

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

February 2, 2017

Mr. Kevin “Jack” Haugrud
Acting Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Acting Secretary Haugrud:

Over the past several years, many disturbing cases concerning Department of the Interior (Department) employee misconduct have cast doubts on the effectiveness of the Department’s hiring, retention, and termination policies. The Department employs “about 70,000 people in approximately 2,400 locations.”¹ As federal employees, these individuals should be held to the highest ethical and professional standards. From April 1, 2009 through September 30, 2016, the Department’s Office of Inspector General (OIG) referred 310 criminal matters involving Department employees to the Department of Justice for prosecution, which resulted in 208 convictions.² Often times, however, Department employees found guilty of severe misconduct were permitted to continue federal service for a prolonged period of time or indefinitely while facing minimal consequences for their actions.

On May 24, 2016, the House Committee on Natural Resources Subcommittee on Oversight and Investigations (Subcommittee) held a hearing about the Department’s workplace environment in which ethics violations were commonplace, particularly pertaining to then-political appointees and other senior officials.³ In continuing its oversight, on June 23, 2016, the Subcommittee conducted a hearing to examine the Obama Administration’s lack of enforcement and accountability actions in response to a growing number of reports of unethical and criminal conduct at the Department.⁴

One example of misconduct examined by the hearings included then-National Park Service (NPS) Director John Jarvis’ inappropriate use of his official position to obtain a

¹ U.S. Dep’t of the Interior, *About Our Employees*, <https://www.doi.gov/employees/about> (last visited Jan. 30, 2017).

² OFFICE OF INSPECTOR GEN., U.S. DEP’T OF THE INTERIOR, SEMI-ANNUAL REPORTS TO CONGRESS OCTOBER 2009 – OCTOBER 2016, *available at* <https://www.doi.gov/reports>.

³ H. Comm. on Natural Res., Subcomm. on Oversight and Investigations, *Investigating the Culture of Corruption at the Department of the Interior*, 114th Cong. (May 24, 2016).

⁴ H. Comm. on Natural Res., Subcomm. on Oversight and Investigations, *The Administration’s Response to Findings of Unethical and Criminal Conduct at the Department of the Interior*, 114th Cong. (June 23, 2016).

publishing deal in which he used the official NPS logo to market his book in NPS stores.⁵ Another example included the then-Bureau of Indian Education (BIE) Director Charles “Monty” Roessel’s improper use of his position to hire a family member, and a woman with whom he had a romantic relationship.⁶ The Subcommittee also investigated the former Chief of Administration and Information Management at the U.S. Fish and Wildlife Service (FWS), Stephen Barton, who concurrently held a position with a non-profit organization, the Western Association of Fish and Wildlife Agencies (WAFWA).⁷ Mr. Barton failed to disclose more than \$375,000 in outside employment income earned as the Treasurer of WAFWA over the span of a decade while serving as an FWS official.⁸

A 2015 investigation revealed a particular case of employee misconduct resulting in minimal accountability when a U.S. Bureau of Reclamation (USBR) employee was only suspended for fourteen days after being caught for storing inappropriate images on a government computer.⁹ The USBR employee stored thousands of photographs of children wearing gymnastics-related clothing and performing various poses. Additionally, the USBR employee stored hundreds of pictures of himself wearing girls’ gymnastics leotards and possessed an unauthorized anti-forensics tool designed to hide the user’s on-line history.¹⁰

On December 6, 2016, the Subcommittee conducted a hearing concerning two U.S. Geological Survey (USGS) employees who committed consecutive cases of continuous scientific misconduct and data manipulation that spanned almost two decades at a federal laboratory in Lakewood, Colorado.¹¹ Through two letters from the Subcommittee and an oversight hearing, the Subcommittee learned, among other concerns, that neither of the two USGS employees who engaged in misconduct, nor any of their managers, were held fully accountable.¹²

More recently, on December 28, 2016, the OIG completed its report of investigation concerning a Bureau of Land Management (BLM) law enforcement officer for alleged misconduct.¹³ The investigation, which was initiated in October 2015, concluded that a

⁵ OFFICE OF INSPECTOR GEN., U.S. DEP’T OF THE INTERIOR, INVESTIGATIVE REPORT OF JONATHAN JARVIS (2016), available at https://www.doi.gov/sites/doi.gov/files/JonathanJarvis_Public.pdf.

