

**U.S. Senate Committee on Energy and Natural Resources
May 2, 2019 Hearing: *Jorjani and Greenblatt Nominations*
Questions for the Record Submitted to Mr. Mark Greenblatt**

Questions from Senator Ron Wyden

Questions: Mr. Greenblatt, as I mentioned during your confirmation hearing, I expect the Interior Inspector General to do everything in its power to avoid political interference by political appointees at the Interior Department.

Within five days, please respond with an outline of specific steps you will take, if confirmed, to ensure there is no political interference in your work, and what you will do to make sure you have access to documents and records and the Department. For example, I would like to know if you will hold Interior staff to a strict timeline for document production and records requests and whether you will have a regular reporting schedule to this committee for status updates and investigation conclusions.

Response:

As discussed both in our meeting and at the hearing, I have operated in a fair, objective, and independent fashion throughout my career and will continue to do so if I am confirmed as the DOI Inspector General. These are essential principles for any inspector general, and I will take specific, concrete actions to ensure that the OIG's investigations and other work are not tainted by any interference.

In particular, I intend to take the following proactive steps to safeguard my independence and that of my office:

1. Limit interactions with political appointees to appropriate meetings and communications. As described below, if I learn that the content of any interaction with the agency threatens to compromise the OIG's core principle of independent and objective oversight, I will promptly alert this Committee.
2. Prohibit agency attorneys from attending OIG investigative interviews—including interviews of political appointees or senior executives—in order to preserve the integrity of our investigations and prevent a chilling effect on witnesses.
3. Request that Secretary Bernhardt, in keeping with all Secretaries of the Interior from Gale Norton to Ryan Zinke, issue a directive to all DOI personnel emphasizing the requirement to not only provide information to the OIG, but also to cooperate with the OIG in carrying out its authority.
4. Ensure that the OIG's document requests include reasonable deadlines as appropriate, consistent with best practices within the OIG community. OIG employees will be instructed to report any unreasonable delays to OIG senior leadership.
5. Maintain a strong relationship with this Committee and other stakeholders in Congress, including making myself available for briefings or testimony before this

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Committee within 7 days of issuing a report, as well as prompt reporting if the OIG encounters threats to our independence or unacceptable delays in investigations.

6. Explore opportunities to bolster the OIG's whistleblower program. Whistleblowers play a crucial role in rooting out misconduct and OIGs must do everything they can to protect those who come forward to report waste, fraud, and abuse. With that in mind, I commit to looking for ways to expand the OIG's efforts to educate agency personnel about their whistleblower rights and make sure they know that the OIG is a safe place to report waste, fraud, and abuse.

Beyond taking these proactive measures, if the OIG encounters any improper delay or attempted interference in our work, I will take aggressive action to secure timely access to materials and witnesses and protect the integrity and independence of our office. Based on my experience working at two OIGs, I fully appreciate the importance of operating without any interference and getting timely access to materials and witnesses; without such access, an IG's work will be delayed, or worse, completely stymied.

I am particularly attuned to these issues because I saw an agency impede an OIG's efforts during my tenure at the Justice Department OIG, and I witnessed firsthand how a strong IG like Michael Horowitz took aggressive steps to achieve a positive result. When Department of Justice personnel refused to turn over key materials to the OIG, IG Horowitz responded in numerous ways, such as immediately alerting the Attorney General about the problem; objecting to the White House and Office of Management and Budget; notifying the committees of jurisdiction in Congress and the appropriations committees; testifying in more than one hearing about the agency's hinderance of his investigation; writing an op-ed in the *Washington Post* to alert the public about the agency's actions; and working with the Council of Inspectors General on Integrity and Efficiency (CIGIE) to enlist IG community support in the fight for unfettered access to agency materials. Mr. Horowitz's efforts were ultimately successful, and in large measure, resulted in the passage of the IG Empowerment Act in 2016, which codifies that IGs are entitled to full and prompt access to agency records.

Like Inspector General Horowitz, if I am confirmed as the IG at the Department of the Interior and my office encounters any improper delay or attempted interference in our work, I will not hesitate to use all available tools under the IG Act and other measures to preserve the integrity of our work and ensure that we obtain whatever materials we need to do our job. I will promptly notify the agency's senior leadership that such actions are unacceptable. If the Department continues to withhold responsive materials or attempts to interfere with our efforts, I would not hesitate to invoke Section 5 of the IG Act and issue what is known as a "7-day letter" to report such abuses to the agency and Congress. Section 5(d) of the Inspector General Act is rarely used – it requires IGs to alert their agency heads to "particularly serious or flagrant problems, abuses, or deficiencies," which the agency head must then transmit via the IG's letter to Congress within 7 calendar days. The issuance of a 7-day letter is significant. Nevertheless I would not hesitate to invoke that mechanism if necessary.

