldn't you characterize that as his lying to the Secretary directly?

Ms. KENDALL. It was certainly not true. You are right.

Mr. GOHMERT. Are you aware of anyone in any supervisory capacity that has lied to the Secretary of the Interior that is still in their same position?

Ms. KENDALL. I am not aware of anyone else who has lied or is in the same position.

Mr. GOHMERT. Well, Director Jarvis admitted to your team, as I understand it, he had been in trouble "many, many times" for not asking permission. Is that your understanding?

Ms. KENDALL. That may well be in our report, sir. I am not familiar with that statement.

Mr. GOHMERT. Do you have any recommendations, at this time, based on what you have found through your investigations as to who should be in charge of ethics at the Department of the Interior?

Ms. KENDALL. Certainly the Designated Agency Ethics Official, who is appointed and is in the Office of the Solicitor. The other thing that we have engaged in discussion with her about is providing ethics training to all DOI employees, not just the filers of the public and the confidential disclosure forms.

Mr. GOHMERT. OK, thank you. At this time, I recognize, again, the Ranking Member from Missouri, Mr. Clay, for 5 minutes.

Mr. CLAY. Thank you, Mr. Chairman.

Ms. Kendall, your office investigated the incident at the Grand Canyon?

Ms. KENDALL. Yes, sir.

Mr. CLAY. And you identified over 30 employees who had experienced or witnessed incidents of sexual harassment from boatmen working in the river district. These findings were extremely troubling to me and my fellow committee members, and we signed a bipartisan letter to Director Jarvis urging the Park Service to expand this investigation to the entire agency. I do hope the agency takes this issue very seriously.

But since we are here, I would like to explore this assertion from my colleagues on the other side of the aisle that any ethical lapses at Interior are a product of what they think is a flawed Department-level Ethics Office structure.

So, Mr. Keable, can you tell me what responsibility does the Ethics Office have in enforcing ethical conduct and behavior in the workplace?

Mr. KEABLE. Certainly. Let me start by saying that, with respect to the 2004 Office of Inspector General report to which Members have referred, that report had 13 specific recommendations, and the Department has met all 13 of them.

The Designated Agency Ethics Official heads the Ethics Office of the Department. She is a direct report to me. She manages a staff of, I believe it is 10 people, 6 of whom are lawyers. They give ethics advice and counsel to employees in the Office of the Secretary. They oversee the bureau ethics programs. They provide training to employees across the Department.

Mr. CLAY. What type of training, sensitivity training or ethics training?

Mr. KEABLE. They provide ethics training. They train to the standards of conduct for employees of the executive branch. They also train on Hatch Act-related issues.

Mr. CLAY. In this case, let's pretend that the victims of the boatmen, who sexually harassed women in the river district, decided to seek ethical advice. Would they go to the Solicitor General or the DOI?

Mr. KEABLE. Sir, the bureaus each manage their own ethics program; so if they were seeking ethics advice, they would go to the bureau ethics officials.

Mr. CLAY. OK. So the choice of which office at DOI to report to sounds pretty much irrelevant in the case of one of a very serious problem the Department is currently faced with. From my perspective, it seems safe to say that restructuring the Department-level Ethics Office may not be the only answer to resolving issues of misconduct in Interior. Would you agree?

Mr. KEABLE. Yes, sir.

Mr. CLAY. OK. In your opinion, could the National Park Service be doing more to attack the culture in the now-defunct river district that led to the sexual harassment and assault of victims—

Mr. KEABLE. Sir, it is also my understanding that the Park Service is addressing those challenges.

Mr. CLAY. OK. Could they be doing anything else to understand whether there is a similar problem in other sectors of the Park Service? How can you help them identify problem areas?

Mr. KEABLE. My understanding is that the Park Service is looking at those kinds of questions.

Mr. CLAY. OK, and they just started doing that?

Mr. KEABLE. Well, I believe what they have done is they have looked at the IG report of the Grand Canyon and they are assessing how to address procedural issues to ensure that those kinds of situations do not repeat.

