

**THE ADMINISTRATION'S RESPONSE
TO FINDINGS OF UNETHICAL AND
CRIMINAL CONDUCT AT THE
DEPARTMENT 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

SECOND SESSION

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OVERSIGHT HEARING ON THE ADMINISTRATION'S RESPONSE TO FINDINGS OF UNETHICAL AND CRIMINAL CONDUCT AT THE DEPARTMENT OF THE INTERIOR

**Thursday, June 23, 2016
U.S. House of Representatives
Subcommittee on Oversight and Investigations
Committee on Natural Resources
Washington, DC**

The subcommittee met, pursuant to notice, at 10:30 a.m., in room 1324, Longworth House Office Building, Hon. Louie Gohmert, [Chairman of the Subcommittee] presiding.

Present: Representatives Gohmert, Westerman, Hice, Mooney, LaHood, and Bishop (ex officio).

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

The subcommittee is meeting today to hear testimony on the Administration's response to findings of unethical and criminal conduct at the Department of the Interior.

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

Hearing no objection, so ordered.

We were notified that Ranking Member Dingell would not be able to be here. You may be aware we had an interesting evening and finished votes, I think, sometime after 3:00 a.m.

I will also say that it is a pleasure to work with Congresswoman Debbie Dingell. She is, I have found, one of the more honorable, decent people of integrity like her husband, and it is a pleasure to work with her. I think a great deal of her and I am proud to consider her a friend.

Now, I recognize myself for 5 minutes for an opening statement.

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

Mr. GOHMERT. A month ago this committee examined unethical conduct on the part of officials at the Department of the Interior, including Jonathan Jarvis, the Director of the National Park Service, who openly lied to the Secretary and attempted to mislead the OIG.

I mentioned then that the Department's failure to hold its employees accountable facilitates unethical and illegal behavior. The Department witness repeatedly testified that Interior has "a culture of compliance." Despite this, Secretary Jewell recently

issued a warning to 70,000 agency employees to “comply with the ethical responsibilities expected of all Federal employees.”

Since that hearing, more reports of unethical and illegal acts have been released.

The OIG reported that former BLM Director Bob Abbey personally arranged to sell Bureau of Land Management land in Nevada, so that his company could benefit to the tune of \$528,000. The Department of Justice chose not to prosecute Mr. Abbey, despite OIG presenting the case to two separate U.S. Attorneys.

OIG also investigated Stephen Barton, Chief of Administration and Information Management for the U.S. Fish and Wildlife Service. Mr. Barton failed to disclose that he was earning income, totaling nearly \$400,000, from serving as treasurer of an association that receives grants from and is audited by the Fish and Wildlife Service.

While lying about his employment conflict of interest, OIG also found that Mr. Barton lived in Idaho while being paid a substantially higher amount by claiming Washington, DC as his residence. To top it off, Mr. Barton billed taxpayers over \$96,000 for travel between the two locations.

DOJ declined to prosecute the case.

OIG also revealed that a U.S. Geological Survey lab in Colorado consistently manipulated lab results that are used by the Energy Resources Program and countless other entities from 2008 to 2014 and, possibly, as far back as 1996. The full impact and scope of this falsified data is unknown, but it is sure to be far reaching and serious.

At our last hearing, it was disclosed that OIG had confirmed a long-term pattern of sexual harassment at Grand Canyon National Park, where over 80 people were victimized. Leadership who allowed this practice to continue for years were not disciplined, and DOJ again refused to prosecute. I say “were not disciplined” because what was done was actually a favor to the culprit rather than a punishment.

We now have learned that the problem extends to other locations in our national park system, including the Canaveral National Seashore, where the manager sexually harassed employees over a period of 5 years. To make matters even worse, the OIG has made us aware that additional, unrelated cases of sexual harassment are currently under investigation.

Perhaps these serious issues should not be a surprise when such matters have been referred to a National Park Service Director who has shown a clear disinterest in following the ethics guidelines himself.

And, yesterday, we were informed that Fay Iudicello, an SES employee in the Secretary’s office, egregiously violated hiring regulations on multiple occasions in order to secure a job for her family member. Not only that, but in the process, she also instructed her subordinates to eliminate qualified veterans from the pool of candidates because she did not want to have a disabled veteran on staff. Her discriminatory and illegal actions resulted not in her dismissal but, instead, in the employment of her relative and the rejection of more qualified veteran candidates.

Failure of accountability extends beyond the Department of the Interior. Of 29 criminal cases that the OIG referred to the Department of Justice over the course of 6 months, 17 were declined for prosecution. This number is troubling, especially when DOJ participates alongside the OIG in some of these investigations it ultimately declines to prosecute.

While Justice's involvement in OIG investigations can be beneficial, it can also slow the pace of an investigation, and it can limit what OIG is able to report to Interior for accountability purposes.

We invited DOJ to testify today to help us understand how it works with the OIG, and how it decides whether to prosecute cases involving clear criminal violations. Rather than send a witness, DOJ instead put off the committee for days, questioned committee staff as to whether our committee has the right to request their presence at the witness table, and ultimately suggested that we read the "Principles of Federal Prosecution" online instead.

So, let me be clear. It is completely appropriate for this committee to request the presence of the Department of Justice at the witness table. We have a valid interest in its involvement in these OIG investigations and in learning from DOJ itself about its processes for handling OIG referrals.

The DOJ's refusal to be here today casts their record of non-prosecution of Administration misconduct into a light of accommodating such misconduct.

I thank the witnesses for coming here today and I look forward to their testimony.

[The prepared statement of Mr. Gohmert follows:]

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

A month ago this committee examined unethical conduct on the part of Department of the Interior officials, including the Director of the National Park Service, Jonathan Jarvis, who openly lied to the Secretary and attempted to mislead the OIG.

I mentioned then that the Department's failure to hold its employees accountable facilitates unethical and illegal behavior. The Department witness repeatedly testified that Interior has "a culture of compliance." Despite this, Secretary Jewell recently issued a warning to 70,000 agency employees to "comply with the ethical responsibilities expected of all Federal employees."

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OIG also investigated Stephen Barton, Chief of Administration and Information Management for the U.S. Fish and Wildlife Service. OIG found that Mr. Barton failed to disclose that he was earning income—totaling nearly \$400,000—while he served as treasurer of an association that receives grants from and is audited by the Fish and Wild Service. While lying about his employment conflict of interest, OIG found that Mr. Barton also lived in Idaho while being paid a substantially higher amount by claiming he resided in Washington, D.C. To top it off, Mr. Barton billed taxpayers over \$96,000 for travel between the two locations.

DOJ declined to prosecute this case.

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At our last hearing, we mentioned that OIG had confirmed a long-term pattern of sexual harassment at Grand Canyon National Park, where over 80 people were victimized. Leadership who allowed this practice to continue for years were not disciplined and DOJ again refused to prosecute.

We now have learned that the problem extends to other locations in our National Park System, including the Canaveral National Seashore where the manager sexually harassed employees over a period of 5 years. To make matters even worse, the OIG has made us aware that additional, unrelated cases of sexual harassment are currently under investigation.

Perhaps these serious issues should not be a surprise when such matters have been referred to a National Park Service Director who is incapable of following ethics guidelines himself.

And yesterday, we were informed that Fay Iudicello, an SES employee in the Secretary's office, egregiously violated hiring regulations on multiple occasions in order to secure a job for her family member. And not only that, but in the process, she also instructed her subordinates to eliminate qualified veterans from the pool of candidates because she did not want to have a disabled veteran on staff. Her discriminatory and illegal actions resulted not in her dismissal, but instead in the employment of her relative, and the rejection of more qualified veteran candidates.

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Let me make this clear—it is completely appropriate for this committee to request the presence of the Department of Justice at the witness table. We have a valid interest in its involvement in these OIG investigations, and in learning, from DOJ itself, about its processes for handling OIG referrals. The Department of Justice's refusal to be here today makes me wonder what their motivations for failing to prosecute these cases really are.

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

Mr. GOHMERT. The Chairman would normally recognize Mrs. Dingell; but, like I said, due to the unusual nature of the evening and the hardships it has placed on travel plans today, my friend, the Ranking Member, Mrs. Dingell, is not able to be here.

I would ask unanimous consent that any opening statement she has would be made a part of the record.

Hearing no objection, it is so ordered.

[The prepared statement of Mrs. Dingell follows:]

PREPARED STATEMENT OF THE HON. DEBBIE DINGELL, RANKING MEMBER,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Thank you, Mr. Chairman.

This is our second hearing in this subcommittee that looks at reports from the Department of the Interior's Inspector General. In the hearing on unethical conduct last month my colleague, Congressman Clay, sat in the Ranking Member chair because I was unable to attend and I am grateful for his commitment and effectiveness. He convincingly argued that instead of simply attacking the Administration for unethical conduct at the Department of the Interior, "We need to hear about the changes the Department is making to ensure the . . . cases before us aren't repeated." Thank you for responding to that request, Mr. Chairman.

I am deeply concerned about the recent findings by the Inspector General. Undoubtedly, the individuals we will discuss today acted unethically. In the case of

the inorganics lab at the U.S. Geological Survey, the issue was so bad that it spanned three administrations with the most recent incident alone spanning two. This is unacceptable.

Ensuring ethical conduct in the workplace is particularly critical for those who serve the public. The public must have faith that agencies serve their needs and tax dollars do not go to waste. During this time of low public trust in government, now more than ever we need to confirm that the Department responds to its ethical issues adequately.

Let's be frank. In any organization with over 70,000 employees, undoubtedly there will be bad decisions. In order to effectively manage those incidents, I believe three questions must be answered.

First, has the Department taken the necessary steps to learn from the incidents? Did they take the time and effort to fully understand the problem, including the lessons the IG has to offer?

