Douglas S. Pasternak

Guest Lecture

Public Accountability & Congressional Oversight

Mark Harkins
Georgetown University
Government Affairs Institute

Wednesday, September 17, 2025
(Remote)

Douglas S. Pasternak

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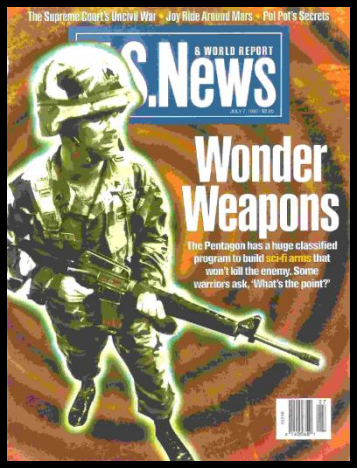
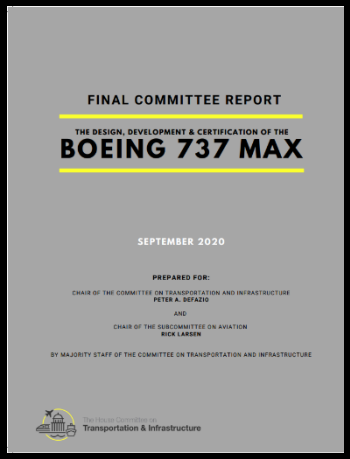
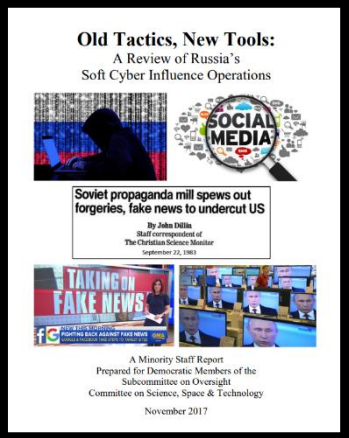
I've worked as an Investigative Reporter, Congressional Investigator & Private Investigator, exposing waste, fraud, abuse and mismanagement at federal agencies and in the private sector.

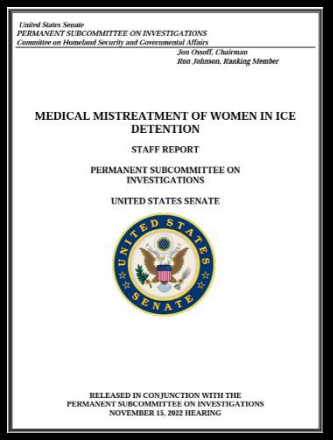
A Snapshot of Federal Agencies

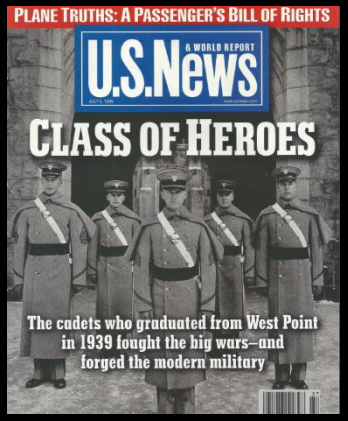
Investigative Stories
&
Congressional Investigations

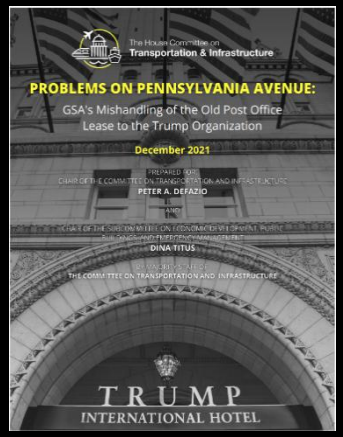


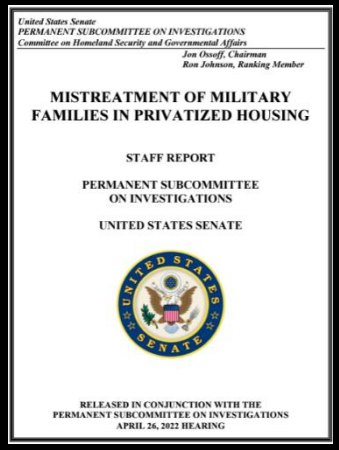


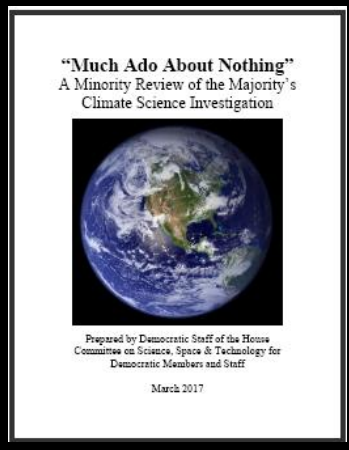












Presentation Outline:

1. Public Accountability &
   History of Congressional Oversight
2. Congressional Oversight Authority, Tools & Limits
3. Expectations Regarding Congressional Investigations
4. The Importance of Inspector Generals (IGs)
   to Congressional Oversight
5. NGO Watchdogs & Congressional Oversight

PUBLIC
ACCOUNTABILITY
COMMUNITY

The Public Accountability Community:

• Hear the People • Investigate the Issue(s) • Report the Facts

TIME
COSMIC CRASH
CHAIRMAN SMITH

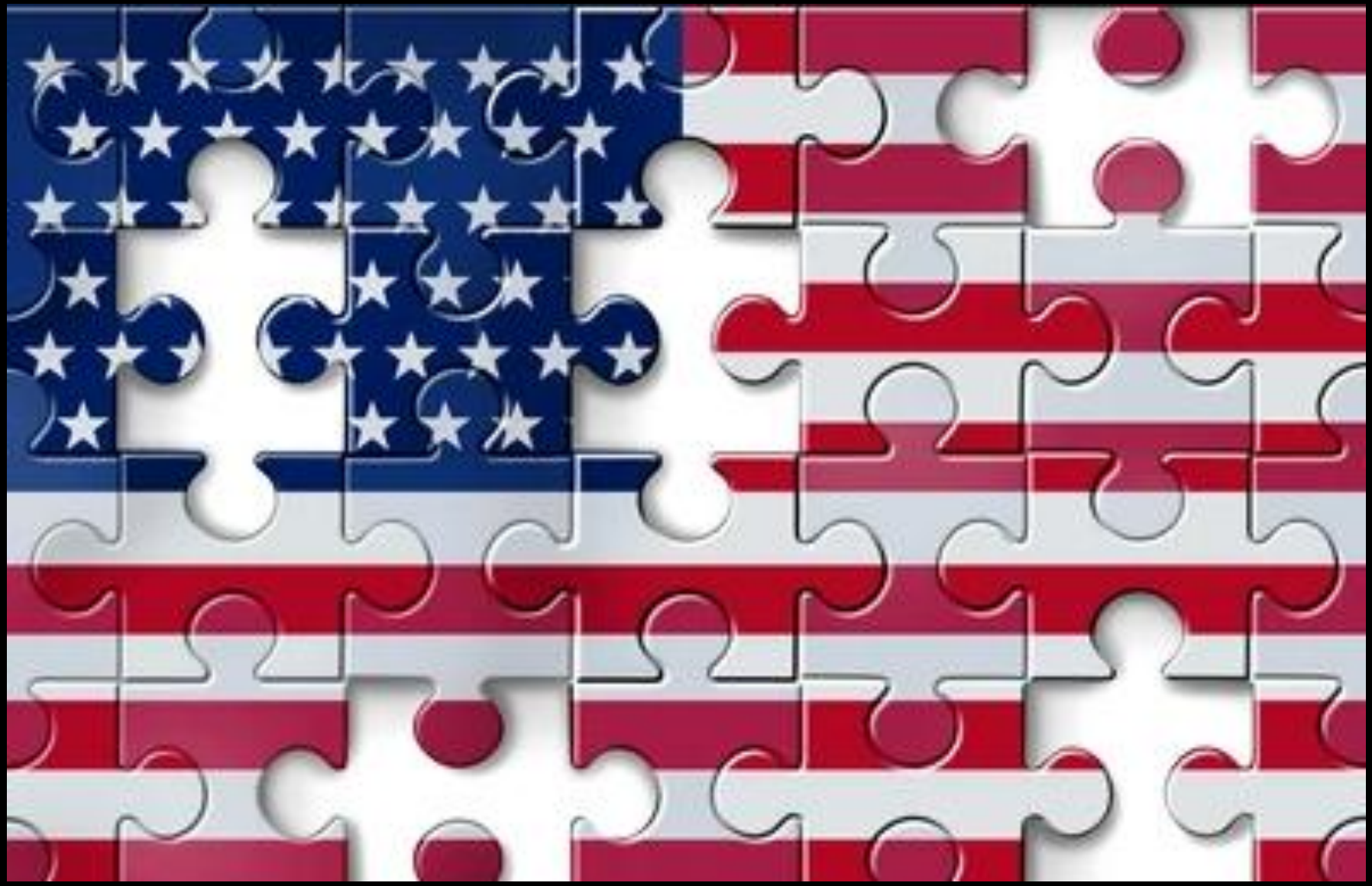
For America, the Law of the Sea Treaty will deliver...
1
2
3
Ratify Now!

Targets of Public Oversight are Never Happy

- Rarely welcome investigations.
- Believe they are treated unfairly.
- Use political pressure in attempt to kill, thwart, delay, degrade or otherwise influence the investigation.

Investigators meet all kinds of folks with unique personalities, diverse opinions, and distinct agendas.