Mr. CLAY. Do you think it is Department-wide? Is there a culture there, or—

Mr. KEABLE. No, sir. I do not. I think the Park Service is taking very seriously the information in the IG report on the Grand Canyon and are very seriously addressing the issues highlighted by that report.

Mr. CLAY. So, from what you know, this is an isolated incident?

Mr. KEABLE. From what I know. Yes, sir.

Mr. CLAY. OK, all right. Thank you, Mr. Chairman. I yield back.

Mr. GOHMERT. Since we are so limited in Members, I would like to recognize myself.

Ms. Kendall, in your written statement—and I realize 5 minutes is so limiting that you did not have time to cover everything that you provide in your written statement. It is part of the record.

But you had stated, "DOI [Department of the Interior] does not do well in holding accountable those employees who violate laws, rules, and regulations. We see too few examples of senior leaders making the difficult decision to impose meaningful corrective action and hold their employees accountable. Often, management avoids discipline altogether and attempts to address misconduct by

transferring the employee to other duties or to simply counsel the employee. The failure to take appropriate action is viewed by other employees as condoning misbehavior.” That was in your written remarks. You do stand by that, correct?

Ms. KENDALL. Yes, sir, I do.

Mr. GOHMERT. You mentioned that you were briefed on a matter in which an employee was detailed to another agency at the expense of Interior, in lieu of using proper performance management progressive discipline to correct performance and conduct issues. How did you find out about that?

Ms. KENDALL. Yes. This is in an ongoing investigation, but the individual who was detailed actually came to us with a complaint, or actually through another employee, about the manager of that unit.

During the course of our investigation, we learned that the manager had complaints of his own about the complaining employee, both in terms of conduct and in terms of performance; and rather than addressing the performance and the conduct issues straight-away, he chose to use a detail to another agency.

Mr. GOHMERT. All right. And just to make clear, going back to the book deal with Eastern National, this contractor with the Park Service—so, Director Jarvis not only misrepresented, I believe you said, the situation to the Secretary of the Interior, but your team of investigators asked him specifically about that, didn’t they?

Ms. KENDALL. My recollection is that they did, yes.

Mr. GOHMERT. And the response was?

Ms. KENDALL. It was—

Mr. GOHMERT. Basically the same as was to the Secretary of the Interior, that he did not request it, Eastern National requested the book, correct?

Ms. KENDALL. I believe so, yes.

Mr. GOHMERT. Yes. So it was misleading, misrepresentation, or an outright lie, even to your own team, correct?

Ms. KENDALL. Correct.

Mr. GOHMERT. Do you know who that was on your team that questioned him about this?

Ms. KENDALL. I remember one of the agents, yes. I do not remember both the agents.

Mr. GOHMERT. I have no further questions.

Mr. CLAY. I do.

Mr. GOHMERT. Mr. Clay is recognized.

Mr. CLAY. Mr. Keable, the implication from my colleagues is that restructuring the Ethics Office is the solution to the ethics problem at the DOI. But a commitment to improving the ethical culture with concrete changes by this Administration has already yielded clear results.

For example, the Minerals Management Service, once plagued by scandal, was reorganized by Secretarial Order, which reassigned the responsibilities of the agency to a new Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement, and the Office of Natural Resources Revenue. Has the reorganization helped combat the corruption that was once so rampant?

Mr. KEABLE. Sir, I believe that those three organizations are well-run organizations, if that is what you are asking.

Mr. CLAY. Yes. Has it changed the culture of the agency?

Mr. KEABLE. I believe there is a healthy culture in those bureaus and offices.

Mr. CLAY. Well, can you point out any other changes that the Department has implemented?

Mr. KEABLE. Sir, going back to that 2004 IG report, as I said earlier, the Department has implemented all 13 of the specific recommendations in that report, starting with the point that the Inspector General made that there needs to be a singular voice of authority on ethics in the Department.