Second, did the agency act to prevent these issues from re-occurring? Only by correcting past mistakes can the Department create a stronger and more ethical agency going forward. This administration has made multiple changes to try to correct the culture of corruption at key parts of the Department of the Interior that existed in the previous administration. It's our job to make sure the Department responds to the most recent ethical lapses now.

Third, are the cases at issue today isolated incidents or do they point to a more systemic problem? The authoritative voice on this question, Mary Kendall, has said that under this Administration there is now "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."

The Office of Inspector General's Semiannual Reports to Congress support that statement. From October 2014 to March 2016, 56 employees of the Department of the Interior were suspended, reprimanded, and removed, transferred, resigned, or retired due to investigations by the Office of Inspector General. That's a rate of 0.08 percent for the agency as a whole. For comparison, that's less than one-eighth the rate of corruption among members of the House of Representatives for that same time period.

I also want to explore a statistic that speaks to a claim that seems to underpin this hearing. The Majority states that the DOI IG referred 29 cases to Justice, and Justice only took up 17 of those cases over a recent 6-month time period. The implication is that the DOJ is improperly turning down referrals from the IG.

If we want to determine whether the Department of Justice in *this* Administration is treating offenders any differently than they should, we need a benchmark—some kind of point of comparison. So let's look at how the DOJ has responded to serious offenses in the past.

There is one case in particular that was mentioned in the previous hearing and provides a good reference point for what we are talking about today. I'm going to quote from the IG report.

At the former Minerals Management Service under the previous administration, nearly one-third of the employees in one of the agency's programs were receiving gifts and gratuities from the oil and gas industry.

Employees were "effectively opting themselves out of the Ethics in Government Act, both in practice, and, at one point, even explored doing so by policy or regulation."

Employees "manipulated the contracting process from start" to enrich themselves.

One employee pled guilty to a criminal charge. Two more were referred to the Department of Justice. And "others have escaped potential administrative action by departing from Federal service."

Employees "engaged in illegal drug use and illicit sexual encounters" with the very industry they were charged with regulating. That includes a supervisor who had sexual relations with subordinates and in consort with the oil and gas industry. As the report dryly says, "sexual relationships with prohibited sources cannot, by definition, be arms-length."

"When confronted by our investigators, none of the employees involved displayed remorse."

This is a case that was so depraved that it makes the perpetrators of today's case studies look like the Dalai Lama. On the surface, it seems that if ever there was a case that should have been prosecuted, it was this one.

Still, that's just one case. So I dug a little deeper and went all the way back to 2001—the beginning of the previous administration—to look at the rate that cases were referred by the Interior IG to the DOJ but declined by DOJ. I used the same data source as the majority—semiannual OIG reports. It turns out that the previous administration's Department of Justice declined to prosecute 67.1 percent of the

referrals from the DOI IG. Under this administration, it was 53.7 percent. So this administration prosecutes more of the Interior OIG cases than the previous administration.

I think we need to take a good hard look at the cases we have before us today and make sure we are continuing to improve all the agencies at DOI. But let's also make sure that we are being fair about the implications of these individual cases and examining all the evidence before we draw larger conclusions. Let's make sure the Department of the Interior's record of improvement has continued into this year. Let's make sure the Department has learned from its mistakes. And let's make sure the Department has the resources and the support it needs to guarantee employees continue to seek ethical consult going forward.

I yield back the balance of my time.

Mr. GOHMERT. 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, and has testified here before.

Ms. Kendall, welcome back. Thank you for being here.

Then, Mr. Steve Guertin is the Deputy Director of Policy at the U.S. Fish and Wildlife Service.

Mr. Guertin, thank you for being here.

Let me remind the witnesses that under our Committee Rules, oral statements must be limited to 5 minutes, but the entire written statement will appear in the hearing record regardless of your testimony.

When you begin, the lights on the witness table will turn green. When you have 1 minute remaining the yellow light will come on. Your time will have expired when the red light comes on, and I will ask you to please conclude your statement.

The Chair now recognizes Ms. Kendall for 5 minutes.

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

Ms. KENDALL. Thank you, Mr. Chairman.

Good morning, members of the committee. Thank you for the opportunity to testify today regarding the work of the Office of the Inspector General.

This hearing highlights the importance of bringing into the public view the role of the OIG as an independent, objective body to investigate matters that ultimately violate the public trust.

I must emphasize the dedication and hard work of OIG staff and give credit to those who produce the results that are the subject of today's hearing.

These recent hearings have also reinforced our focus on analyzing patterns of misconduct, examples of retaliation or intimidation, and systemic failures in management and internal oversight of critical processes within the Department, such as human resources, and contract and grant management.

With fewer than 80 investigators, we work with constrained resources to address the ever-increasing complaints and allegations we receive throughout the year from multiple sources. With limited time and resources, we tend to move from case to case without considering cross-cutting impacts or patterns that our investigations uncover.

Recently, however, we have begun to look for investigative trends that may eliminate more systemic issues within the Department and its bureaus. The OIG has established a reputation for fair and thorough investigative and audit work. While we produce a significant volume of both investigative and audit work, in light of our work size we are not always able to transmit and make public our work products as quickly as I would like.

Our effort at transparency, something that I believe is unparalleled in the OIG community, has its own challenges. In preparing public versions of these investigative and audit results, we must address grand jury secrecy rules, privacy issues, confidential business and proprietary information protections, and protection of confidential sources. This effort can be quite time consuming, but I believe that the benefit of the resulting transparency is well worth the effort.

By reducing the time we provide to the Department for consideration from 90 to no more than 30 days before publishing investigative reports or summaries on our Web site, we provide all of our stakeholders with clear expectations about the public availability of our reports.

Much of our investigative work includes working with Assistant U.S. Attorneys (AUSAs) and other officials in the Department of Justice. We have strong working relationships with many U.S. Attorney's Offices, which has resulted in the prosecution of cases throughout the country.

A couple of examples of these effective working relationships with DOJ are our considerable involvement with the Deepwater Horizon Task Force, both criminal and civil, which were led by DOJ and resulted in record-setting fines and penalties.

We also had great success in the Guardians Task Force, which was led by the U.S. Attorney's Office for the District of Montana, to address public corruption involving tribal leaders. This model has become a standard for task forces in Indian Country.

We consult with DOJ on all allegations that involve potential criminal violations. A considerable number of these cases do not get prosecuted for any number of appropriate reasons.

Other times, a matter may be accepted for consideration for prosecution, but gets delayed due to higher priority cases or other resource limitations. The process of prosecutorial consideration is very deliberate, very detailed, and at times, completely out of our hands.

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

This concludes my prepared testimony, and I am happy to answer any questions committee may have.

[The prepared statement of Ms. Kendall follows:]

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

Mr. Chairman, Ranking Member, and members of the subcommittee, thank you for the opportunity to testify today regarding the work of the Office of Inspector General (OIG). This hearing, along with the previous hearing before this subcommittee and another recent hearing held by the House Committee on Oversight and Government Reform, helps to highlight the importance of bringing into the public view the role of the OIG as an independent, objective body to investigate matters that ultimately violate public trust. I must emphasize the dedication and hard work of the OIG staff, and give credit to those who produce the results that are the subject of today's hearing.

These recent hearings have also reinforced our focus on analyzing patterns of misconduct, examples of retaliation or intimidation, and systemic failures in management and internal oversight of critical processes within the Department, such as human resources and contract and grant management.

With fewer than 80 investigators, we work with constrained resources to address the ever-increasing complaints and allegations we receive throughout the year from multiple sources. We do so, in part, by capitalizing on a culture at Interior that, for the most part, is 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. Just short of 50 percent of our complaints are generated by DOI employees and management. Another 15 percent of our complaints come from anonymous sources, many of which include information known only to DOI employees, so the total percentage is likely higher.

With limited time and resources, our tendency has been to move from case to case without considering cross-cutting impacts or patterns that our investigations uncover. Recently, however, we have begun to look for investigative trends that may illuminate more systemic issues within the Department and its bureaus.

The OIG has established a reputation for fair and thorough investigative and audit work. We are routinely called upon by the Department to conduct independent reviews of suspicious activity or allegations of misconduct. Several of the recent cases giving rise to congressional and media attention were generated by information reported to us by senior Departmental officials. As our reports reflect, however, the source of allegations does not influence the way in which we conduct our work, or report our investigative or audit findings.

While we produce a significant volume of investigative and audit work, in light of our workforce size, we are not always able to transmit and make public our work products as quickly as I would like. We have implemented several internal processes to improve our timeliness without compromising the quality of our work and work products. As you know, we have also implemented a policy of making public essentially all of our investigative reports whether allegations are substantiated or not, as well as some additional audit reports that had not been published previously. This effort at transparency—something that is unparalleled in the OIG community—has its own challenges. In preparing public versions of these investigative and audit results, we must address grand jury secrecy rules, privacy issues, confidential business and proprietary information protections, and protection of confidential sources. This effort can be quite time consuming, but I believe that the benefit of the resulting transparency is well worth the effort.

As I explained in my testimony for the May 24, 2016 hearing before this subcommittee, we have recently streamlined our process for publishing investigative reports, reducing the time we provide to the Department for review and action from 90 to 30 days, before we provide investigative reports to Congress and publish those reports or summaries on our Web site. This change provides all of our stakeholders with clear expectations about the public availability of our reports. Since the improved publishing process was implemented, only one report has been delayed to allow the Department of Justice additional time for prosecutorial consideration.

Much of our investigative work includes working with Assistant U.S. Attorneys and other officials from the Department of Justice (DOJ). We have strong working relationships with many U.S. Attorney's offices, which have resulted in the prosecution of cases throughout the country. An example of this effective working relationship with DOJ is our considerable involvement in the *Deepwater Horizon* task forces—both criminal and civil—which were led by DOJ and resulted in record-setting fines and penalties. We also had great success in the *Guardians* task force, which was led by the U.S. Attorney's Office for the District of Montana, addressing public corruption involving tribal leaders. This model has become a standard for task forces in Indian Country.

