



U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF INSPECTOR GENERAL

June 2, 2020

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

The Honorable Peter A. DeFazio
Chairman
Committee on Transportation
and Infrastructure
U.S. House of Representatives
Washington, DC 20515

The Honorable Gerald E. Connolly
Chairman
Subcommittee on Government Operations
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Maloney and Chairmen DeFazio and Connolly:

This is in response to your letter of May 19, 2020, regarding my designation by President Donald J. Trump to serve as Acting Inspector General of the Department of Transportation (DOT).

Your letter expressed concerns and questions regarding my new role, which I will address below. In your letter, you also requested a description of ongoing Office of Inspector General (OIG) audits and investigations in a number of areas. That information will be provided separately, as discussed below.

First, I am honored by the opportunity afforded to me to fill the role of Acting Inspector General. I recognize that my role is temporary and that the President has announced his intent to nominate a permanent Inspector General, subject to the Senate confirmation process. I intend to remain in the position as Acting Inspector General until a permanent Inspector General is confirmed or until I am otherwise directed by the President. I am proud to bring to this role a longstanding record of integrity and more than four decades of transportation safety, law enforcement, and leadership experience. I also stand by my accomplishments during my tenure as Administrator for the Pipeline and Hazardous Materials Safety Administration (PHMSA), especially as it pertains to the ability to close open pipeline safety mandates.

Second, to clarify one of your concerns, Mitch Behm will continue to serve as the Deputy Inspector General, a position he has held for more than 4 years, including under DOT's previous Inspector General, Calvin L. Scovel III. Mr. Behm has not been demoted or removed from his position. Rather, upon Mr. Scovel's retirement on January 31, 2020, and in the absence of any presidential designation at the time, Mr. Behm automatically assumed the

role, authority, and responsibilities of Acting Inspector General per the Federal Vacancies Reform Act and OIG's succession plan. Upon the President's May 15, 2020, designation of an Acting Inspector General, Mr. Behm resumed his normal role and duties as Deputy Inspector General. In my first weeks as Acting Inspector General, I have worked extensively with Mr. Behm. It is clear that his experience, perspective, and long record of sound leadership will continue to provide great service to OIG and DOT.

Third, I have long held a deep respect for the mission and role of OIG to improve the efficiency and effectiveness of DOT programs, especially those that enhance safety—our Department's top priority. I recognize that OIG operates as an independent organization within DOT under the authority of the Inspector General Act of 1978, as amended (the IG Act). In accordance with the law, as Acting Inspector General, I will report to both the Secretary of Transportation and Congress regarding problems and deficiencies in DOT's programs and operations, as well as any need for corrective actions.

I share OIG's vision of maintaining the highest standards of integrity in its work, which serves the American people and provides congressional decision makers with vital information on transportation programs. My goal is to ensure that OIG investigations continue to be conducted in a thorough and professional manner and that audits are likewise performed in accordance with the rigorous standards of objectivity, independence, accuracy, and transparency that the Department and Congress have come to rely on.

As Acting Inspector General, I will uphold these standards and perform my duties with the utmost integrity and without any inappropriate influence or interference with the ongoing or planned work of OIG. To that end, I am recusing myself from any audit or investigative matters that pertain directly to PHMSA, where I will continue to serve as Administrator, and CSX, where I previously served as an executive. On these matters, I will defer to Deputy Inspector General Behm, who will continue to maintain the high standards of oversight that accountability work requires. To ensure I fully separate my roles at OIG and PHMSA, I have directed that all matters at PHMSA pertaining to OIG work be handled by Deputy Administrator Drue Pearce in my stead.

Further, I will faithfully support OIG's mission to enhance the effectiveness of DOT's programs by identifying; investigating; and preventing fraud, waste, and abuse. Many of OIG's investigations begin when allegations of criminal activity or concerns about ethics violations or mismanagement are reported to the OIG Hotline. I am personally committed to continuing all protections for whistleblowers who report wrongdoing in accordance with the law. Accordingly, in my first week as Acting Inspector General, I sent a message to all OIG staff to reinforce awareness of the rights and the protections afforded to employees under the Whistleblower Protection Act of 1989 and the Whistleblower Protection Enhancement Act of 2012.

Finally, your letter requested detailed information regarding ongoing OIG work. Specifically, you requested a list of audits, inspections, investigations, evaluations, reviews, or other engagements, specifically those (1) that were ongoing as of my appointment as Acting

Inspector General; (2) that relate to the Office of the Secretary of Transportation and were opened between January 20, 2017, and the present; and (3) for which the status, scope, or investigative plan was modified after my appointment as Acting Inspector General.

Given my commitment to upholding the independence and integrity of OIG's audits and investigations and my recusal on PHMSA matters, I have asked Deputy Inspector General Behm to provide this information to you in a separate correspondence. I also confirm that I have not directed or requested the modification of any audit or investigation since my appointment on May 15, 2020.

I appreciate the opportunity to serve as Acting Inspector General and to lead OIG's independent and objective reviews of DOT programs on all matters under which I have not recused myself. I look forward to working with the professional and dedicated staff of OIG and DOT to meet our shared goal of realizing a safer, more efficient, and more effective national transportation system.

Moving forward, in continued fulfillment of our duties per the IG Act, OIG will keep the Department and Congress fully and currently informed on the status and findings of our work across all areas. OIG will also continue its longstanding commitment to transparency by publishing detailed summaries of our announced and completed work on our public website at <http://www.oig.dot.gov> to the fullest extent possible under the law.

If you have any questions or wish to speak further regarding this matter, please contact me at (202) 366-1959 or Nathan Richmond, Director, Office of Government and Public Affairs, at (202) 366-8751.

Sincerely,



Howard R. "Skip" Elliott
Acting Inspector General

cc: The Honorable Jim Jordan, Ranking Member
Committee on Oversight and Reform

The Honorable Sam Graves, Ranking Member
Committee on Transportation and Infrastructure

The Honorable Jody B. Hice, Ranking Member
Subcommittee on Government Operations
Committee on Oversight and Reform