

United States Senate

WASHINGTON, DC 20510

May 24, 2012

Kevin L. Perkins
Chairman, Integrity Committee
Council of the Inspectors General on Integrity & Efficiency
935 Pennsylvania Ave., NW
Room 3973
Washington, DC 20535-0001

Re: Interior Department Office of Inspector General's Report of Investigation;
Federal Moratorium on Deepwater Drilling (Case No. PI-PI-10-0562-I)

Dear Chairman Perkins:

We are writing to respectfully request that the Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) investigate alleged misconduct of the Office of Inspector General (OIG) of the Department of Interior (DOI) in relation to the above-referenced matter. In accordance with the Inspector General Reform Act of 2008, Public Law 110-409, the IC is "charged with receiving, reviewing, and referring for investigation, where appropriate, allegations of administrative (non-criminal) misconduct against Inspectors General (IGs), and, designated senior staff members of the Office of Inspector General."¹ Based on documents obtained from the House of Representatives Natural Resources Committee, we believe Acting Inspector General, Mary Kendall, failed to ensure an independent, impartial and complete investigation into the Administration's offshore drilling moratorium and related activities.

As reported this week by the *USA Today*,² Ms. Kendall participated in Administration meetings and correspondence related to DOI's report entitled "Increased Safety Measures for Energy Development on the Outer Continental Shelf" (so-called "30-Day Report"), which erroneously indicated that independent peer review experts endorsed the Administration's six-month moratorium on deepwater drilling. Amazingly, this same 30-Day Report became the subject of an OIG investigation overseen by Ms. Kendall, and Ms. Kendall appears to have taken an active role in editing draft versions that resulted in the November 8, 2010 final OIG report. This raises serious questions about the independence and integrity of the Acting Inspector General's efforts on this matter and her compliance with applicable law.

Even more troubling are facts tending to show that the Acting Inspector General stymied a full and complete investigation and an accurate and complete report pertaining to these matters.

¹ CIGIE Mission Statement available at <http://www.ignet.gov/pande/integrity1.html#complaints>.

² "Interior inspector defends impartiality in report probe," available at <http://www.usatoday.com/news/washington/story/2012-05-22/deepwater-drilling-report/55143864/1>.

It appears that in documents obtained by the House Natural Resources Committee³, Ms. Kendall revised the draft OIG investigation report to strike a sentence stating the role of President Obama in requesting the 30-Day Report. She proposed deleting entire pages of key findings and analysis drafted by senior OIG staff, including sections detailing the role of the White House in revising the 30-Day Report in the early morning hours (between 2 and 3 a.m.) of May 27, 2010 to give the untrue impression that the Administration's political decision to impose a six-month drilling moratorium was reviewed by independent peer review experts. In fact, the final report to Congress appears to not be the results of a complete and impartial investigation, as indicated by senior special agent Richard Larrabee's public statements.⁴

We would ask that your committee's investigation into this matter evaluate each and every edit suggested by Ms. Kendall for potential impropriety and lack of impartiality on her part. We would also ask that you include any of the findings and concerns outlined in the enclosed House Natural Resources Committee correspondence and the *USA Today* article (and other recent news articles) in your investigation. Moreover, DOI and the OIG have refused to comply with subpoenas from the House Natural Resources Committee for documents and information pertaining to the drafting and editing of the 30-Day Report and the OIG's subsequent investigation, further casting a shadow over the Administration's and OIG's handling of these matters. Ms. Kendall's failure to recuse herself from the OIG investigation into the 30-Day Report—a report that she was involved in and attended meetings with the same political appointees whose actions were later subject of the investigation she oversaw—is perplexing, and we would ask that this also be included in the IC's review of this matter.

It is important that your investigation include a final determination as to whether there was a violation of the Information Quality Act (IQA), and if an apology after the fact obviates the violation under the law. Section 1515 of the IQA directs federal agencies to maximize “the quality, objectivity, utility, and integrity” of information they prepare and disseminate, and it requires agencies to adopt and follow implementing guidelines. The OMB guidelines note the IQA applies to the “creation, collection, maintenance, and disseminating of information.” The basic standard of care is that information must be “accurate, clear, complete, and unbiased.” Stricter and even more rigorous quality standards apply when the information is “influential,” meaning it will “have a clear and substantial impact on important public policies...” It remains unclear as to why no determination or explanation was made on the issue of a potential violation of the Information Quality Act.

We understand that the IC “meets quarterly, or as appropriate,” to review any new allegations that are submitted for its review.⁵ Given the importance of this matter, we would ask

³ “Documents Provided by the Department of Interior and the Inspector General's office”
<http://naturalresources.house.gov/Oversight/MoratoriumDocs.htm>

⁴ “Gulf oil spill moratorium inquiries rebuffed, investigator says,” available at http://www.nola.com/news/gulf-oil-spill/index.ssf/2012/05/oil_spill_moratorium_inquiries.html

⁵ CIGIE Frequently Asked Questions-Meetings, available at <http://www.ignet.gov/pande/integrity1.html#complaints>.

that your committee include these issues in its next meeting agenda. However, if the next IC meeting is more than 30 days from the date of this letter, we would ask that you convene a meeting of the IC within the next 30 days, as the IC governing procedures permit, to review this matter individually.

We further ask for a full report on the findings of your review, including a description of the role Ms. Kendall had in developing, disseminating and influencing both the 30-day Report and the investigation.

The integrity of the work of the OIG is imperative to the proper function of federal agencies. Indeed, it is the one office that must operate without political influence. If the OIG at any federal agency fails to act as required, the public's confidence in the proper governance of these agencies cannot be met.

Your prompt response to our request is appreciated.

Sincerely,


Jeff Sessions
United States Senate


David Vitter
United States Senate


John Cornyn
United States Senate