We consult with DOJ on all allegations that involve potential criminal violations. A considerable number of these cases do not get prosecuted for any number of appropriate reasons. Other times, a matter may be accepted for consideration for prosecution, but gets delayed due to higher priority cases or other resource limitations. The process of prosecutorial consideration is very deliberate, very detailed, and, at times, completely out of our hands.

OIGs face significant hurdles to get their cases prosecuted. In certain areas of the country, we are presenting white collar crimes that simply do not meet the guidelines of the particular U.S. Attorney's office. We also compete against more notorious crimes, such as human trafficking, murder, drug conspiracies, and other violent crimes. These are among the reasons why some of our cases that we wish would be prosecuted are declined.

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 area.

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

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

Question 1. Please verify whether or not Mr. Abbey and his business partner are still doing business with either BLM or the Department of the Interior.

Answer. We have not found any contracts or financial assistance awards for Mr. Abbey; his business partner; Robcyn, LLC; or Abbey, Stubbs and Ford, LLC.

Question 2. What has your office and the Office of Suspension and Debarment done to ensure Mr. Abbey will no longer be able to do business with either DOI or its subsequent agencies?

Answer. The Administrative Remedies Division of the Office of Inspector General reviews business entities that lack business integrity or have a history of poor performance of contractors, participants, or financial assistance recipients and makes recommendations to the U.S. Department of the Interior's (DOI) Suspending and Debarment Official for administrative actions. Our Administrative Remedies Division is currently reviewing the information available regarding Mr. Abbey, his business partner, and their firm to make an appropriate recommendation about suspension and debarment.

Question 3. Your investigation also concluded that a realty specialist in the Nevada State Office provided non-public information to Mr. Ford during the presale process. According to the DOI Table of Penalties, each of the two regulations violated [5 CFR 2635.703 (2015) and 5 CFR 2635.101(b)(8) (2015)] carries potential penalties ranging from reprimand to removal. During the hearing, you mentioned that you "[had] not received any final information [. . .]" regarding actions DOI has taken to hold the specialist accountable.

Please provide the committee an update on whether or not DOI has made progress on this issue.

Answer. On July 27, 2016, BLM requested an additional 90 days to prepare their response to our report. We only granted a 30-day extension, however, and we expect a response from Deputy Director Dan Fowler, BLM Office of Law Enforcement and Security, on or before September 4, 2016.

Question 4. During the hearing, you received questions regarding a DOI report analyzing incidents of scientific integrity, namely data manipulation, at the USGS Energy Geochemistry Laboratory in Lakewood, Colorado.

When asked who the specific agencies and organizations (universities, private companies, etc.) were contracting with the lab or requesting studies from them, you stated "I know that USGS itself used the lab; I could not tell you, sitting here today, what other agencies used this lab. We may or may not have that information. If we have it, I would be glad to give it to you."

Please provide the committee a list of agencies and outside organizations that either contracted with the USGS Geochemistry Laboratory in Lakewood or requested studies from them.

Answer.

Customers who submitted samples to the lab:

1. USGS Scientists/Researchers stationed at the USGS Eastern Energy Resources Science Center in Reston, VA
2. USGS Scientists/Researchers stationed at the USGS Central Energy Resources Science Center in Lakewood, CO
3. Scientist at Southern Illinois University
4. Scientist at State Geological Survey office in Pennsylvania
5. Scientist at State Geological Survey office in Wyoming
6. Scientist at the National Geospatial-Intelligence Agency

Customers and collaborators external to USGS:

1. Southern Illinois University
2. State Geological Survey office in Pennsylvania
3. State Geological Survey office in Wyoming
4. National Geospatial-Intelligence Agency
5. S.S. Papadopoulos & Associates—Bethesda, MD
6. Civil & Environmental Engineering, Stanford University—Stanford, CA
7. Department of Environmental Science, Xi'an Jiaotong—Liverpool University, Jiangsu Province, People's Republic of China
8. Center for Geomicrobiology, Aarhus University—Aarhus, Denmark
9. Afghan Geological Survey, sponsored by U.S. Agency for International Development
10. United Nations Environment Programme
11. ESKOM (a South African electric power generation/distribution utility company)
12. Advanced Emissions Solutions, Inc.
13. IEA Clean Coal Centre
14. University of Texas at Dallas—Richardson, TX
15. Craton Resources (Pty) Ltd.—Lobatse, Botswana
16. Department of Geological Survey, Economic Geology Division—Lobatse, Botswana
17. Universidade Federal do Rio Grande do Sul—Porto Alegre, Brazil
18. Kiwira Coal Mines—Mbeya, Tanzania
19. University of Zambia—Lusaka, Zambia
20. Minufiya University—Sadat City, Egypt
21. Ministry of Energy and Minerals—Dodoma, Tanzania
22. University of Botswana—Gaborone, Botswana
23. Afghan Geological Survey
24. Colorado School of Mines—Golden, CO
25. Genesis Gas & Oil LLC—Kansas City, MO
26. Hess Corp.
27. Denbury Resources

Question 5. Please provide information about the process by which OIG worked with the Department of Justice in the Abbey, Barton, and Grand Canyon investigations.

Answer. The U.S. Attorney's Office (USAO) for the District of Nevada requested that the FBI investigate the circumstances surrounding the Henderson, NV land deal. We later joined that investigation after then-Secretary Ken Salazar asked us to investigate as well. Once we joined with the FBI, we coordinated regularly with the USAO and provided frequent updates on the status of the investigation. The USAO worked closely with our office and issued grand jury subpoenas in support of the investigation, but it ultimately declined to prosecute.

OIG policy is to coordinate with a USAO within approximately 60 days of initiating a criminal investigation, which we did in both the Grand Canyon and Barton investigations. In most cases, the USAO does not accept a case that early in the investigation. We simply want to ensure that the appropriate USAO(s) is/are aware of our investigation and willing to assist should the need arise for grand jury subpoenas or warrants.

In the initial stages of our investigative work in the Barton case, we referred our findings to the USAO for the Eastern District of Virginia, which declined to prosecute. We subsequently referred our findings to the USAO for the District of Idaho, which also declined. After learning of our investigation, the Public Integrity Section of the Department of Justice asked to review our report. We are currently working with them on this case and a related investigation.

After completing our investigative work in the Grand Canyon case, we referred our findings to the USAO for the District of Arizona, which declined to prosecute.

Question 6. What types of subpoenas were used in those investigations?

Answer. We used grand jury subpoenas in the Henderson land sale investigation. In the Barton investigation, we issued an IG subpoena to the Western Association of Fish and Wildlife Agencies for email correspondence. We did not issue any subpoenas in the Grand Canyon investigation.

Question 7. Please provide insight you may have into why DOJ declined to prosecute those referrals.

Answer. The Department of Justice provides guidelines to its Federal prosecutors in its U.S. Attorneys Manual, 9-27.220-27.260, available at <https://www.justice.gov/usam/usam-9-27000-principles-federal-prosecution>. This manual instructs prosecutors that, "no prosecution should be initiated against any person unless the government believes that the person probably will be found guilty by an unbiased trier of fact" (9-27.220). The manual also states that a prosecution should be declined if one of the following factors is present: "(1) No substantial Federal interest would be served by prosecution; (2) The person is subject to effective prosecution in another jurisdiction; or (3) There exists an adequate non-criminal alternative to prosecution" (Id.). Section 9-27.230 provides a list of factors (that it deems not "all-inclusive") that a prosecutor should use in determining whether there is a substantial Federal interest served by a prosecution. Although these guidelines apply to all DOJ prosecutors, individual U.S. Attorneys and DOJ Criminal Division offices vary widely on the types of cases they accept for prosecution.

With respect to the three OIG investigations you referenced, the Barton matter is still under review by DOJ. In the Abbey matter, it is our understanding that it was declined because the U.S. Attorney's Office concluded that the evidence was insufficient to sustain its burden of proof at trial. In the Grand Canyon matter, we discussed three individual subjects with the U.S. Attorney's Office and were advised that prosecution was declined due to insufficiency of evidence.

In some situations, obtaining a declination allows us to complete our investigations. Pursuant to our Office of Investigations manual and consistent with DOJ guidance, when we conduct a non-custodial interview of a current Department employee about matters that could result in criminal prosecution, our investigators are required to give one of two types of legal warnings. The first is the Garrity warning (named for a Supreme Court decision), which advises the employee that the interview is voluntary and that the employee will not be disciplined for refusing to answer questions. As part of this warning, the employee is specifically advised that he or she does not have to answer questions.

After we receive a declination from a Federal prosecutor, our investigators can provide a Kalkines warning (named for a Federal court case) to the employee if he or she previously declined to answer interview questions. This warning compels the employee to answer questions and advises that failure to do so can result in disciplinary action. In effect, this legal warning provides the employee immunity from criminal prosecution through use of the information provided during the interview. Because immunity from prosecution can only be conferred by DOJ, it is only given after the appropriate U.S. Attorney's Office or DOJ component has declined prosecution.

Mr. GOHMERT. Thank you very much, Ms. Kendall. We appreciate your testimony.

At this time the Chair now recognizes Mr. Guertin for 5 minutes.

**STATEMENT OF STEVE GUERTIN, DEPUTY DIRECTOR OF
POLICY, U.S. FISH AND WILDLIFE SERVICE, U.S. DEPART-
MENT OF THE INTERIOR**

Mr. GUERTIN. Good morning, Mr. Chairman and members of the subcommittee. Thank you for the opportunity to appear before you today on behalf of U.S. Fish and Wildlife Service.