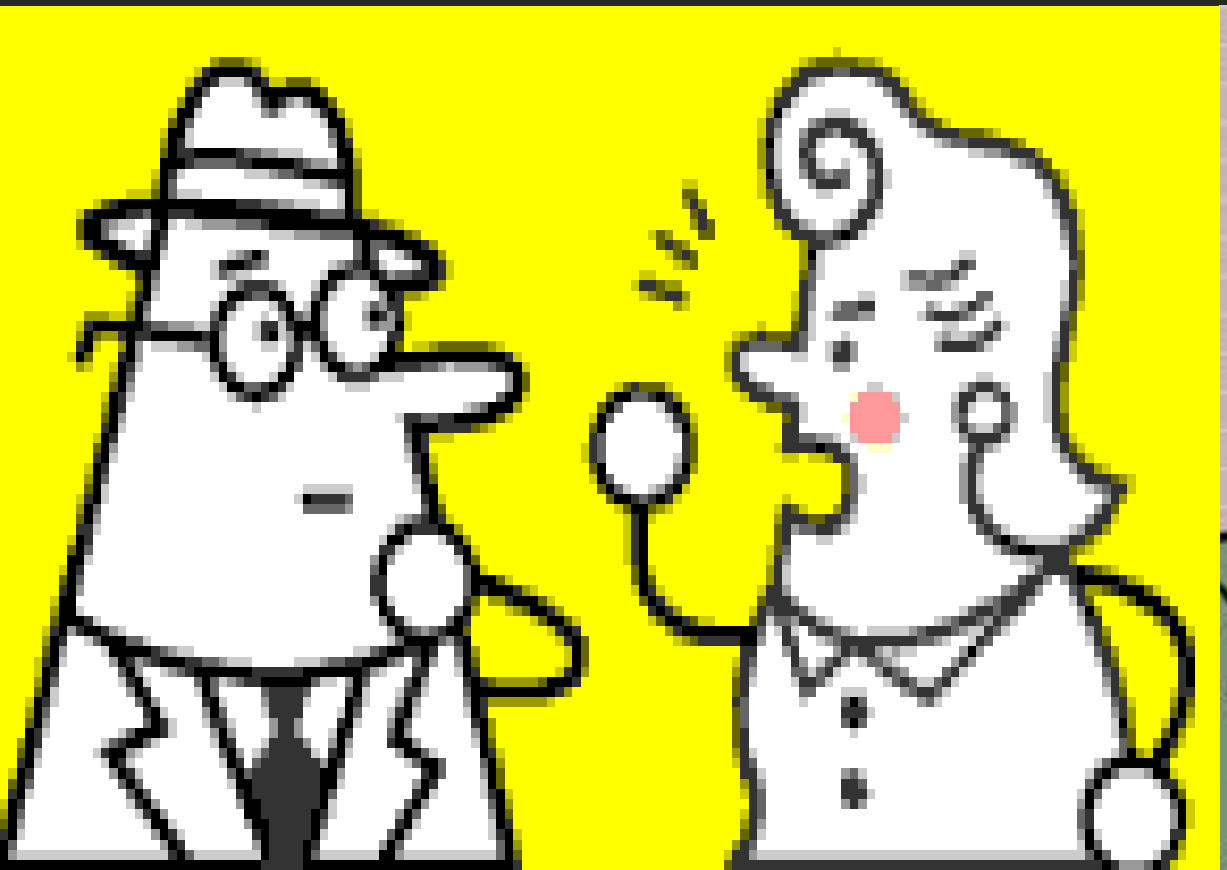
Investigative pieces of the puzzle



Facts, Fibs & Conflicts

A key component of any investigation – whether it is conducted by the news media, a police detective, inspector general's office or the U.S. Congress – is sorting out conflicting stories.

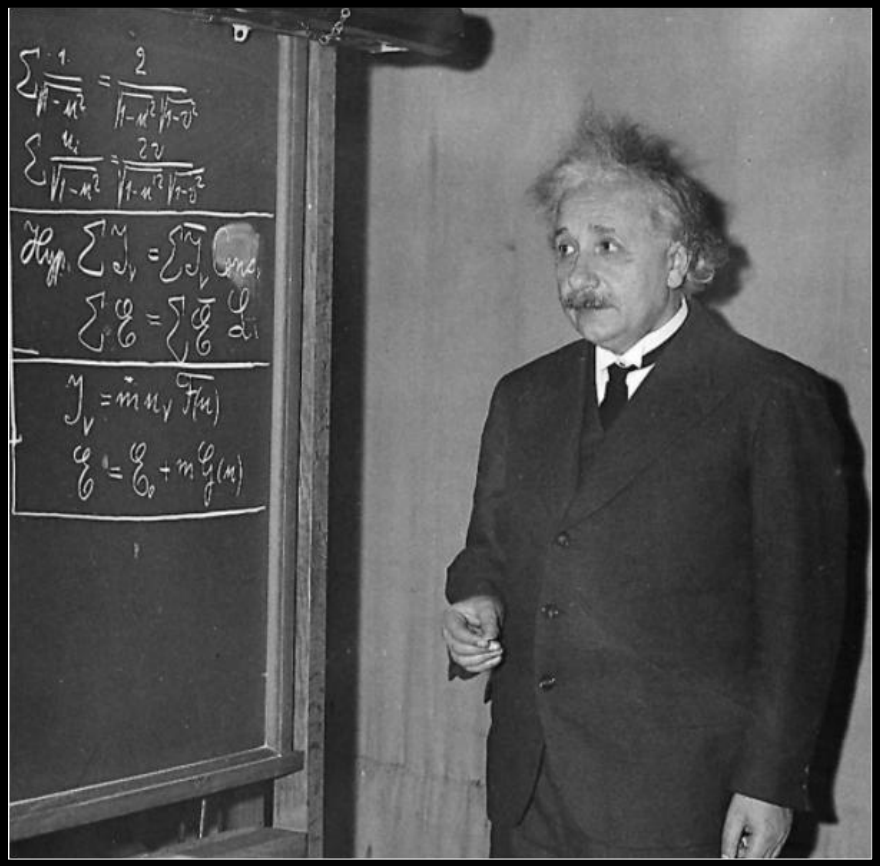
His story - Her story - The real story



Facts Matter:

Remember the difference between facts & opinions.

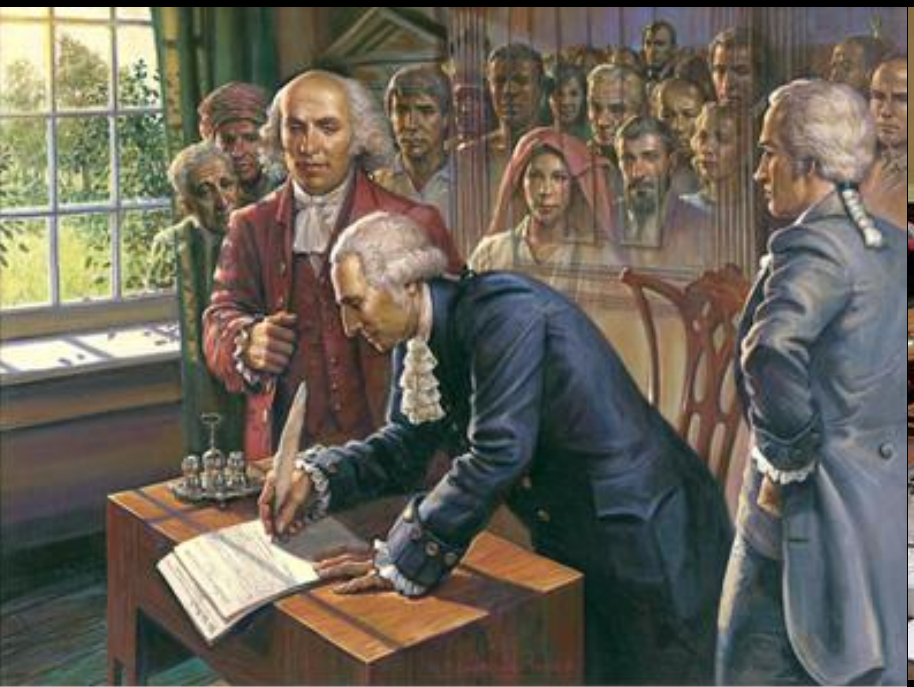
Facts vs. Opinions



CONGRESSIONAL POWER, AUTHORITY & EXPECTATIONS

Congressional Oversight Powers
From the Constitution to the Committee

- The U.S. Constitution specifically grants Congress the power to legislate-to make laws-and to appropriate monies for federal agencies, inherently providing Congress mandate of strong oversight authority.
- Congressional Committees are the primary mechanism Congress has to engage in oversight & investigations of the Executive Branch.