Prior to that report, there were two components in the Department that were providing information regarding ethics. The Ethics Office, at that time, was a small organization in the Office of the Secretary, and there were lawyers in the Solicitor's Office in the Division of General Law who, when legal issues came up, gave legal advice.

Even before that IG report came out, the Department established the Ethics Office in the Solicitor's Office, and we started staffing that office with attorneys. As I said earlier, we now have 10 employees in that organization, 6 of them lawyers.

There was never a point at which the Ethics Office was a stand-alone organization in the Department of the Interior. It was initially, as I said, an organization within the Office of the Secretary. In 2003, we moved it into the Solicitor's Office, pursuant to a Secretary's Order, and then we enshrined that in the departmental manual.

Mr. CLAY. Just a final question. In your testimony, you mentioned that the Department Ethics Office has been recognized by the Office of Government Ethics. Can you go into more detail about that recognition?

Mr. KEABLE. Certainly. Our current Designated Agency Ethics Official started in the Department in 2007. We hired her from the Defense Department. She was highly recommended with a tremendous background in ethics. Specifically, the Director of the Office of Ethics gave her very high recommendations when we hired her.

From 2008 to 2011, the Department's ethics program received a lot of recognitions. Those recognitions stopped when OGE stopped giving awards. But, nevertheless, it is the same leadership team in managing the Ethics Office now that received these awards.

For example, they were recognized for outstanding achievement in developing education and communications products that fostered an ethical climate in 2008. They were recognized for outstanding achievement in managing the ethics program in 2010, for excellence and innovation in 2011, for program excellence and innovation in ethics events in 2011, for program excellence and innovation for a product that gives rise to awareness, and others.

So again, this is the same ethics team in place now in the Solicitor's Office that was in place in the Solicitor's Office when they were receiving these awards at a time when the Office of Government Ethics issued awards.

Mr. CLAY. Thank you for that response. Sounds like a job well done.

And I will yield back the balance of my time.

Mr. GOHMERT. We thank the witnesses for being here. We appreciate your testimony. We hope that in the future the issue of ethics will be one not so much that gets awards, but actually deals with ethical behavior and corrects it.

Each side will have 5 additional days in which to provide additional material for the record.

And I do want to point out that ethics problems normally come from the top. Department senior leadership needs to set a good example, and we hope that is what will happen.

I would ask unanimous consent that the following items be submitted into the hearing record: a letter from Mrs. Dingell and myself to Secretary Jewell regarding the IMARS system dated March 24, 2016; the response to that letter from Deputy Secretary Connor dated April 29, 2016; and a handwritten note from Director Jarvis to Secretary Jewell dated June 11, 2015.

[The information follows:]

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
SUBCOMMITTEE ON OVERSIGHT & INVESTIGATIONS,
WASHINGTON, DC

March 24, 2016

Hon. Sally Jewell, Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Jewell:

On March 17, 2016, the Subcommittee on Oversight and Investigations of the Committee on Natural Resources held a hearing to shed light on the Department of the Interior's ("DOI") Incident Management, Analysis, and Reporting System ("IMARS"). We write to request more information about the implementation of IMARS, DOI's law enforcement database.

The Department has been in the process of implementing IMARS since 2002—and has spent in excess of \$65 million on the program¹—but it is still not fully functional and has not been fully deployed throughout DOI. The Department's inability to implement IMARS after expending so much time and resources on the project is troubling.

In order for the Oversight and Investigations Subcommittee to obtain a better understanding of the costs associated with IMARS, as well as DOI's failure to fully implement the system, it is requested that the following information be provided no later than 5:00 p.m. on Thursday, April 7:

1. Please provide the total spending associated with IMARS from 2002 to the present.
2. DOI's Deputy Assistant Secretary for Public Safety, Resource Protection, and Emergency Services testified that issues involving the FWS's implementation of IMARS are currently being evaluated, and also that DOI would "continue to work with the FWS to identify solutions" regarding implementation of IMARS. It has been fourteen years since DOI first began to implement the system. What potential or possible solutions for FWS's implementation of IMARS have been identified and are being considered?