I am Steve Guertin, Deputy Director. My remarks will focus on a recent report of the Office of the Inspector General at the Department of the Interior on the activities of former employee, Stephen M. Barton.

First, I would like to emphasize that the Service greatly values the work of the OIG. OIG investigations and reports help educate and remind all Department of the Interior employees of the rules governing our work. The OIG's work helps to maintain the professional integrity and ethical foundation that underpins public service, and the OIG aids our continuous efforts to improve management operations.

Speaking for myself and everyone I talked with at the U.S. Fish and Wildlife Service about the Barton report, we were all outraged and concerned about the actions undertaken by Mr. Barton. Mr. Barton was Chief for Administration and Information Management in the all-important Wildlife and Sport Fish Restoration, or WSFR Program.

His Federal career began in September 2007 and ended last month. During part of that time, he simultaneously served as treasurer for the Western Association of Fish and Wildlife Agencies, WAFWA. His position at WAFWA ended in early 2014.

The findings of the OIG report are deeply troubling to all of us. The evidence suggests that Mr. Barton systematically and intentionally lied on his financial disclosure reports and lied on his ethics forms. Barton deceived, misled, and lied to his supervisor. He failed to disclose income he had received from WAFWA while he was also working as a Federal employee.

He concealed the extent of his involvement with WAFWA. He violated a 2010 request for ethics approval to engage in outside work on which he had certified that he received no compensation from WAFWA, and that his work from WAFWA would be limited to less than 10 hours a week.

In addition, the OIG report provides evidence that Barton received nearly \$100,000 in travel reimbursements over a period of 5 years for questionable travel. We believe he carefully and deliberately manipulated our systems and our personnel to engineer this travel for personal reasons. He concealed these actions.

Upon initial review of the OIG report, the Service acted quickly to address problems that were identified in the report. We immediately moved Barton out of his position and curtailed his access to all travel and financial systems. The Service Director asked Barton's supervisor to step aside and move to a new position outside of the program he previously led. We detailed our Chief Financial Officer to act as the Assistant Director for WSFR to ensure objective review, control, and management of the situation.

Mr. Barton is no longer employed with the U.S. Fish and Wildlife Service. We have also served Mr. Barton with a collection notice to

recoup the nearly \$100,000 of travel funds he manipulated for personal benefit.

We have a strong system of internal controls designed to effectively mitigate risk and prevent these types of issues from occurring, but no system is perfect. Unfortunately, this is a situation where a senior employee lied to officials, intentionally subverted policies and procedures, and exploited the trust of his supervisor.

In addition to the quick and decisive actions we took to address Barton's misconduct, the Service has also undertaken a comprehensive review to ensure that our internal controls are sufficient to detect and prevent similar occurrences from taking place in the future.

Like my colleagues in the rest of the Fish and Wildlife Service family, we are all outraged by his behavior. We believe the vast majority of the Service's 9,000 employees are dedicated, hard-working, ethical, have great professional integrity, and take the mission of the Service and their individual responsibilities very seriously. Situations like these with Barton threaten to reflect poorly on all Service employees.

That is one reason why, when we became aware of this unethical behavior, we took immediate and strong action. Such misconduct is unacceptable and will not be tolerated in the U.S. Fish and Wildlife Service.

We appreciate the OIG's thorough work on this investigation, and we appreciate the subcommittee holding this hearing to examine this issue.

Thank you, and we are happy to answer any questions that you may have.

[The prepared statement of Mr. Guertin follows:]

PREPARED STATEMENT OF STEPHEN GUERTIN, DEPUTY DIRECTOR FOR POLICY,
U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Chairman Gohmert, Ranking Member Dingell, and members of the subcommittee, thank you for the opportunity to appear before you today to testify on the Inspector General's report on the actions of a former employee of the U.S. Fish and Wildlife Service (Service). My name is Stephen Guertin. I am the Deputy Director for Policy for the Service.

The Service recognizes and greatly values the important work that the Office of the Inspector General (OIG) performs to ensure that all individuals throughout the Department of the Interior are aware of, and adhering to, the laws, rules and regulations governing the work of Federal employees. The OIG's work helps maintain the professional integrity and ethical foundation that underpins our public service. The OIG provides valuable assistance to our bureau as we continuously work on improving management operations.

The OIG Report of Investigation titled: WAFWA Employment of USFWS Chief (Case No. OI-VA-15-0379-I) (June 7, 2016) concerns former Service employee Stephen M. Barton, who was Chief for Administration and Information Management in the Wildlife and Sport Fish Restoration (WSFR) program. The Service took prompt and appropriate action in response to this report and Mr. Barton is no longer employed with the Service. According to the OIG report, during part of that time, Mr. Barton also served as treasurer for the Western Association of Fish and Wildlife Agencies (WAFWA). His position at WAFWA spanned sometime in 2004 through early 2014.

The findings outlined in the OIG report are deeply troubling, and the Service took immediate action to address the specific situation and is working to ensure it will not be replicated in the future. The evidence presented in the OIG report suggests that Mr. Barton systematically and intentionally lied on his financial disclosure reports and ethics forms; that he deceived his supervisor; that he failed to disclose income he received from WAFWA while he was also working as a Federal employee;

and that he concealed the extent of his involvement with WAFWA. His nondisclosure was highlighted by his submission of a signed 2010 "Request for Ethics Approval to Engage in Outside Work" form, on which he certified that he received no salary or compensation from WAFWA and that his work for WAFWA would be limited to approximately 10 hours per week. In addition, the OIG report provides evidence that Mr. Barton received nearly \$100,000 in travel reimbursements over a period of 5 years for questionable travel. It appears that he manipulated the Service's systems and personnel to engineer this travel for personal reasons.

Given the gravity of the issues raised in the OIG report, the Service acted quickly to appropriately address problems identified in the report. Upon receipt of the OIG report, Mr. Barton was immediately moved out of his position and barred access to all travel and financial systems. The Service Director asked Mr. Barton's supervisor to step aside and move to a new position and the Service's Chief Financial Officer was asked to step in as the Acting Assistant Director for WSFR. As noted in the OIG's report, the U.S. Attorney's Offices for the Eastern District of Virginia and the District of Idaho declined the case for prosecution.

At present, the Service is undertaking a separate, comprehensive review to ensure that internal controls related to Mr. Barton's actions—controls that may apply to other Service employees—are sufficient to detect and avoid similar occurrences from taking place in the future. The Service's corrective actions will include increased oversight related to outside employment, travel management, use of government property, and time and attendance. The Service has issued a reminder to qualifying employees that all external income needs to be reported on the annual financial disclosure form, and we are adding an additional level of review for this information and developing a verification process. In addition, the Service is issuing guidance to employees regarding what they can and cannot do when they have relationships with outside organizations and what may create a conflict of interest. We will be issuing a reminder to employees regarding prohibitions of the use of Federal property or information systems to conduct outside business. The Service is developing additional processes for oversight of travel, including a certification and audit process.

We are also using this incident as an opportunity to underscore training and ethical responsibilities required by all Service employees.

The vast majority of the Service's over 9,000 employees are dedicated, hard-working, and ethical; have great professional integrity; and take the mission of the Service and their individual responsibilities very seriously. When we become aware of unethical behavior like that identified in this report, we take appropriate and immediate action.

The Service appreciates the OIG's thorough work on this investigation. We also appreciate the subcommittee holding this hearing to examine this issue. Thank you and I am happy to answer any questions you might have.

QUESTIONS SUBMITTED FOR THE RECORD BY REP. GOHMERT TO STEVE GUERTIN,
DEPUTY DIRECTOR OF POLICY, U.S. FISH AND WILDLIFE SERVICE

Question 1. Please provide information about the specific amount Mr. Barton would have been paid had he been stationed in Boise, and the amount he was paid in Washington, DC.

Answer. Mr. Barton's former position as Chief of the Division of Administration and Information Management in the Wildlife and Sport Fish Restoration program is located in the U.S. Fish and Wildlife Service's headquarters office. During Mr. Barton's tenure in that position he maintained a residence in Virginia, as well as a residence in Boise, Idaho where his family resided.

In 2015, the salary for a GS-15, Step 10 with locality pay included for the Washington, DC-metropolitan area was \$158,700. During the same year, a GS-15, Step 10 employee stationed in Boise, Idaho earned a salary of \$150,830. This is a difference of \$7,870. The salary differential in previous years was similar.

Question 2. Please provide a detailed description of the approval process for Mr. Barton's travel, including information about which expenses had to be approved, how often it had to be approved, and which individuals were responsible for approving and processing his travel.

Answer. Mr. Barton utilized the Service's standard process for approving his travel, which is as follows.

When traveling, an employee requests a management assistant to prepare his or her travel authorization documents. The employee provides that staff person with the information related to travel locations, airlines, and times of departure. At

times, an employee directly enters travel information into the travel system (Concur) used by the Department of the Interior. In other instances, the employee requests a management assistant to enter the information. Through Concur, the employee or the management assistant selects flights and inputs any other associated costs with the trip (e.g. rental car, per diem, lodging, taxi, etc.).

Once a travel authorization is complete, the employee and the management assistant electronically approve it. It is then routed to the employee's supervisor, or the supervisor's back-up (an acting GS-15 supervisor in the case of Mr. Barton), for electronic review and approval. Once the authorization is approved, the airfare, lodging, and rental car are booked.

Upon returning from travel, an employee either enters the actual costs into a travel voucher or provides all the receipts from the trip to a management assistant to enter into the system. The system automatically identifies which per diem amounts the traveler is eligible for (based primarily on location). The management assistant adjusts this information in the voucher if needed.