Oversight vs. Legislative Authority

In Congress there is a clear distinction between a committee's "legislative" jurisdiction – their ability to pass laws – and their "oversight" jurisdiction – their ability to investigate matters of waste, fraud, abuse or mismanagement.

The Science Committee's "black letter" oversight jurisdiction is extremely broad and includes investigative authority over *all* non-defense federally funded research & development.

Congressional Investigations & Oversight Process

Pre-Hearing

- Basic Research & Discovery
- Formal Interviews
- Informal/Unofficial Interviews
- Formal Document Requests
- Informal Document Requests
- Pitches to Media to cover the hearing
- Brief Members & Staff

Hearing

- Chair or Ranking Member's Statement/Message
- Member Questions
- Hearing Charter
- Documents for the Record
- Staff Report
- Commitment from witnesses for specific follow-through

Post-Hearing

- Press Release
- Questions For the Record (QFRs)
- Request for Documents follow-up
- Letter - Appropriations Committee re: Program in Question --
  * Request to Cut Funds;
  * Increase Funds; or
  * Sustain Funds
- Possible follow-up request to GAO

Tools of Congressional Oversight

- Committees
- Government Accountability Office (GAO)
- Offices of Inspectors Generals (OIGs)
- News Media

How Does Congress Decide What to Investigate?

- Depends on the Office
  - Member Priorities
  - Staff Recommendations
- Calendar of Events
  - Anniversaries
  - Incidents & Accidents
  - Breaking News
- Whistleblower Disclosures
- Investigative Reports
  - GAO
  - IG Reports
  - Media Investigations

How Best to Respond to Congressional Investigations

- Be cooperative not confrontational.
- Be honest. Be accurate. Be timely. Be thorough.
- Don't hold back information.
- Try to do bipartisan briefings.
- Always keep both sides equally informed.
- Don't be evasive.
- Don't reconstruct history.
- Acknowledge past mistakes.
- Have a plan to move forward/beyond the scandal.

Gambling on Consequences

BE COOPERATIVE – NOT EVASIVE.

The House Committee on Transportation & Infrastructure

FAA ~ 20,000 pages of records

Federal Aviation Administration

Boeing ~ 600,000 pages of records

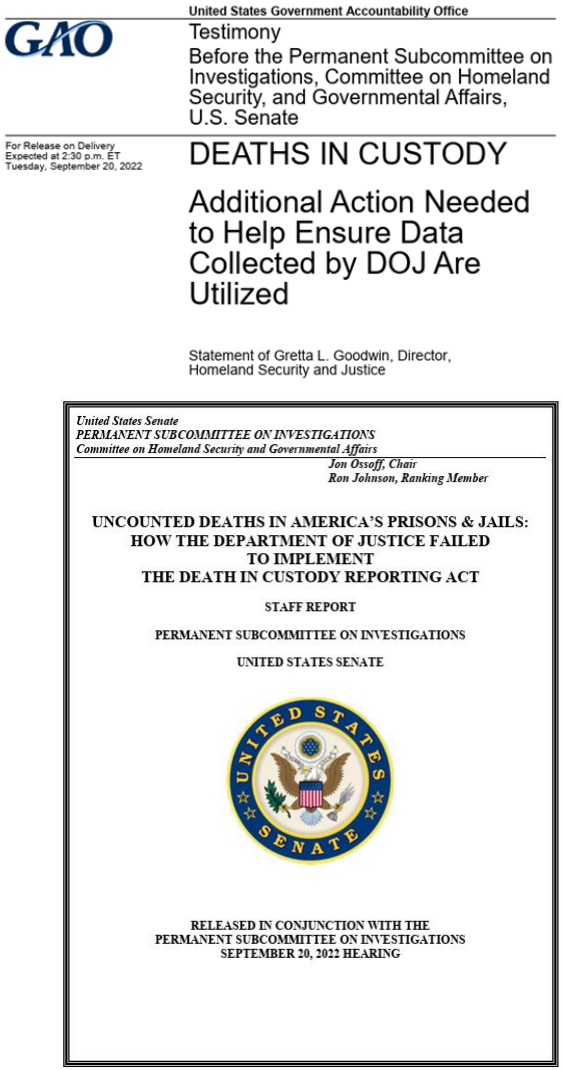
BOEING

ACKNOWLEDGE PAST MISTAKES

Department of Justice (DOJ) Testimony:

"DCRA of 2013 addresses a profoundly important issue, which is of great consequence to the legitimacy and integrity of the criminal and juvenile justice systems, to the lives of the people who come into contact with the justice system, and to the family members and loved ones of those who have died in custody. Growing awareness of deaths in custody has increased demands for criminal and juvenile justice reform. The Department recognizes the importance of collecting complete and accurate data to inform strategies for reducing deaths in custody. Such data are essential for producing appropriate findings and drawing meaningful conclusions about factors that may contribute to unnecessary or premature deaths in custody, and promising practices and policies that may reduce deaths in custody."

GAO found DOJ undercounted the number of deaths in prisons by nearly 1,000 in 2021 alone.



United States Government Accountability Office

GAO

Testimony

Before the Permanent Subcommittee on Investigations, Committee on Homeland Security, and Governmental Affairs, U.S. Senate

For Release on Delivery
Expected at 2:30 p.m. ET
Tuesday, September 20, 2022

DEATHS IN CUSTODY

Additional Action Needed to Help Ensure Data Collected by DOJ Are Utilized

Statement of Gretta L. Goodwin, Director, Homeland Security and Justice

United States Senate
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
Committee on Homeland Security and Governmental Affairs
Jon Ossoff, Chair
Ron Johnson, Ranking Member

UNCOUNTED DEATHS IN AMERICA'S PRISONS & JAILS:
HOW THE DEPARTMENT OF JUSTICE FAILED
TO IMPLEMENT
THE DEATH IN CUSTODY REPORTING ACT

