

TESTIMONY OF THE HONORABLE EARL E. DEVANEY
INSPECTOR GENERAL FOR THE DEPARTMENT OF THE INTERIOR
BEFORE THE SUBCOMMITTEE ON THE FEDERAL WORKFORCE
AND AGENCY ORGANIZATION
UNITES STATES HOUSE OF REPRESENTATIVES
APRIL 5, 2005

Mr. Chairman and members of the Subcommittee, I want to thank you for the opportunity to address the Subcommittee this morning concerning the investigation being conducted by Office of Inspector General (OIG) for the Department of the Interior (DOI) into allegations of falsification of documents pertaining to the proposed Yucca Mountain nuclear waste repository.

The OIG investigation into this matter is ongoing; as such, I cannot discuss the substance of the investigation today. What I am prepared to do, however, is provide the Subcommittee with testimony relative to the authorities of my office, the investigative process, and the uses to which the results of an investigation such as this might be put.

Pursuant to the Inspector General Act (IG Act), the OIG is an independent and objective organization authorized to conduct audits and investigations relating to the programs and operations of DOI. The IG Act dictates that I keep both the Secretary of the Interior and Congress fully informed on problems and deficiencies relating to the administration of these programs and operations. The IG Act provides me with access to all information available to DOI relative to the responsibilities of my office.

Given these authorities, the OIG is armed with the utmost independence in advancing its mission: to promote economy, efficiency, and effectiveness, and to prevent and detect fraud and abuse in the programs and operations of the Department. This independence is particularly important in the conduct of our investigations.

OIG criminal investigators enjoy full federal law enforcement authority, which includes the authority to carry a firearm, make arrests and refer matters to the Department of Justice for criminal prosecution.

The majority of our investigations are launched with criminal prosecution in mind. As a result, we typically work in close coordination with, or at the direction of, the Department of Justice, often a United States Attorney's Office for the District in which the investigation is being conducted. In the Yucca Mountain matter, we are actively working with the United States Attorney's Office in Las Vegas, to whom we are providing briefings at least weekly.

OIG investigations spring from numerous sources: requests from Congress; requests from the Secretary or other senior DOI officials; and credible allegations by DOI employees, public citizens, or anonymous sources. Regardless of the source, our investigations are conducted prudently, thoroughly and completely. We always proceed at a deliberate pace, but speed never supersedes accuracy. Although often pressured to do so, we will not rush an investigation to meet the specific needs of any source.

The subject matter underlying most of our high-profile investigations is often fraught with fervent emotions, strong opinions and competing interests. The Yucca Mountain project is no exception. Armed with the protections afforded by the IG Act, however, we undertake investigations with no preconceived notions and no preordained outcomes. With the very integrity of the OIG at stake each time we conduct an investigation, we must demonstrate professionalism, independence and objectivity at all times. As the content of our previous reports demonstrates, we will condemn the

Department for wrongdoing and we will exonerate the Department when allegations prove unfounded.

We generally conduct our investigations from the lowest level to the highest; from the least culpable to the most. Our investigators travel throughout the country, as necessary, to interview witnesses and obtain documentary and physical evidence. When highly technical or specialized issues arise, we may secure the assistance of independent subject-matter experts, or partner with other law enforcement entities that possess a required expertise. In the Yucca Mountain matter, we are partnering with both the OIG for the Department of Energy and the FBI.

We report the results of our investigations in a variety of formats, choosing the most appropriate format for the purpose at hand. If we are referring a case for criminal prosecution, we do so by way of a formal Report of Investigation, a document which contains all witness interviews, evidentiary documents and investigative activity reports. If we are referring a matter for administrative action by the Department, we may tailor Reports of Investigation to address the conduct of individual employees, when such information can be reasonably segregated. If we are preparing a report for release to the public, it will typically be written in narrative form, but with confidential, personal privacy, and other privileged information redacted.

Whether an investigation results in the prosecution and conviction of a criminal defendant or disciplinary action against an employee engaged in misconduct, I am most pleased when the results of an investigation also give the Department insight and incentive to improve the way in which it conducts itself, and in doing so, prevents a problem from recurring.

I would like to conclude by giving this Subcommittee my assurance that OIG investigators are working diligently to bring to closure the allegations of falsification of documents in regard to the Yucca Mountain project. Although I am simply unable to give you a meaningful timeframe at this point, since many facts remain unknown and I do not control many aspects of the process, I will be glad to keep the Subcommittee apprised of our progress and provide the results of our investigation as soon as we are able.