Once a trip voucher is complete and all supporting receipts are uploaded into the system, the voucher is signed by the management assistant. Then the employee reviews the voucher and if deemed appropriate, electronically signs it. Once signed by the employee, the program's Administrative Officer reviews for accounting accuracy and appropriateness. If the Administrative Officer notes mistakes, the voucher is sent back to the employee and/or the management assistant for correction. Once the mistakes are corrected, the Administrative Officer approves the voucher electronically and forwards it to the final approver, the employee's supervisor or the supervisor's back-up.

The Service has a strong system of internal controls designed to effectively mitigate risk and prevent these types of issues from occurring. In the specific case of Mr. Barton, he manipulated the Service's procedures, protocol, and personnel to engineer his travel for personal reasons and exploited the trust of his supervisor.

Question 3. Please provide the amount of per diem received by Mr. Barton while he was in Idaho between 2011 and 2015.

Answer. Mr. Barton received \$6,163.93 for per diem while he was in Idaho during the period between 2011–2015.

Mr. GOHMERT. Thank you, Mr. Guertin. I appreciate your testimony and appreciate your forthrightness.

At this time, I will recognize myself for 5 minutes for questions.

Ms. Kendall, you were very helpful in your testimony in our last hearing. You seemed very forthright, and I was curious; after your testimony here, was there anybody at the Department of the Interior that made any comment at all to you about your written or oral testimony here?

Ms. KENDALL. We met with the Chief of Staff, the Deputy Secretary, and a member from the Solicitor's Office to talk about how the Office of Inspector General might improve on what I referred to in my testimony, which is identify patterns and repeat offenses of retaliation and intimidation, people who are repeat offenders in terms of misconduct, and bring that to the attention of, essentially, the Secretary's Office.

What we have done in the past is usually work at the bureau level, work with the bureau directors, or sometimes even lower than that.

Mr. GOHMERT. I was just curious if anybody commented at all to you about your testimony in the last hearing we had here.

Ms. KENDALL. Not really, sir, no.

Mr. GOHMERT. Does the Department of Justice work closely with you and the Inspector General's Office on most of your investigations?

Ms. KENDALL. I would not say most of them. The ones where we actually do identify potential criminal violations early, we might

engage the Department of Justice early. Many of the cases may have criminal implications, and we will not bring them until we have really come to the end of the case.

Mr. GOHMERT. And it only makes sense that sometimes you will not find out criminal implications until you get deeper into the evidence that is there; correct?

Ms. KENDALL. Exactly.

Mr. GOHMERT. When the Department of Justice does get involved in OIG investigations, does that slow the progress of the investigation?

Ms. KENDALL. It can slow the progress, yes, sir.

Mr. GOHMERT. Does it limit your ability at OIG to use subpoenas?

Ms. KENDALL. No, sir, it does not.

Mr. GOHMERT. It does not limit your ability to gather evidence that you can then submit to the Justice Department at all?

Ms. KENDALL. When we work with U.S. Attorneys, we actually have an additional authority usually through the grand jury system. We maintain our Inspector General subpoena authority regardless; but, when a U.S. Attorney is involved, they usually decide whether to use a grand jury subpoena or an IG subpoena.

Mr. GOHMERT. Is it unusual for the Department of Justice, in cases in which they are investigating with you, where you have identified early on that there appears to be potential criminal conduct—is it unusual for them to decline to prosecute the case?

Ms. KENDALL. I would not say it is unusual.

Mr. GOHMERT. Do you have any kind of feel for approximately how often DOJ declines to prosecute cases that you have submitted to them?

Ms. KENDALL. I don't have a percentage or even a raw number. I could get that for you, sir.

In the cases where we engage with the U.S. Attorney's Office early, we usually have a sense of how things are going. We are usually hopeful that there will be a prosecution.

Mr. GOHMERT. If you could get that number for us, that would be very helpful.

Ms. KENDALL. We will do that.

Mr. GOHMERT. Did the DOJ participate in the investigation of Bob Abbey in the Henderson land deal?

Ms. KENDALL. Yes, sir, they did.

Mr. GOHMERT. Did you find evidence you believed indicated criminal violations in that Abbey land deal?

Ms. KENDALL. Yes, sir.

Mr. GOHMERT. Apparently you referred that case to two different U.S. Attorney's Offices; correct?

Ms. KENDALL. We may have. My recollection on that one is that we worked with one U.S. Attorney's Office. We may have had a couple AUSAs working on it, but I may be mistaken there.

Mr. GOHMERT. Did you believe there was sufficient evidence to go forward with the prosecution in that case?

Ms. KENDALL. That is a difficult question to answer. We believe that there was enough evidence to present it to the U.S. Attorney to consider it for prosecution. I cannot speak for what the Department of Justice considers.

Mr. GOHMERT. And I would not ask you to speak for them. It would be hard enough for them to explain themselves.

Ms. KENDALL. Yes.

Mr. GOHMERT. My time has expired, and I have to go testify before a committee myself now. So, at this time, Mr. LaHood will be taking over as Chairman of the Committee. Hopefully, I will be able to finish and get back.

At this time, I yield to Mr. Hice for 5 minutes.

Dr. HICE. Thank you very much, Mr. Chairman. I appreciate you calling this hearing.

This is now actually the third hearing on this issue that I have participated in, and after the two previous hearings, quite frankly, I have been shocked at the culture of corruption and misconduct that has been allowed to persist at the National Park Service.

In fact, last Wednesday, Director Jarvis was at the Oversight and Government Reform Committee to answer some questions pertaining to allegations of sexual harassment, unethical behavior, misconduct, and on and on and on; and, unfortunately, for the members of that committee and for the citizens of the United States of America, Director Jarvis was not able to answer the questions, not even the simplest questions.

And, Mr. Chairman, that is why this past Thursday, I actually sent a letter to President Obama, where I asked him to have Director Jarvis resign from his position, and I fully stand by that letter today.

In fact, I would ask unanimous consent to include a copy of the letter in the record.

Mr. LAHOOD [presiding]. Without objection.

[The information follows:]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
WASHINGTON, DC

June 16, 2016

Hon. BARACK OBAMA, *President of the United States*,
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500.

Dear Mr. President:

As a member of the House Oversight and Government Reform Committee and House Natural Resources Committee, I am deeply troubled by the pattern of misconduct and unethical behavior by employees of the National Park Service, and specifically, Director Jonathan Jarvis. Over the past month, I have had the opportunity now to participate in two separate hearings where the problems at this agency have become more publicly known.

Unfortunately, this pattern of misconduct starts at the very top of the National Park Service with Director Jarvis. Last year, the Department of Interior's Office of Inspector General (OIG) began an investigation associated with a book deal on the National Park System that Director Jarvis negotiated without consulting the Department's Ethics Office. To make matters worse, the OIG noted in its report on Director Jarvis that he chose to avoid consultation with the Ethics Office because it would essentially delay his book from being published.

Furthermore, this misconduct does not stop with Director Jarvis. In the hearings held in these two House Committees, we learned of two additional investigations conducted by the OIG on allegations of sexual harassment at the Grand Canyon National Park's River District and Cape Canaveral National Seashore. In both locations, the OIG found that individuals chose not to come forward out of a fear

of professional retaliation or that complaints were not properly sent up the chain of command.

Regrettably, in these cases—and others—the proper form of discipline was not pursued. In the case of Director Jarvis' book deal, the only punishment he faced was that he was stripped of his authority to implement the Park Service's Ethics Program and is required to attend monthly ethics training courses for the remainder of his tenure. Others have either been transferred out of their positions or have been allowed to retire without facing the punishment that fits the misconduct.

These are just some of the examples of the ethical failures and misconduct committed by employees of the National Park Service and the lack of discipline they have faced. Ultimately, Director Jarvis must be held accountable for these actions. Therefore Mr. President, I believe that the time has come for you to call on Director Jarvis to tender his resignation as the Director of the National Park Service. Should he choose not to resign, I believe that you must relieve him of his duties effective immediately.

Sincerely,

JODY HICE,
Member of Congress.

cc: The Hon. Sally Jewell, Secretary, Department of the Interior

Dr. HICE. Thank you.

I also have had a little bit of time to review Director Jarvis' book, which, incredibly to me, is entitled, "A Guidebook to American Values and our National Parks." It is just amazing to me, this whole thing.

Based on the OIG report on Director Jarvis, he obviously lied to Secretary Jewell. The report mentions that he deliberately avoided consulting the Ethics Office before writing this book.

It is more than ironic, beyond ironic, to think that Director Jarvis has anything to offer us in terms of a guide on American values, when he, himself, is evidently so steeped in corruption.

But with all of that in mind, Ms. Kendall, I want to thank you again for appearing before us. I would like to ask you a couple of questions.

Following the subcommittee's hearing on ethics last month, Director Jarvis decided to send an email to employees apologizing for his failure to have this book approved by proper officials. Are you aware of that email?

Ms. KENDALL. Yes, sir, I am.

Dr. HICE. Your report on Director Jarvis lays out evidence that he misled your office in the course of the investigation. Has Director Jarvis apologized to you?

Ms. KENDALL. No, sir.

Dr. HICE. Referring back to the email that he sent to the National Park Service employees, did he apologize for lying to the Secretary of the Interior?

Ms. KENDALL. I don't recall that was in his email.

Dr. HICE. Do you recall whether or not he apologized for conspiring to create a fraudulent narrative basically where he claims that Eastern National asked him to write a book when, in fact, it was his idea to write the book, or was he simply apologizing in the email for his failure to submit the book for review?

Ms. KENDALL. I would say his apology was much more the latter. I thought it was terribly qualified and not as sincere as I would have liked to have seen.

Dr. HICE. Is it possible, Ms. Kendall, that Director Jarvis still does not understand what he did wrong?

I mean, if he is not able to apologize to your office for withholding relevant information during the investigation, if he is not willing or able to apologize for lying to the Secretary or acknowledging the fact of conspiring about the true origin of this book, does he not get it, or is he trying to avoid the real issue right now?

Ms. KENDALL. I would say it is the latter.