⁶ OFFICE OF INSPECTOR GEN., U.S. DEP’T OF THE INTERIOR, INVESTIGATIVE REPORT OF IMPROPER HIRING AT THE BUREAU OF INDIAN EDUCATION (2016), available at https://www.doi.gov/sites/doi.gov/files/ImproperHiringAtBIE_Public.pdf.

⁷ See *supra* note 4.

⁸ OFFICE OF INSPECTOR GEN., U.S. DEP’T OF THE INTERIOR, INVESTIGATIVE REPORT OF FAILURE TO DISCLOSE EMPLOYMENT AT THE U.S. FISH AND WILDLIFE SERVICE (2016), available at https://www.doi.gov/sites/doi.gov/files/FWS_FailuretoDiscloseEmployment_Public.pdf.

⁹ OFFICE OF INSPECTOR GEN., U.S. DEP’T OF THE INTERIOR, SUMMARY: INVESTIGATION OF INAPPROPRIATE USE OF A COMPUTER BY A USBR EMPLOYEE (2015), available at

https://www.doi.gov/sites/doi.gov/files/InvestigativeSummary_USBRComputerUse.pdf.

¹⁰ *Id.*

¹¹ H. Comm. on Natural Res., Subcomm. on Oversight and Investigations, *Examining Decades of Data Manipulation at the United States Geological Survey*, 114th Cong. (Dec. 6, 2016).

¹² Three employees were permitted to retire from USGS, each accruing more than twenty years of service.

¹³ OFFICE OF INSPECTOR GEN., U.S. DEP’T OF THE INTERIOR, INVESTIGATIVE REPORT OF ETHICAL VIOLATIONS AND MISCONDUCT BY BUREAU OF LAND MANAGEMENT OFFICIALS (2017), available at

https://www.doi.gov/sites/doi.gov/files/EthicalViolationsAndMisconductByBLMOfficials_Public.pdf.

Supervisory Agent at BLM violated federal ethics rules when he used his official position to secure preferential treatment for his family members and girlfriend at the 2015 Burning Man event held at the BLM-managed Black Rock Desert in Nevada.¹⁴ The Supervisory Agent also misused government resources to provide escorting and logistical benefits to his family members and girlfriend.¹⁵ Additionally, the Supervisory Agent inappropriately used his position to manipulate the hiring process in favor of his friend, who was ultimately hired as a BLM special agent.¹⁶ The OIG investigators also determined that the Supervisory Agent attempted to mislead investigators and sought to influence individuals interviewed by OIG.¹⁷

On November 16, 2016, the OIG also completed a report of its investigation into allegations that BLM knowingly hired a convicted felon and registered sex offender to work as a Computer Assistant at its Lakewood, Colorado facility.¹⁸ The OIG confirmed that BLM did hire an applicant previously convicted of a “criminal attempt/sexual assault on a child” charge, which stemmed from his multiple attempts to solicit sex from someone he believed to be a thirteen-year-old girl on the internet. Evidentiary documents indicate that the solicitation was conducted from a state government computer.¹⁹

Notwithstanding the troubling criminal history of the sex offender BLM applicant, on August 9, 2011, a Personnel Security Specialist at BLM “signed the Certificate of Investigation [for the registered sex offender] and stamped it ‘Favorable Determination – Subject Not Contacted.’”²⁰ The favorable adjudication ultimately resulted in an offer of employment to the sex offender as a Computer Assistant. Subsequent to entering federal service the individual has been arrested three additional times, garnering convictions for violating a protective court order and for a domestic violence-related criminal trespass.²¹

The OIG investigation also revealed that the BLM Human Resources Department never made further inquiry into the applicant’s criminal history, despite the Bureau’s knowledge regarding the nature of his conviction, and that the applicant admitted to having pornography stored on a work computer while at a previous job.²² In an attempt to justify the applicant’s hiring, the BLM Human Resources Specialist, who was the personnel security adjudicator for the applicant, stated that BLM human resources officials are trained to default to “protecting the privacy of the candidate” and that any other BLM personal security adjudicator would have also reported this applicant’s candidacy favorably. Further, the Human Resources Specialist

¹⁴ *Id.* at 1.

¹⁵ *Id.*

¹⁶ *Id.* at 2.

