



Opening Statement: Susan Beard Nomination
Chairman Lisa Murkowski
May 12, 2016

Good morning, everyone. The Committee will come to order so that we can consider the nomination of Ms. Susan Beard to be the Inspector General of the Department of Energy.

This is an important position at a large agency. And by looking back at its origin, we can understand what Congress intended with its creation. In 1977, with energy in crisis – and of note, the very year that this committee was reconstituted with express jurisdiction over the nation’s energy policy – Congress established both the Department of Energy and the Office of the Inspector General within it.

The Department of Energy Organization Act requires the President to appoint an Inspector General to lead the OIG – and I quote – “solely on the basis of integrity and demonstrated ability and without regard to political affiliation.” Notably, the DOE’s IG was one of the first in the government, preceding the IGs established by the Inspector General Act of 1978.

Given the significance of the Department’s mission, the DOE Act specifically requires the IG, as one of a few primary responsibilities, to:

“keep the Secretary *and the Congress* fully and currently informed . . . concerning fraud and other serious problems, abuses, and deficiencies relating to the Administration of programs and operations *administered or financed* by the Department, to *recommend corrective action concerning . . . problems, abuses, and deficiencies, and to report on . . . progress . . .*”

The only way that an Inspector General can discharge these important responsibilities is to be fully qualified and to maintain his or her independence from the rest of the Energy Department. Indeed, the DOE Act expressly provides that the IG shall report to the Secretary, but shall not be under the control of, or subject to supervision by, any other officer of the Department except, in the case of an express delegation by the Secretary, the Deputy Secretary.

Ever since Gregory Friedman retired last fall, after serving as Inspector General for 17 years and as a professional in that office for another 16 years before being promoted to IG, the Office has been under the direction of an Acting IG. As a starting point, I think we can all agree that DOE needs a permanent Inspector General. But I think we can also agree that given the importance of this position, we have to be sure we have the right person, before we confirm anyone to it.

Make no mistake, this is a big job. The Washington Post, when it reported on Mr. Friedman's retirement last year, noted the "many politically sensitive cases he's investigated, including the controversial case of a scientist named Wen Ho Lee who was wrongly charged with stealing secrets about the U.S. nuclear arsenal; the Solyndra scandal that left taxpayers on the hook for \$535 million in loan guarantees and the arrest of three . . . activists who penetrated the Energy Department's nuclear-weapons production facility in Oak Ridge, Tennessee."

Those are just a few of the reasons why I am committed to ensuring that the individual we confirm is fully independent, with good judgment in difficult situations. The candidate must also have a firm grasp of the responsibilities of an Inspector General – not only to the Secretary, but to Congress as well.

The law requires an IG to meet his or her independent obligations to Congress, and, while we expect the IG to approach the work with civility, the independence of the Office of the Inspector General must never be compromised.

Ms. Beard has been an attorney within the Energy Department's Office of General Counsel for the past 27 years – an admirable career. But after almost three decades with DOE, it may be difficult to transition from defending the agency's interests as an attorney to scrutinizing the Department's actions as the Inspector General.

I am interested to learn how the nominee intends to ensure the independence of the Office of the Inspector General as it audits and investigates all operations of DOE, including those areas that have been under her jurisdiction as a senior agency lawyer. I am also keen to learn more about the nominee's experience, qualifications, and intended approach for the serious responsibilities that come with this position.

Because confirmation would be tantamount to a lifetime appointment, the bar for an IG nominee is especially high. We are here today to ask questions and raise attention to whether Ms. Beard is the right fit for this permanent position. I look forward to this morning's discussion.

Ranking Member Cantwell?

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