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June 12, 2015

President Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Obama:

I write regarding your nomination of Mary Kendall to be the Inspector General (IG) of the Department of the Interior (DOI). The Office of Inspector General (OIG) at any federal agency must have objective, independent leadership with the veracity and integrity to hold Executive Branch agencies accountable for their actions. I am deeply concerned that Ms. Kendall's nomination does not meet those standards. As such, I must notify you that I will strenuously object to any consideration of her nomination, and request that you immediately withdraw it and instead put forward a nominee who can be confirmed by the Senate and hit the ground running, without questions about their independence from the political leadership of the DOI and the White House.

As you know, the 2010 BP oil spill off the Louisiana coast, as well as the subsequent moratorium on deepwater drilling that was imposed by your Administration, were devastating to Louisiana and its economy. On April 30 of that year, you directed then-Interior Secretary Ken Salazar to issue a report assessing the events that led to and take place during the spill and to recommend steps that should be taken to avoid such tragedies in the future. That report was issued on May 27, 2010. In June, eight of the fifteen safety experts consulted for the report wrote me and other elected officials from Louisiana, objecting to the report's implication that they supported a blanket, six-month moratorium on deepwater drilling and permitting. In their statement responding to the report, the experts made clear that the draft report from DOI that they reviewed, and which recommended a more limited moratorium, was modified after the fact, at which point a recommendation was included for a blanket, six-month moratorium on deepwater drilling and permitting. Their response to DOI is absolutely clear that while they supported the more limited measures outlined in the Administration's draft report, "A blanket moratorium is not the answer. It will not measurably reduce risk further and it will have a lasting impact on the nation's economy which may be greater than that of the oil spill".¹ As history has demonstrated, that is exactly what happened when the Administration imposed that moratorium.

¹ June, 2010 statement from offshore safety experts entitled "The Primary Recommendation in the May 27, 2010 report, 'INCREASED SAFETY MEASURES FOR ENERGY DEVELOPMENT ON THE OUT CONTINENTAL SHELF' Given by Secretary Salazar to the President Misrepresents our Position"

Upon the experts' response being made public, I requested that the OIG investigate the allegation that senior political officials at DOI intentionally modified the language in the final report in an effort to bolster their argument for a 6-month, blanket moratorium. The DOI OIG's report affirmed that the White House, in coordination with senior DOI officials, manipulated report language to indicate experts and scientists supported the Administration's drilling moratorium.

However, from that point forward, the OIG ceased to fulfill its responsibilities as an independent, investigative entity. Rather, the OIG went as far as to refuse to comply with congressional investigations, including subpoenas requesting important information regarding the degree to which political operatives within your Administration were blocking OIG investigators from completing their work as part of the investigation. In other words, under the management of Acting IG Kendall, the OIG abated the congressionally-requested investigation into the DOI's involvement in the egregious manipulation of the National Academy of Engineer's report that led to the unjustified drilling moratorium in the Gulf of Mexico after the BP oil spill. The political manipulation of the National Academy of Engineers' report is devastating in and of itself, but the OIG's failure under Acting IG Kendall to fully investigate and uncover that misconduct is equally disturbing.

The moratorium, falsely "justified" by the report, devastated thousands of jobs, and its impacts continue to this day to affect our local and national economies. The drilling ban in the first year alone cost us 19,000 jobs nationally and 13,000 regionally; \$1.1 billion in wages nationally and \$800 million regionally; and \$350 million in tax revenues nationally and \$155 million on the state and local levels. Where the OIG should have been aggressively pursuing the truth behind the manipulation of the report and demonstrating the utmost objectivity over the investigation of senior officials from DOI, the OIG settled with the limitedly-supported excuse that the report's mistakes were inadvertent. It was also revealed that Acting IG Kendall was present at meetings and had engaged in extensive communications with the DOI officials throughout the investigation.

Unfortunately, this is not the only instance of Acting IG Kendall's mismanagement of the OIG. During her time as Acting IG, there have also been accounts of there being very little transparency into her office's oversight of DOI rulemaking. Further concerns have been expressed about the OIG's lack of initiative to address larger oversight problems at DOI. For example, her own staff revealed in the 2012 annual DOI OIG survey that a significant number of employees believe the OIG under her control is politically swayed, think the office lacks transparency and honesty in communications, and question the integrity of the IG and other top officials in dealing with investigations.

It is imperative to the proper functioning of all federal agencies that the OIG operates without political influence. The integrity of the work of the OIG is paramount to instilling public confidence in the proper governance of these agencies. As Acting IG, Mary Kendall has had ample opportunity to demonstrate that she possesses the qualifications and independence required of the position, but those expectations have not been met. Frankly, Acting IG Kendall's past performance in dealing with members of Congress during hearings, subpoena requests, and investigation correspondence inspires zero confidence in her ability to be an objective, capable leader.

I reiterate my call for you to promptly withdraw Acting IG Kendall's nomination and instead nominate someone who can be confirmed by the Senate, and who has the will and independence to conduct her job impartially and in accordance with its responsibilities.

Sincerely,

A handwritten signature in blue ink that reads "David Vitter". The signature is written in a cursive style with a horizontal line underneath the name.

David Vitter
United States Senator