¹⁷ *Id.*

¹⁸ OFFICE OF INSPECTOR GEN., U.S. DEP’T OF THE INTERIOR, SUMMARY: INVESTIGATION OF BLM HIRING OF A CONVICTED FELON (2016), available at <https://www.doiioig.gov/reports/summary-investigation-blm-hiring-convicted-felon>.

¹⁹ OFFICE OF INSPECTOR GEN., U.S. DEP’T OF THE INTERIOR, REPORT OF INVESTIGATION: INVESTIGATION OF BLM HIRING OF A CONVICTED FELON Attachment 3 (2016) (on file with author).

²⁰ *Id.* at 2.

²¹ *Id.* at Attachments 1-4.

²² *Id.* at Attachment 9.

maintained that BLM human resources officials "are not required to inform selecting officials about potentially problematic information."²³

BLM's controversial hiring and retention of this individual does not appear to be an isolated case, but further highlights human resources failures within Department under the previous Administration. For example, just last week, the OIG released a report that determined that in 2012, an individual applying to be the Deputy Director of the Office of Acquisition and Property Management (PAM), a Senior Executive Service (SES) position within the Bureau of Safety and Environmental Enforcement (BSEE), knowingly misrepresented his military and federal employment records.²⁴ The Senior Executive falsified his records and provided a materially false statement regarding a previous revocation of his security clearance.²⁵ These actions were discovered during the application process and resulted in the unfavorable adjudication of the applicant's public trust background investigation.²⁶ The PAM Deputy Director position required that an applicant receive a favorable public trust adjudication.²⁷ The applicant, however, received a waiver from the PAM Director to assume the Deputy Director position during the pendency of the public trust adjudication process.²⁸

Despite having eventual knowledge of the unfavorable public trust adjudication and the applicant's material dishonesty, the PAM Director allowed the applicant to remain in his position and declined to take any disciplinary action whatsoever.²⁹ The PAM Director refused to change this disciplinary posture in spite of receiving a report from the BSEE Security Office which concluded that the applicant's conduct "directly conflicted with the integrity expected of an SES employee"³⁰ as well as a second internal BSEE memorandum that called for the applicant to either be disciplined or dismissed.³¹

The Committee seeks to better understand Department's employment policies. Therefore, in order to assist the Committee's oversight, please produce the following documents and information as soon as possible, but no later than 5:00 p.m. on February 16, 2017:

1. Documents sufficient to show the requirements placed on Department or agency-level human resources officers to share with hiring supervisors applicant information that may adversely impact the Department, its employees, or the applicant's performance of required duties;

²³ *Id.* at Attachment 10.

²⁴ OFFICE OF INSPECTOR GEN., U.S. DEP'T OF THE INTERIOR, INVESTIGATIVE REPORT OF FALSIFICATION OF EMPLOYMENT RECORDS BY THE DEPUTY DIRECTOR OF THE OFFICE OF ACQUISITION AND PROPERTY MANAGEMENT 1 (2017), available at https://www.doi.gov/sites/doi.gov/files/FalsificationOfEmploymentRecordsByPAMDeputyDirector_Public.pdf.

²⁵ *Id.* at 2-5.

²⁶ *Id.* at 7.

²⁷ *Id.* at 2.

²⁸ *Id.* at 5.

²⁹ *Id.* at 7-8.

³⁰ *Id.* at 6.

³¹ *Id.*

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2. Documents sufficient to show factors, aside from not meeting required professional or educational qualifications, that would merit the automatic disqualification of an individual's application for employment at the Department or its agencies;
3. Documents sufficient to show the requirement of employees at the Department or agency-level to report to human resources or their supervisor(s) any criminal conviction or adverse civil judgment against the Department employee that may occur after entering federal service;
4. Documents sufficient to show Department guidelines that help determine disciplinary action for employee misconduct;
5. Documents sufficient to show Department guidelines or policies that allow the hiring of convicted felons and registered sex offenders based on the amount of time lapsed between conviction and application to BLM; and
6. Documents sufficient to show the justification of retaining the Senior Executive Service employee at BSEE in his position after having his failure to obtain a favorable public trust adjudication.

Please deliver your response to room 1324 of the Longworth House Office Building. The Committee prefers, if possible, to receive your response in electronic format. An attachment contains additional instructions for responding to the Committee's request.

Please contact Sang Yi and Christopher Santini of the Oversight and Investigations Subcommittee staff at (202) 225-7107 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Rob Bishop
Chairman

Enclosure

cc: The Honorable Raúl M. Grijalva, Ranking Member