¹GAO reports that DOI had spent \$64.75 million on IMARS through September 2012. U.S. Gov't Accountability Office, GAO-13-524, Information Technology: Additional Executive Review Sessions Needed to Address Troubled Projects 17 (2013).

Please deliver your response to the House Committee on Natural Resources at 1324 Longworth House Office Building and 1329 Longworth House Office Building. Please have your staff contact Rob Gordon and Vic Edgerton of the Committee staff with any questions.

Sincerely,

LOUIE GOHMERT,
Chairman.

DEBBIE DINGELL,
Ranking Member.

THE DEPUTY SECRETARY OF THE INTERIOR,
WASHINGTON, DC

April 29, 2016

Hon. LOUIE GOHMERT, *Chairman,*
House Subcommittee on Oversight and Investigations,
Washington, DC 20515.

Dear Mr. Chairman:

Thank you for your letter dated March 24, 2016, to Secretary Jewell regarding the Department of the Interior's (Department) Incident Management Analysis Report System (IMARS). Secretary Jewell asked that I respond to you on her behalf.

This supplements the information I provided on March 11, 2016, in response to Chairman Rob Bishop's request letter dated February 23, 2016. Since 2002, the Department has obligated \$49,534,697.86 on the implementation and operation of IMARS, which includes amounts necessary for personnel, information technology (IT) equipment and hardware, rent for physical space, hosting of system data, maintaining the software environment, and training law enforcement officers who use the IMARS system.

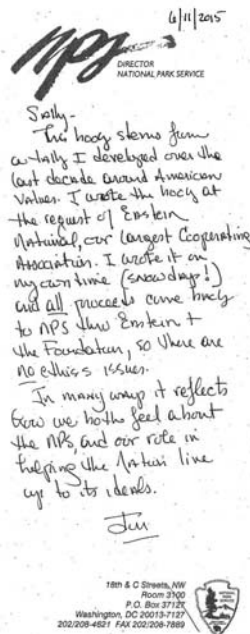
As I explained in my previous letter to Chairman Bishop, the Department is evaluating concerns raised by the U.S. Fish and Wildlife Service (FWS) as to whether IMARS can fully meet its law enforcement needs. In your letter, you asked me to elaborate on the Department's work with FWS to address these concerns and integrate FWS into the Department's IMARS solution while ensuring that FWS's unique law enforcement needs are met. The issues and challenges are technical in nature, and the Department's Office of Law Enforcement and Security, Office of the Chief Information Officer (OCIO), and FWS are working together to craft an effective solution. We will certainly keep the Subcommittee apprised as we work through these issues and make decisions over the coming months.

We appreciate your interest in this matter. If you or your staff have any questions, please contact Mr. Jason Powell.

A similar letter is being sent to Representative Debbie Dingell, Ranking Member of the Subcommittee on Oversight and Investigations, who cosigned your letter.

Sincerely,

MICHAEL L. CONNOR



Mr. GOHMERT. The members of the committee may have some additional questions for you. They would need to be submitted in writing, and we would ask that you respond to those. Under Committee Rule 4(h), the hearing record will then be held open for 10 additional business days for the responses after the questions are submitted.

If there is no further business, and without objection, those entries were made to the record, and the committee stands adjourned. [Whereupon, at 3:53 p.m., the subcommittee was adjourned.]

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE COMMITTEE'S OFFICIAL FILES]

1. An investigatory report issued by the Department of the Interior's Office of the Inspector General concerning the conduct of Deputy Secretary J. Steven Griles. PI-SI-02-0053-I Report of Investigation.
2. An investigatory report issued by the Department of the Interior's Office of the Inspector General concerning the conduct of Mr. Gregory W. Smith, Program Director of the Royalty in Kind Program, Mineral Revenue Management, Mineral Management Service in Lakewood, Colorado. (August 2008)
3. A Letter from the Office of Government Information Services addressed to [Name Redacted] regarding the status of their Freedom of Information Act (FOIA) request to the Fish and Wildlife Service. (March 3, 2016)