Dr. HICE. And what makes you say that?

Ms. KENDALL. I would look at his letter to his employees. I think it suggested that he was sorry that it happened, but when he spoke to our investigators, as you know, sir, he said he would do it again if it came to that.

Dr. HICE. Thank you very much. My time has expired, and I appreciate your testimony here today, Ms. Kendall.

I yield back.

Mr. LAHOOD. Thank you.

At this time we will yield 5 minutes to the Full Committee Chairman, Mr. Bishop.

Mr. BISHOP. Thank you.

I apologize for coming in late. I will make up for it by leaving right after I am done.

Ms. Kendall, I appreciate you being here. You publicly, I believe, released a report yesterday.

Ms. KENDALL. Yes, sir.

Mr. BISHOP. The report details an incidence involving improper hiring and discrimination against veterans in the Office of the Secretary. Am I right in that assumption?

Ms. KENDALL. Yes, sir.

Mr. BISHOP. The report discussed how an individual at the office repeatedly violated hiring practices or procedures to secure a job for a relative. Is that also correct?

Ms. KENDALL. It was a relative of her ex-husband, yes, sir.

Mr. BISHOP. I guess that is enough of a nexus. OK.

How many times was the job posting rewritten or canceled to benefit this particular individual?

Ms. KENDALL. I don't remember precisely. It was more than once.

Mr. BISHOP. OK. Three, four, five, ten?

Ms. THOMPSON. I would say two or three, perhaps.

Mr. BISHOP. I understand from the report that the veterans who are more highly qualified and have veteran preference status were asked to withdraw their application at the direction of this individual.

Ms. KENDALL. That is my understanding.

Mr. BISHOP. I also understand that this individual instructed her subordinates to find reasons to disqualify those veterans who could not be convinced to withdraw their application, because she did not want a potentially disabled veteran on the staff. Am I reading that correctly from your report?

Ms. KENDALL. I believe so, sir, yes.

Mr. BISHOP. I also understand that discrimination against veterans and the continual rewriting of job postings did ultimately result in the employment of her former nephew, by marriage. Is that individual still employed at the DOI?

Ms. KENDALL. I believe so.

Mr. BISHOP. When did this individual retire from the Interior Department, the one who hired?

Ms. KENDALL. I believe she retired around the beginning of this calendar year.

Mr. BISHOP. And, have there been any disciplinary actions taken against her, for what I say is an egregious hiring practice?

Ms. KENDALL. Once she is retired, the Department is very limited in what they can do.

Mr. BISHOP. Was it forced retirement?

Ms. KENDALL. Not that I know of, sir.

Mr. BISHOP. All right. How did you know about this? How did the investigation on this particular issue begin?

Ms. KENDALL. I would have to—

Mr. BISHOP. Did someone inform you or is this kind of like a routine investigation that you do?

Ms. KENDALL. No, I believe we had a complaint come in regarding this.

Mr. BISHOP. And are there other cases in the pipeline of which you know?

Ms. KENDALL. We have many, many cases in the pipeline. I don't know that we have any with this kind of egregious hiring issues.

Mr. BISHOP. Well, I admit it is egregious, and I thought we were past that.

I appreciate the report. I appreciate your coming here and testifying, and I appreciate your bringing this to light, not only to the public in your report, but also to the committee. So, thank you very much.

Ms. KENDALL. Thank you.

Mr. BISHOP. I will yield back.

Mr. LAHOOD. Thank you.

At this time we will yield 5 minutes to the gentleman from Arkansas, Mr. Westerman.

Mr. WESTERMAN. Thank you, Mr. Chairman.

I also would like to extend my thanks to the witnesses for being here this morning.

Ms. Kendall, as I listen to the testimony and the questions, it reminds me how important it is to have transparency in our government and how important your job is as an Inspector General in shining light on some of these issues. It appears that you have quite a bit of job security with the way some of these agencies have been operating.

My specific questions have to do with the OIG's investigation of the Henderson, Nevada land sale. That is the OIG's investigation into Bob Abbey, the former Director of the Bureau of Land Management.

Who requested that the OIG investigate Mr. Abbey?

Ms. KENDALL. The former Secretary, Ken Salazar.

Mr. WESTERMAN. OK. And also I believe this committee.

Ms. KENDALL. Yes, sir, we got a letter from then-Chairman Doc Hastings.

Mr. WESTERMAN. And what did the OIG investigation ultimately find?

Ms. KENDALL. What we found is that there was unusual access to the BLM by Bob Abbey's former partner, who was involved in the land sale, and that Abbey had personal substantial involvement in the approving of that land sale, which is a violation of the ethics rules.

Mr. WESTERMAN. What specific actions did Mr. Abbey take?

Ms. KENDALL. Going by recollection, I believe that he met specifically with the individual who was trying to accommodate the sale, who was his former partner and would be his partner again when he retired; and if I remember correctly, he was the ultimate person who needed to approve the sale.

Mr. WESTERMAN. So was he recused from his prior business dealings before this time?

Ms. KENDALL. I believe so, yes.

Mr. WESTERMAN. Did he abide by the ethics pledge he took and the recusal agreements he signed?

Ms. KENDALL. I don't believe so.

Mr. WESTERMAN. OK. Are Mr. Abbey and his business partner, Mr. Ford, continuing to do business with BLM? Is that appropriate given the allegations your office has substantiated?

Ms. KENDALL. In that regard, sir, I believe that my office is working with the Department's Office of Suspension and Debarment to ensure that they are not able to do business with the Department of the Interior or, quite frankly, with other departments in the Federal Government.

Mr. WESTERMAN. But right now they are still doing business?

Ms. KENDALL. I don't know one way or the other, sir.

Mr. WESTERMAN. OK. So the Abbey investigation also concluded that a realty specialist in the Nevada State Office provided non-public information to Mr. Ford during the pre-sale process. Did she violate any Federal regulations by doing so?

Ms. KENDALL. I believe so, yes.

Mr. WESTERMAN. Do you recall how many regulations she violated?

Ms. KENDALL. Well, I don't know—there are a number of them. Certainly she gave preferential treatment, which is something that a public service simply should not do; and she also provided information that was not readily available to the public to an individual.

Mr. WESTERMAN. Kind of like a government form of insider trading maybe?

Ms. KENDALL. Perhaps.

Mr. WESTERMAN. So, what penalties apply when a Federal employee violates those regulations?

Ms. KENDALL. There is usually a range of penalties. In this case I don't know specifics, but it can be anything from a written reprimand to removal.

Mr. WESTERMAN. And finally, on this issue, has the Department of the Interior taken any action to hold the realty specialist accountable?

Ms. KENDALL. We have received information that they intend to, but I don't believe we have received any final information as to what they have done.

Mr. WESTERMAN. So, they intend to but they have not—and how long ago?

Ms. KENDALL. It has probably been within the last 4 weeks that we received that response from the Department, but I can get that information to you.

Mr. WESTERMAN. OK. And, Mr. Chairman, will we have a second round of questions?

Mr. LAHOOD. Yes.

Mr. WESTERMAN. I will yield back at this time.

Mr. LAHOOD. Thank you.

At this time I yield 5 minutes to the gentleman from West Virginia, Mr. Mooney.

Mr. MOONEY. Thank you, Mr. Chairman.

Ms. Kendall, I have had a lot of dealings with the Department of the Interior in West Virginia. We are dealing with coal mining and other issues. I work with them and deal with them on a lot of issues. I have a few questions for you.

In your semi-annual report to Congress from March, you mentioned that, of the 29 cases you referred to the Department of Justice for prosecution, 17 were declined. Is that correct?

Ms. KENDALL. I believe so, yes, sir.

Mr. MOONEY. So, they would not prosecute 17. And do you refer all cases where laws are broken to the Department of Justice? I mean, they declined 17. So, are you just referring everything, or do you only refer those where the violations and weight of evidence would likely result in a conviction?

Ms. KENDALL. We refer cases where we believe we have evidence of a criminal violation. We do not make the distinction that we have enough for a conviction. That is really for the Department of Justice to make that decision.

Mr. MOONEY. OK, this was since March. Do you have any updated information about how many have been referred and declined since March?

Ms. KENDALL. I don't have that today. We can certainly get that to you, sir.

Mr. MOONEY. I would appreciate that.

Are all the cases of criminal conduct that you refer to the Department of Justice about employee wrongdoing or do some of them involve non-government employees?

Ms. KENDALL. Some certainly involve non-government employees.

Mr. MOONEY. OK. And of the 17 cases that were declined, how many were employees of the Department of the Interior where they violated the law?

Ms. KENDALL. Again, I would have to get that information to you, but I would be glad to do that.

Mr. MOONEY. OK. And there is the statute of limitations. Is there a statute of limitations on the crimes that Mr. Barton committed?

Ms. KENDALL. I believe so, yes.

Mr. MOONEY. Do you know when that expires?

Ms. KENDALL. There is a general statute of limitations, about 5 years for most crimes.

Mr. MOONEY. OK.

Ms. KENDALL. I don't know precisely for this.

Mr. MOONEY. OK. Is there also a statute of limitations for the crimes that Bob Abbey committed?

Ms. KENDALL. I believe so.

Mr. MOONEY. When would that time out?

Ms. KENDALL. Probably about the same time.

Mr. MOONEY. How does your typical referral to the Department of Justice work? For example, does your staff develop relationships with specific U.S. Attorneys?

Ms. KENDALL. We often do that, yes.

Mr. MOONEY. Once the DOJ declines to prosecute a case, do you know if they can prosecute at a later date?

Ms. KENDALL. If the statute of limitations has not run out, they probably would have the technical authority to do so.

Mr. MOONEY. OK. Then would you be willing to refer cases to the Department of Justice again for prosecution if the statute of limitations has not lapsed?