STAFF REPORT

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

UNITED STATES SENATE

RELEASED IN CONJUNCTION WITH THE
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
SEPTEMBER 20, 2022 HEARING

DON'T BE DISHONEST

ATSDR
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC TRAILERS

FEMA MOBILE HOMES AND TRAVEL TRAILERS

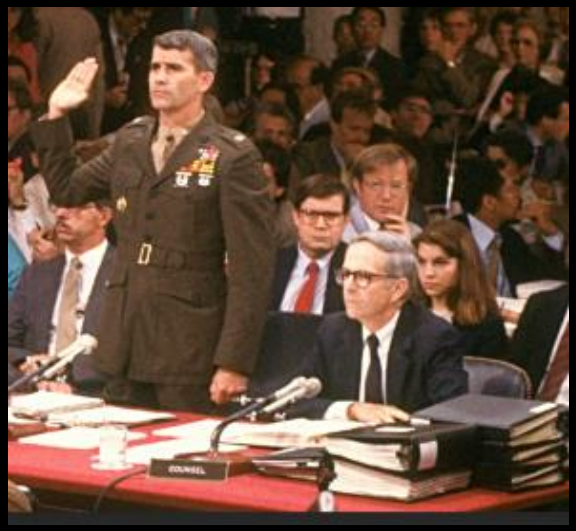
**"Toxic Trailers – Toxic Lethargy:
How the Centers for Disease Control and Prevention
Has Failed to Protect the Public Health"**

Majority Staff Report
Subcommittee on Investigations & Oversight
Committee on Science & Technology
U.S. House of Representatives

September 2008

Dr. Frumkin testified during the Subcommittee's April 1, 2008 hearing that his agency "should have engaged [the formaldehyde issue] during that first half of '07 more actively than we did."[6] Yet, documents provided to the Subcommittee after that hearing show that the FEMA/formaldehyde issue was on the agenda of Dr. Frumkin's weekly senior staff meetings at least 13 times between January 2007 and July 19, 2007. Despite that, the agency took virtually no action to address it.

A Brief History of Congressional Investigations



HEADLINES IN

HISTORY

JANUARY 2, 1923

TEAPOT DOME SCANDAL

FORMER HEAD OF INTERIOR BUREAU IS FOUND GUILTY

SINCLAIR CONSOLIDATED IN BIG OIL DEAL WITH U. S.

CONTRACT SIGNED WITH GOVERNMENT AND SINCLAIR OIL INTERESTS FOR DEVELOP-

STEVENSON'S ARTICLE and REAL ESTATE

BROOKLYN DAILY EAGLE

FASHIONS WOMEN THEATERS AND FILMS

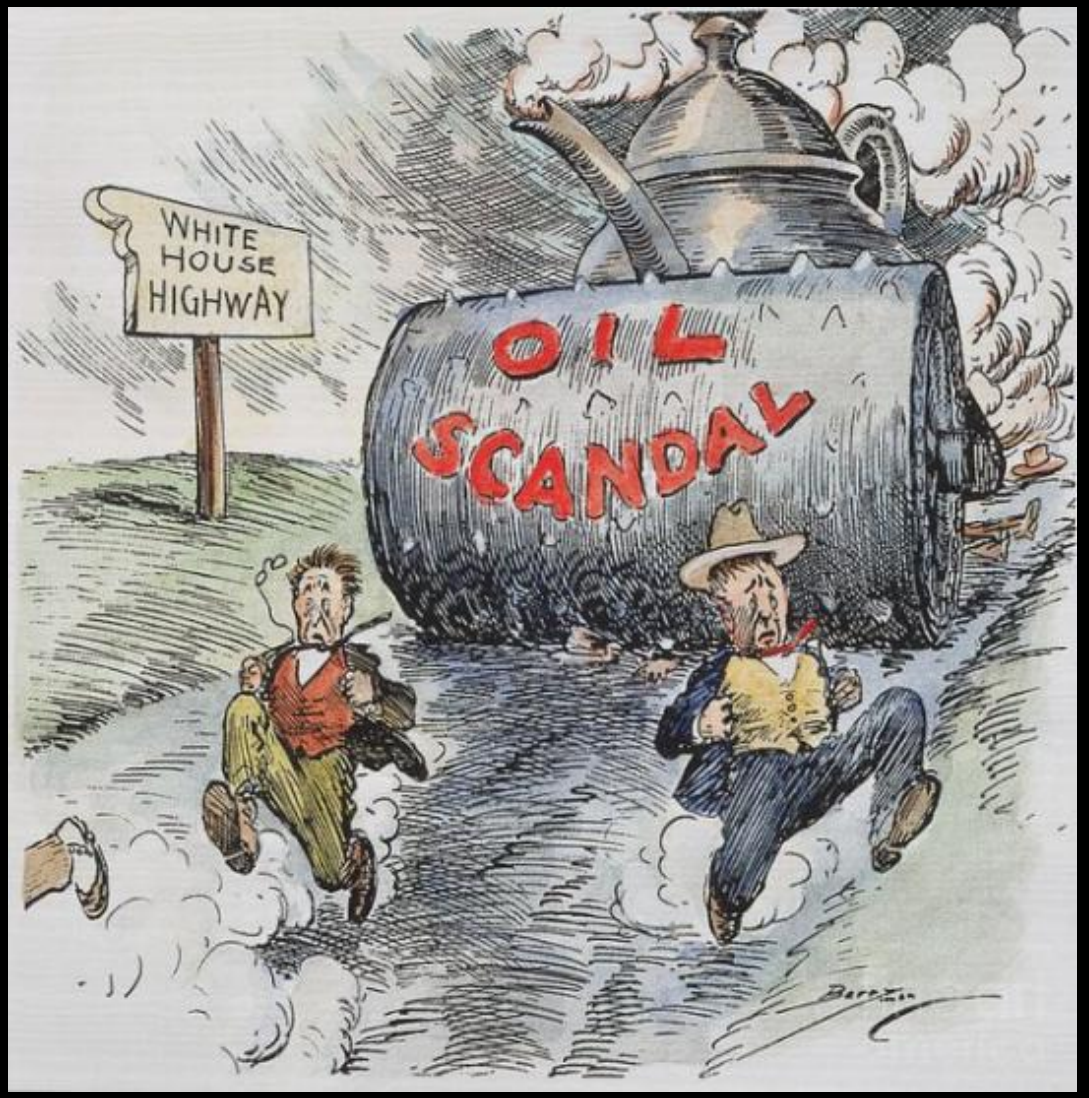
E

NEW YORK CITY, SUNDAY, FEBRUARY 22, 1925.