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I would also engage with the relevant Congressional stakeholders, specifically this Committee, other committees of jurisdiction, and appropriations committees, to address the issue. I would elevate the issue to CIGIE to secure IG community support and explore speaking publicly about the issue, as taxpayers should know about Government efforts to delay or thwart appropriate oversight.

Moreover, if the OIG faces a consistent pattern of withholding of responsive materials or attempted interference in our work, I would strongly consider publishing a report enumerating such abuses and identifying the officials responsible.

Finally, if the OIG has reasonable grounds to believe agency officials have violated Federal criminal law in the context of an OIG investigative matter, such as obstruction of justice, my office will promptly refer the matter to the Justice Department in accordance with the IG Act and the Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority.

In sum, I hope it is clear that I will not tolerate any attempted interference in the OIG's work or the agency failing to produce information or witnesses to the OIG in a timely and complete fashion.

Questions from Senator Maria Cantwell

Questions: IG Investigation of Senior Interior Department Appointees

Mr. Greenblatt, I am a big supporter of Inspector Generals because they play a critical role in ensuring executive branch political appointees and civil servants are following the law, making decisions based on the public interest, and in some cases rooting out corruption.

Given the long list of troubling activities under the leadership of former Secretary Zinke, the role of the Interior Department IG is more critical than ever.

- a) Mr. Greenblatt, last month the current Interior Department IG opened an investigation into whether six senior department officials used their positions to swing policy favors to former employers. Will you commit to follow through on this investigation to the end if you are confirmed to this position?**

Response:

If confirmed, I am fully committed to following through on this investigation and any matter currently in front of the OIG. Under my leadership, DOI OIG will conduct its work in a fair, objective, independent manner. We will follow all evidence, and we will close cases and audits in accordance with IG community standards.

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- b) Mr. Greenblatt, with so many ongoing IG investigations at the Interior Department and seemingly many other areas of troubling activity that likely warrant IG review, how will you prioritize the use of your office's limited resources?**

Response:

Based on my experiences at DOJ and Commerce OIGs, I believe the most pressing matters for the OIG's attention involve protecting public health and safety, stopping ongoing fraud, and addressing allegations of senior-level misconduct. Other considerations include the scope of the alleged problem or misconduct and whether taxpayer dollars are at stake. In general terms, the following questions should guide an OIG in determining what matters should receive its attention and resources:

- Is the matter one that could affect the health and safety of our citizens?
- What is the extent of the problem we are asked to address – is it a systemic problem that could be adversely affecting an entire unit or geographical area?
- What are the ramifications if we do not examine the issue – are there victims who will continue to be victimized, or losses to the taxpayer that will continue?
- Does the matter involve significant dollar amounts?
- Does the situation have a high-risk analysis ranking?
- If the allegations are substantiated, what is the likelihood that our work will result in meaningful impact on the Department?
- Does the matter involve allegations of misconduct by senior officials, who set the tone for an entire agency?

- c) Mr. Greenblatt, what do you believe the role of the IG is in ensuring that taxpayers receive a fair return on the public lands we all own, particularly in regards to fossil fuel leasing?**

Response:

DOI is the second largest revenue producer in the Federal Government, and our nation depends on the royalty payments that the law mandates. The OIG plays a critical role in ensuring that companies pay fair market value on fossil fuel leases, as with all revenues collected by the DOI. A robust investigative unit, proactive audits, and quick-hitting inspections can deter and detect underreporting, and I intend to focus substantial resources in this critical area.

Question from Senator Mazie Hirono

Question: The Environmental Protection Agency's (EPA) Office of Inspector General (OIG) recently sent a letter to the Office of Management and Budget (OMB) expressing frustration with their lack of response to provide information for an audit that the EPA

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OIG is conducting at the request of Congress. In the letter, they note their intention to notify Congress should OMB fail to respond by a certain date.

If confirmed, do you commit to contacting Congress about instances such as the one described above where Federal agencies refuse to provide information that you request?

Response:

I will not tolerate the agency withholding or failing to produce information or witnesses to the OIG in a timely and complete fashion. Under Section 6(a) and (b) of the Inspector General Act, OIGs are entitled to timely access to all records and other materials that are available to the Department within the OIG's jurisdiction.

If DOI fails to produce responsive materials as required, I will not hesitate to raise the issue to the attention of the Secretary, then, if necessary, invoke Section 5 of the IG Act and issue what is known as a "7-day letter" to report such abuses and inform Congress. Moreover, if the OIG faces a consistent pattern of delay in producing or withholding of responsive materials, I would strongly consider publishing a report enumerating such abuses and identifying the officials responsible.