Ms. KENDALL. I don't know that we have done that. There may have been some cases where we have gotten an initial declination; but in discussions with, say, the U.S. Attorney or Assistant U.S. Attorney, there is more work that we could do where we would represent, but I don't come up with any examples of that offhand.

Mr. MOONEY. So, you have not done it. Why? I mean, is there any reason you would not do it?

Ms. KENDALL. There are reasons that we go to the U.S. Attorney's Office to actually to get a declination. In some cases, we know that there is a potential crime, but there are problems with the case that it probably would not be prosecuted. If we get a declination from a U.S. Attorney's Office, we can then compel a government employee to speak to us, whereas if the criminal actions were still outstanding, they would be able to refuse to speak to our investigating agents.

Mr. MOONEY. OK. Thank you.

My time is almost up. I will go ahead and yield back.

Mr. LAHOOD. Thank you.

I will yield myself 5 minutes at this time.

I want to thank the witnesses for being here today and for your testimony.

Mr. Guertin, I know in your opening statement you talked about the facts and circumstances involving Mr. Barton, which are, I think by your own adjectives, very, very troubling.

And Mr. Barton, as I understand it, his title was Chief of Administrative Information and Management; and clearly he found a creative way to enrich himself illegally, but I guess the part that is really revealing is that he did it out in the open.

As I understand it, Mr. Barton was stationed in Washington, DC; is that correct?

Mr. GUERTIN. Yes, sir.

Mr. LAHOOD. But where was he actually living, Mr. Guertin?

Mr. GUERTIN. My understanding is Mr. Barton maintained an apartment in the DC Metro area, so he had residency established in Virginia. The IG report revealed that he was making frequent travel back to Boise, Idaho.

Mr. LAHOOD. And he was actually living in Boise. That is my understanding; correct?

Mr. GUERTIN. It appears he was visiting there quite frequently, yes, sir.

Mr. LAHOOD. Beyond that, he was being paid Boise locality rates. Is that my understanding, or was it DC rates?

Mr. GUERTIN. He would have been paid based on where his duty station was, which is the DC Metro area, sir.

Mr. LAHOOD. And that would have been a higher rate; correct?

Mr. GUERTIN. Slightly higher than what employees receive in Idaho, yes, sir.

Mr. LAHOOD. And related to that locality rate, do you know how much additional income that deception provided him?

Mr. GUERTIN. Probably a couple of thousand dollars a year, sir, in locality rate adjustment for a large metro area like DC versus a smaller town like Boise, Idaho.

Mr. LAHOOD. If I told you that was about \$15,000 that he received because of the DC locality rates, would you dispute that?

Mr. GUERTIN. On a yearly basis, that sounds a little high, sir, but we can certainly verify for the record the specific amount that would have been the difference.

Mr. LAHOOD. And, who paid for the travel, Mr. Guertin, for Mr. Barton to travel back and forth between Boise and Washington, DC?

Mr. GUERTIN. He billed the U.S. Fish and Wildlife Service for that travel.

Mr. LAHOOD. How many flights did Mr. Barton take between Boise and Washington, DC, between 2011 and 2015?

Mr. GUERTIN. It appears, on the evidence that was provided to us by the OIG report, as well as our own forensics deep dive into the travel records going back those several years, he made a total of at least 50 round trip visits out there, which would have meant a total of 100 flights.

The troubling thing about this former employee is that he engineered a lot of his travel to guise it under a need for meeting with constituent groups, partners, or others and routed himself through Boise. I used to live and work in the West myself and know there are regional airports like Boise, Salt Lake, and others. It is very easy to route yourself through a city like that.

Mr. LAHOOD. So, my understanding is that the 100 trips that he took during this 3- or 4-year period cost about \$96,000 to taxpayers. You would not dispute that; correct?

Mr. GUERTIN. Just to clarify, sir, it would be a total of 50 round trips, 100 flights, and he did bill \$96,000 and some change to the Federal Government, yes, sir.

Mr. LAHOOD. Ms. Kendall, did your investigation also find that he charged expenses to the Federal Government when he was actually at home in Boise?

Ms. KENDALL. Yes, sir, I believe so.

Mr. LAHOOD. In fact, he took per diem for weekends in Boise.

Ms. KENDALL. That is my understanding.

Mr. LAHOOD. And I guess, looking at the facts, Mr. Barton was paid additional salary for reportedly living in DC, and then financed the deception through this travel and was being paid a salary of \$155,000 per year. Is that accurate?

Mr. GUERTIN. The last year that he was employed by the Federal Government, that would have been his annual salary level, yes, sir.

Mr. LAHOOD. Just for a point of reference, the medium household income in Idaho is less than \$50,000 a year. Clearly, Mr. Barton was making an exorbitant salary or living through this deception or arrangement he had.

Ms. Kendall, there was another element to this, too, where he supplemented his income even more beyond what I just went through, and that was through his role with the Western Association of Fish and Wildlife Agencies from 2004 to 2014. As I understand it that is a private organization, and he was the treasurer of that organization; is that correct?

Ms. KENDALL. That is my understanding, yes, sir.

Mr. LAHOOD. During this entire time, did you or your Department question him being the treasurer of that department?

Ms. KENDALL. Certainly my office did not. We did not know about it, and I do not believe that we had any indication that Fish and Wildlife did.

Mr. LAHOOD. I see my time has expired. I look forward to a second round of questions.

At this time I will yield to Mr. Westerman another 5 minutes.

Mr. WESTERMAN. Thank you again, Mr. Chairman.

Ms. Kendall, I want to come back to another investigation. This one is based on an audit released dated June 16, and it was a USGS laboratory. Your audit looked at scientific misconduct and data manipulation at the Energy Geochemistry Laboratory's Inorganic Section in Lakewood, Colorado. The problems were so severe, in fact, that the USGS has already closed the inorganic lab in question permanently; is that correct?

Ms. KENDALL. Yes, sir.

Mr. WESTERMAN. Your report states that there have been two periods in which mass spectrometer operators in the lab's Inorganic Section have violated established laboratory practices without detection for many years. The first began in 1996 and continued to be undiscovered until 2008. A second began in 2008 and continued undiscovered until late 2014.

So, there have been problems at this lab from 1996 until 2014, for a couple of decades; is that correct?

Ms. KENDALL. That is my understanding, yes, sir.

Mr. WESTERMAN. You also state in your audit that a review revealed that the full extent of the impacts are not yet known, but nevertheless, they will be serious and far ranging.

I am just astonished with this. According to your report, the affected projects represented about \$108 million in taxpayer funding from Fiscal Year 2008 through 2014; is that correct?

Ms. KENDALL. Yes, sir.

Mr. WESTERMAN. And, is it correct that samples were used to generate some of the analytical results that were then manipulated, were not retained, and that the analyst kept poor records for a substantial portion of his work and consequently the work cannot be reproduced?

Ms. KENDALL. That is my understanding, yes.

Mr. WESTERMAN. So, USGS officials have stated that lab conditions, in particular heat, have virtually affected their analysis, and

that these adverse conditions stretch back to the period of 1996 to 2008, during which there were also significant problems with the lab work.

But in 2011, USGS installed the new \$175,000 machine in the lab. Do you have an explanation why USGS would put a new, expensive machine in this lab that had these problems that remained uncorrected?

Ms. KENDALL. No, I do not.

Mr. WESTERMAN. It defies logic.

During the course of an interview with one of your auditors dated November 16, 2015, one former USGS employee alleged that, apparently during the first period of problems at this lab, an employee of the lab would say, "Tell me what you want and I will get it for you."

Although it is not exactly clear from the interview record, he would also say, "What we do is like magic."

Given the lab's history and that problems had already been identified when this interview was being conducted, such a statement seems potentially significant. Your office explained that you don't know the context or veracity of this statement, and that this issue was not part of the audit so it was not pursued; is that correct?

Ms. KENDALL. Yes, sir.

Mr. WESTERMAN. Do you know the status of the analyst involved and his supervisor?

Ms. KENDALL. I understand that the analyst involved, the one who was manipulating the mass spectrometer, is no longer employed with USGS. I don't know the status of the supervisor.

Mr. WESTERMAN. So, USGS has advised committee staff that, because scientists had already begun to distrust this lab so significantly, they began relying upon analysis from other labs, limiting the amount of work products that were comprised or ruined.

I guess, maybe, because I come from an engineering and a forestry background, a lot of the work that people do that is based on scientific research is so important. If the base research is flawed, then that affects work that goes out from there. We spent \$108 million for this research and I am not even sure what the scientific research results were used in.

Do you have any idea what kind of different research papers or where this data was used?

Ms. KENDALL. That was precisely the scope of our review. We conducted an inspection, which is a very narrow, focused review, and our purpose was to identify those documents that this scientific data was used in.

Mr. WESTERMAN. Do you know ultimately who used this and what decisions may have been made on this improper data?

Ms. KENDALL. We did not go into the decisions. The actual publications and other things that used this data are attached to our report in, I think, Appendix B. We itemized the areas where that data was used.

Mr. WESTERMAN. OK. I know I am going over a little bit, but it is just astounding that we would spend \$108 million on manipulated research, and then the far-reaching effects that that would have. We know how research multiplies and affects different parts of our society and our economy, and we always hope that is going

to be in a good way, but if you are working off of flawed data, it definitely could be in a bad way.

I yield back, Mr. Chairman.

Mr. LAHOOD. Thank you.

At this time, I yield myself another 5 minutes for the second round.

I am going to pick up on the same line of questioning I had regarding Mr. Barton. I did want to clarify; I think I had mentioned that the median household income in Boise, Idaho is \$50,000.

Getting back to the relationship that Mr. Barton had with this association, it turns out that in 2013, he made \$109,000 in that year alone in being paid as the treasurer for this agency, along with working for the Federal Government.