FIVE CENTS

Why Is Oil Scandal Prosecution Held Back in the Federal Courts A Year After Sensational Expose?

Thomas J. Walsh,
U.S. Senator (D-MT)
1913 – 1933



This cartoon by Clifford Berryman was published on April 10, 1924 in the *Washington Evening Star* titled: "Spring Fads and Fashions." At the time Congress was investigating allegations of corruption relating to oil leases on public lands by former Senator and then Secretary of the Dept. of Interior Albert B. Fall. The investigations were led by Senator Thomas Walsh of Montana and became known as the "Teapot Dome Scandal."

(Congressional) Investigative Theater

Lebanon Daily News
Lebanon, Pennsylvania,
Tuesday, **January 12, 1926**

Only The Start

A congressional investigation of any sort can be counted upon to hold the interest of the public from the rising of the curtain. It combines good drama, profound emotional scenes, villains and heroes, character portrayal and is never lacking in rare comedy.

When a congressional investigation has Senator Walsh, of Montana, as stage director its success as a theatrical production is preordained. His name is as electric as Ziegfield, Gest or DeMille in their respective fields. And when it is whispered that the tragic role may be essayed by the "greatest secretary of the treasury since Alexander Hamilton," the public is assured a "hit."

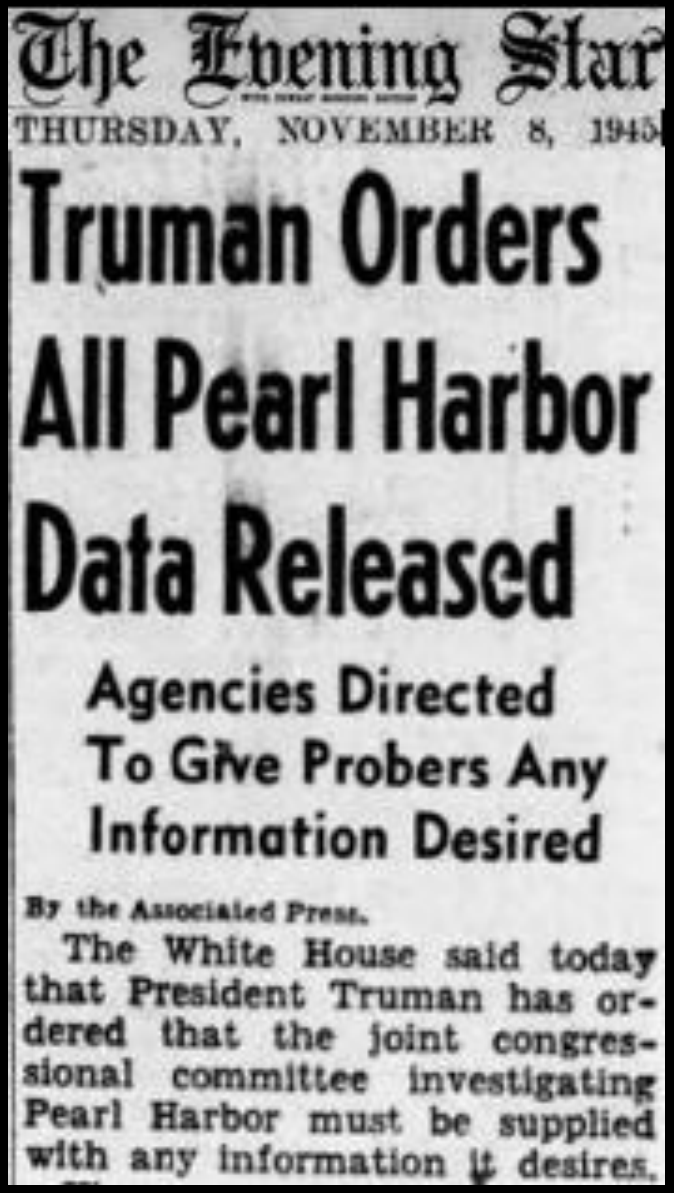
You want this

Not this

Limits to Congressional Authority

***The Washington Evening Star,* May 18, 1948, titled:**
"Hope This Won't Develop Into A Neighborhood Feud."

Politics of Oversight



The Evening Star

THURSDAY, NOVEMBER 8, 1945

Truman Orders All Pearl Harbor Data Released

Agencies Directed To Give Probers Any Information Desired

By the Associated Press.

The White House said today that President Truman has ordered that the joint congressional committee investigating Pearl Harbor must be supplied with any information it desires.