Ms. KENDALL, did you find that Mr. Barton went as far as double billing for his work for the association, the private organization, and the Fish and Wildlife Service?

Ms. KENDALL. We did a comparison of the hours that he billed for Fish and Wildlife versus the hours he billed to WAFWA. I don't know that we did an analysis as to whether those overlapped or were double billed.

Mr. LAHOOD. Were you familiar with a conference he attended in Hawaii where he did double bill both?

Ms. KENDALL. I am not aware of that.

Mr. LAHOOD. If I told you that occurred, would you disagree with that?

Ms. KENDALL. I would have no basis to disagree.

Mr. LAHOOD. And, Mr. Guertin, was your agency aware of Mr. Barton's position as treasurer of WAFWA, the private organization?

Mr. GUERTIN. Congressman, Mr. Barton came to the Fish and Wildlife Service as a retired employee of the Idaho Fish and Game Department; and, at that time, he had worked with WAFWA as their treasurer.

When he was hired by the Fish and Wildlife Service, he purported to his supervisor that this was a voluntary non-paid position, and he likened it to, "Well, I help them collect the till at the end of the services kind of a thing." As a Federal employee, he was required each year to fill out a detailed ethics form stating crystal clear if there were any sources of outside income, particularly his role as a grant administrator for agencies that we partner with on conservation.

Each year he failed to comply with this requirement for all Federal employees, lied on his ethics forms, and did not disclose any of this outside income.

Mr. LAHOOD. And what sort of problems could be created by a senior official at Fish and Wildlife Service serving as the treasurer of a private association that receives Federal grants?

Mr. GUERTIN. First of all, an appearance of conflict of interest. It is inappropriate for Federal employees to be involved in that type of role.

Second and most importantly, Federal employees are required to comply with these ethics laws for a reason, and he did not comply with them. That was the most unsettling and troubling aspect of

all. He failed to comply and meet his responsibilities as a Federal employee.

Mr. LAHOOD. And why did the Fish and Wildlife Service allow him to continue working for WAFWA or at least remove him from his duties at the Service?

Mr. GUERTIN. He continued to purport that this was a part-time, non-paying type of position. He was confronted with this back in 2014, and, at that point, actually resigned from WAFWA because he started getting nervous he was going to be caught doing this.

So he was, in fact, confronted and did, in fact, move off that position with WAFWA a couple of years ago.

Mr. LAHOOD. The part that is really concerning is Mr. Barton was not a low-level official at Fish and Wildlife. He was a top senior official, top 1 percent in terms of salary, not including his six-figure moonlighting, doing all of these other things.

How is it possible that a fraud like this went unnoticed for so many years?

Mr. GUERTIN. Unfortunately, many of the systems we rely on require individual employees to self-report. They fill out these ethics forms and they self-report them. We do not have the authority to independently contact any of these groups.

So, all I can say, Congressman, is that the 9,000 employees that I work with are honest or ethical and comply with these requirements. Mr. Barton did not. He misled and deceived all of us, and for that reason we are here before you today.

Mr. LAHOOD. Yes, and obviously you believe and have formed the opinion that what he did was wrong, unethical, and inappropriate; correct?

Mr. GUERTIN. Absolutely, yes, sir.

Mr. LAHOOD. Have you recommended prosecution of Mr. Barton for the activities he engaged in?

Mr. GUERTIN. Under the Privacy Act, I am not privy to share with you in this public hearing what actions the Fish and Wildlife Service did take. We did have the opportunity yesterday afternoon to brief committee staff on the specific actions we took in private session, and after the committee wraps up today, I would be glad to provide to you the same information in private session.

It is just the Privacy Act does not allow me to address that in this public hearing, sir.

Mr. LAHOOD. Have you formed an opinion on whether he should be prosecuted or held accountable?

Mr. GUERTIN. We took what actions we could under our guidance. We also sent him a bill to collect the \$96,000 in fraudulent travel claims.

Mr. LAHOOD. What if he does not pay that?

Mr. GUERTIN. We, under the Antideficiency Act and the authorizing legislation that enabled this program to begin with, will pursue every avenue at our means to continue to bird-dog him and collect those funds back.

Mr. LAHOOD. I know I am going over my time here, but how do you give taxpayers some level of confidence that what occurred here will no longer occur?

What mechanisms have you put in place, what safeguards?

I mean, clearly, what was done over this 10-year period did not work. So, how do you give confidence to the American people that you have changed the procedure?

Mr. GUERTIN. We are going back to every automated and self-reporting system we have in the Fish and Wildlife Service. We have some of our best folks working on ensuring that we have the proper guidance, protocols, and internal controls.

We actually have a lot of belief in the current system of internal controls. In this case, this unfortunate case, this one employee, a clever guy, was able to manipulate both personnel and systems to create this appearance that he was on authorized travel when, in fact, he was not. We are revitalizing all of our systems and personnel processes concurrently going forward so that unfortunate incidents can never happen again.

Mr. LAHOOD. Thank you.

I am over my time. At this time, I yield an additional 5 minutes to Mr. Westerman.

Mr. WESTERMAN. Thank you, Mr. Chairman.

I regret we do not have more Members here, but at least we are getting some of this on the record.

Ms. Kendall, I would like to go back to the last topic we discussed on the USGS laboratory. I have a list here of some of the project names, and this is really disturbing when I see some of these project names and to know that data was manipulated.

One of them is uranium in the environment. My understanding is that a mass spectrometer looks at the different chemical and ionic makeups of substances so it can tell you what kind of heavy metals are there and what kind of chemicals are in the sample. Just looking down this list, geological CO₂ sequestration, health effects of energy resources, Alaska rural energy, geochemistry of solid fuels, U.S. coal resources and reserves assessment, produced waters, and the list goes on and on about very important scientific issues.

And to think that the data may have been manipulated in the base level in these mass spectrometer readings is, again, really disturbing. I believe there was a project on Everglades' toxics. Can you tell me some of the agencies or organizations that the lab was contracting with?

Who was requesting these studies?

Ms. KENDALL. I know that USGS itself used the lab. I could not tell you sitting here today what other agencies used this lab. We may or may not have that information. If we have it, we would be glad to get it to you.

Mr. WESTERMAN. Yes, I would like to see that.

And do you know if it was all government agencies? Was it universities? Was it private companies?

Ms. KENDALL. I simply don't know, sir.

Mr. WESTERMAN. Do you know if any research papers had to be recalled when it was found out this data had been manipulated?

Ms. KENDALL. I believe some had to be recalled, yes.

Mr. WESTERMAN. What about dissertations that college students worked on?

Ms. KENDALL. I don't know that for a fact, sir. Our goal in this review was to identify those areas where the data had an impact,

and USGS is actually taking steps to make that extra determination that you are talking about, that is, dissertations, and other kinds of research that may have relied on this bad data.

Mr. WESTERMAN. Do you know if there are any other investigations in the other USGS laboratories?

Ms. KENDALL. Not that I am aware of.

Mr. WESTERMAN. So, you think this may have just been kind of a lone wolf that, for two decades, was generating bad data that was going into the research?

Ms. KENDALL. It may have been. I do not have information to say one way or the other.

Mr. WESTERMAN. OK. Mr. Chairman, I yield back.

Mr. LAHOOD. Thank you.

At this time I would like to thank our witnesses for being here today.

Obviously there is an overwhelming amount of disturbing information the Inspector General has delivered in the last several weeks, and I can assure you that the Natural Resources Committee and this subcommittee will continue to examine these issues.

Unfortunately, it has become entirely clear that there is no “culture of compliance” at the Department of the Interior. That may be a nice slogan, but the action and accountability behind it fall terribly short of the responsibility that taxpayers deserve.

These cases touch many sub-agencies of the Interior, including the National Park Service, the U.S. Geological Survey, the Fish and Wildlife Service, the Bureau of Land Management, and even the Office of the Secretariat.

We had hoped that the Department would work with us to provide a witness that could have answered on their behalf, but we were left with a solitary witness from the Fish and Wildlife Service, and that is disappointing.

The members of the committee may have some additional questions for the witnesses, and we will ask you to respond to those in writing. Under Committee Rule 4(h), the hearing record will be open for 10 business days for these responses.

If there is no further business, without objection, the committee stands adjourned. Thank you for your testimony.

[Whereupon, at 11:07 a.m., the subcommittee was adjourned.]

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

1. U.S. Department of the Interior, Office of Inspector General—Investigative Report of Failure to Disclose Employment at the U.S. Fish and Wildlife Service. Posted on June 7, 2016. Submitted by Subcommittee Staff—Majority.
2. U.S. Department of the Interior, Office of Inspector General—Investigative Report of BLM Land Sale, Henderson, NV. Posted on May 31, 2016. Submitted by Subcommittee Staff—Majority.
3. U.S. Department of the Interior, Office of Inspector General—Scientific Integrity Incident at USGS Energy Geochemistry Laboratory. Posted on June 15, 2016. Submitted by Subcommittee Staff—Majority.

4. U.S. Department of the Interior, Office of Inspector General—Investigative Report of Alleged Contract Steering by the National Park Service’s Denver Service Center. Posted on June 7, 2016. Submitted by Subcommittee Staff—Majority.
5. U.S. Department of the Interior, Office of Inspector General—Investigative Report of Misconduct at the Grand Canyon River District. Posted on January 12, 2016. Submitted by Subcommittee Staff—Majority.
6. U.S. Department of the Interior, Office of Inspector General—Investigative Report of Sexual Misconduct by Chief Ranger at Canaveral National Seashore. Posted on June 13, 2016. Submitted by Subcommittee Staff—Majority.
7. Kadzik, Peter J., Assistant Attorney General, U.S. Department of Justice, Office of Legislative Affairs, June 20, 2016 Letter to Chairman Louie Gohmert stating that the Department would not participate in the hearing.