PEARL HARBOR

THE SEEDS AND FRUITS OF INFAMY

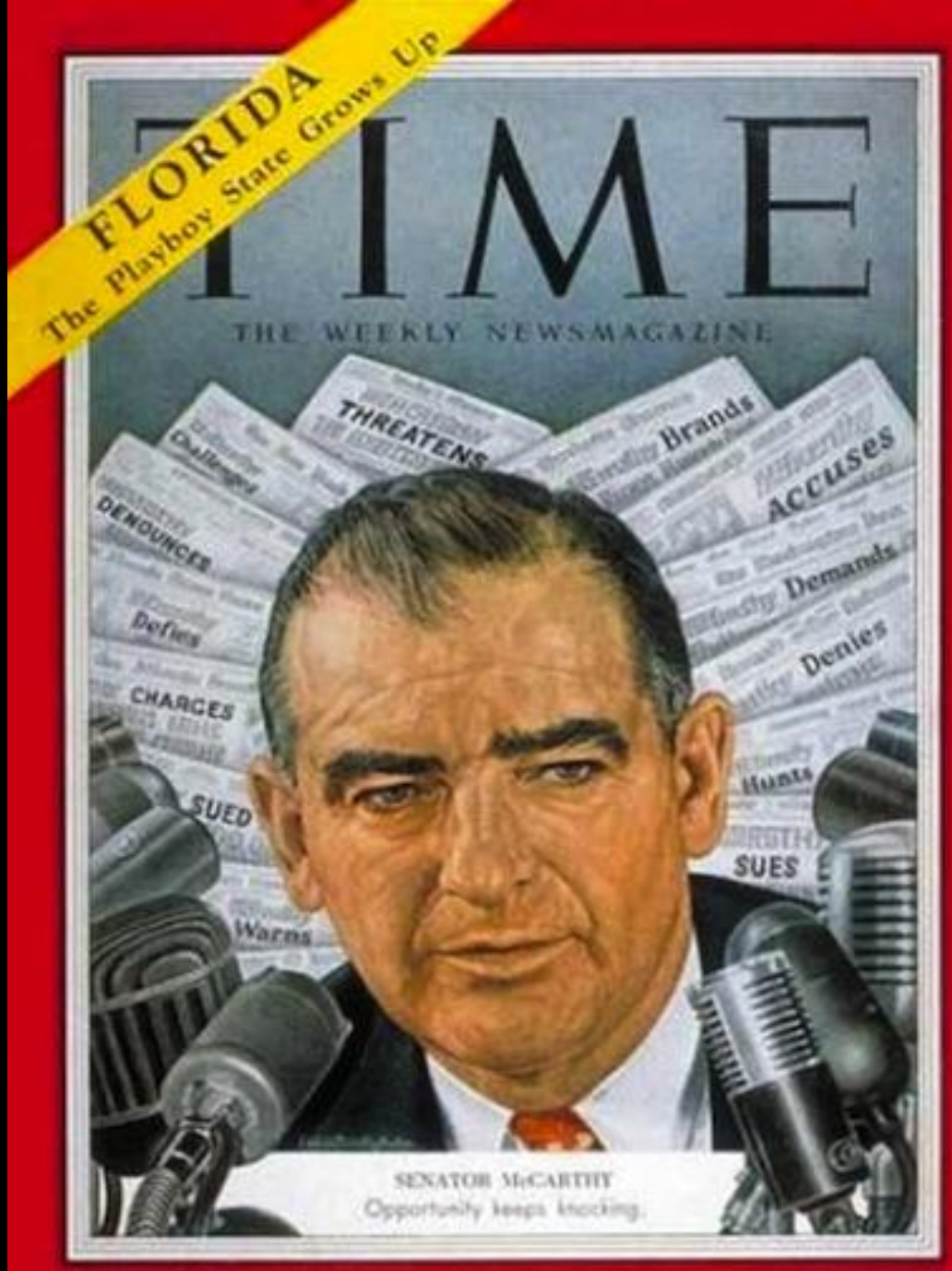
PERCY L. GREAVES, JR.

Edited by Bettina Bien Greaves

This was a cartoon labeled “Just Practicing,” published on Nov. 4, 1945, depicting the upcoming hearings of the Joint Congressional Committee on the Investigation of the Pearl Harbor Attack that sat from November 15, 1945 to May 31, 1946.

Abuse of Congressional Oversight

-Senator Joseph McCarthy-



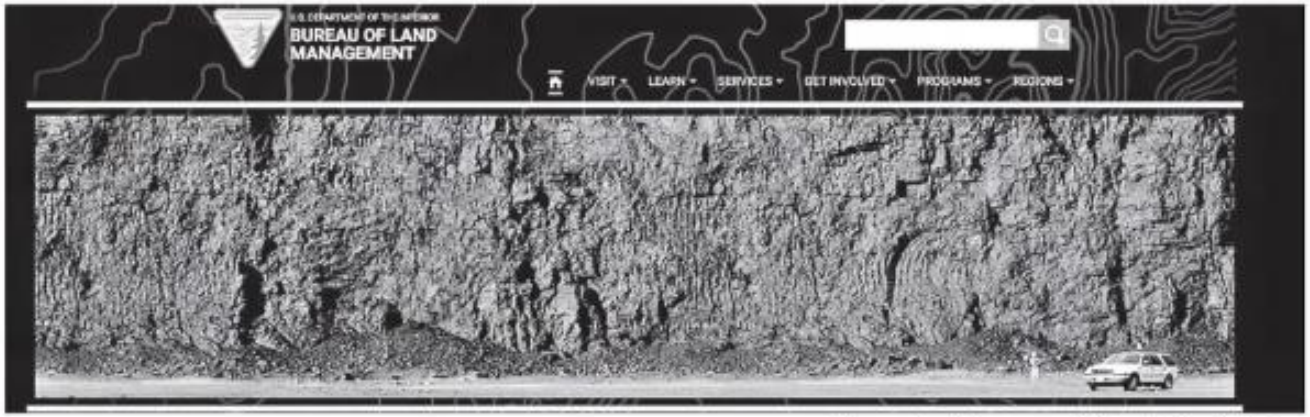
"I HAVE HERE IN MY HAND ----"
DOCTORED PHOTO
FAKED LETTER
HERBLOCK
©1959 THE WASHINGTON POST CO.

The Political Pendulum

But Don't Play Politics with Oversight

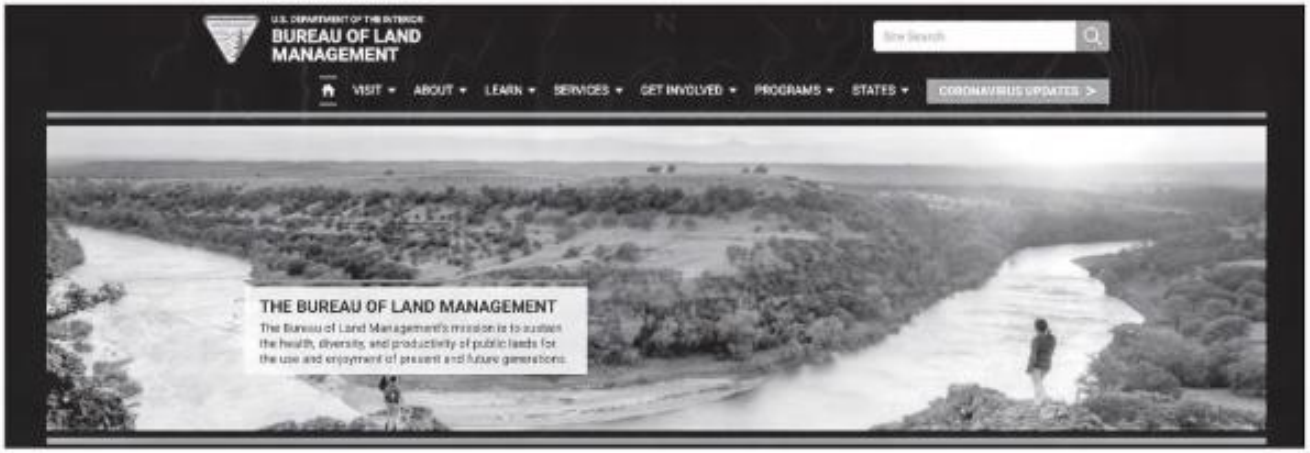
NATION & WORLD

THE BIDEN PRESIDENCY



Bureau of Land Management photos via New York Times

BEFORE AND AFTER: Above, a screen shot of the Bureau of Land Management website from April 2017 showed a wall of coal. Below, the same website this month illustrates the change in vocabulary and tone in the Biden administration.



INSPECTORS GENERAL & CONGRESS

INSPECTOR GENERAL ACT OF 1978

[Public Law 95–452; 5 U.S.C. App.]

[As Amended Through P.L. 113–126, Enacted July 07, 2014]

AN ACT To establish Offices of Inspector General within various departments and agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Inspector General Act of 1978".

SCHENECTADY GAZETTE, SATURDAY, MAY 27, 1978

Jack Anderson Column

Nobody to Regulate the Regulators

"…this bill will shine a white light on government malfeasance, misfeasance and nonfeasance."

OVERSIGHT.GOV

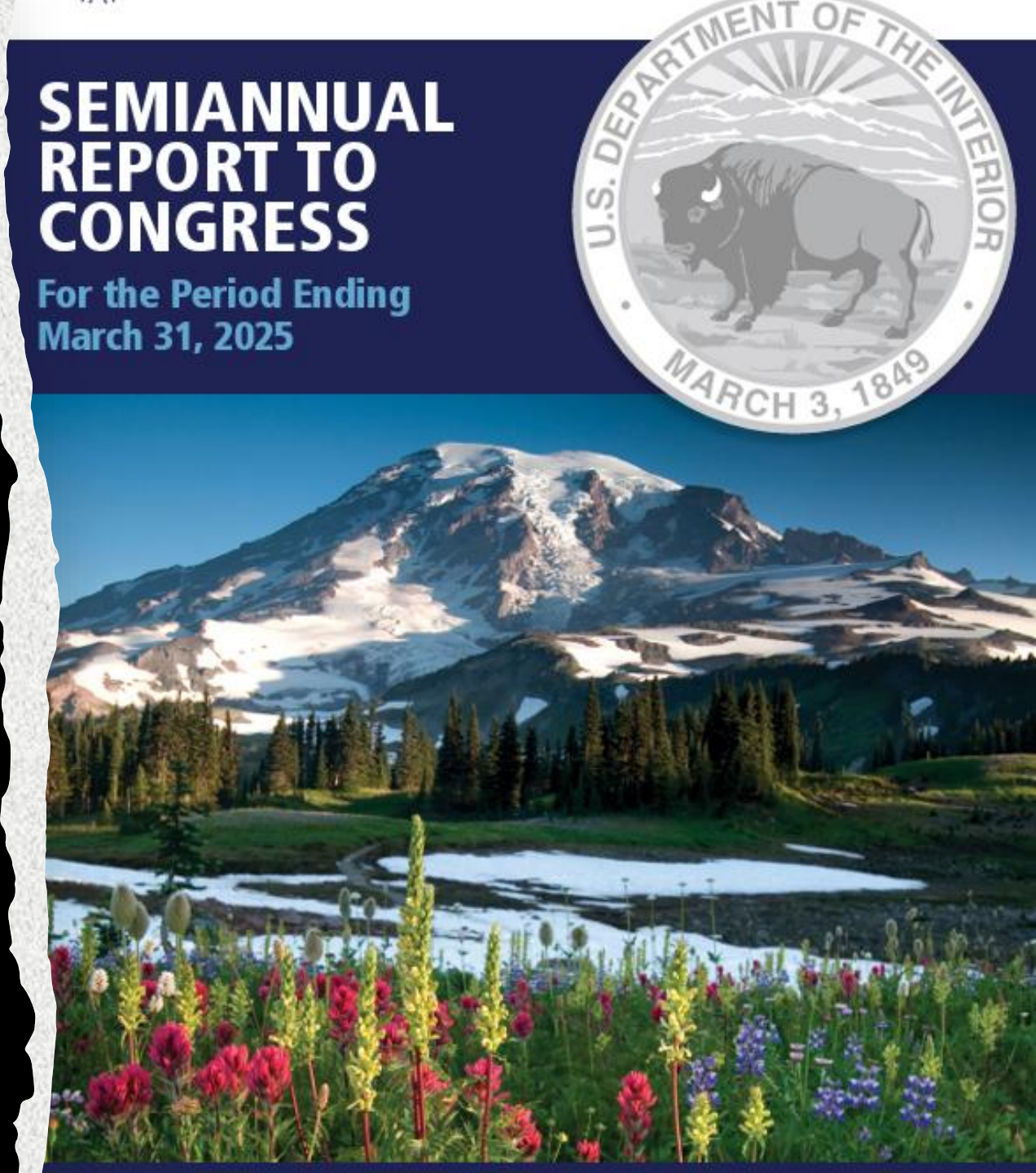
- Today there are more than 70 federal Inspector Generals (IGs).
- Approximately half are appointed by the President subject to Senate confirmation.
- Half are appointed by the Agency head.

Offices of Inspectors General (OIGs)

- ❖ Save Billions Every Year
- ❖ Save Lives
- ❖ Make the Nation Safer & More Secure
- ❖ Enhance Productivity/Agency Efficiency & Effectiveness
- ❖ Hold People & Programs Accountable

IGs & Congress

- Federal IGs provide periodic **reports** to Congress.
- They frequently **testify** before Congress.
- Congress can **request** IGs investigate specific issues.
- Congress has a role investigating **bad IGs**.



OFFICE OF INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

February 21, 2025

Summary: BLM State Office Director Violated Federal Regulations and DOI Policy

Report Number 24-0013

We found that a BLM State Office Director violated the Standards of Ethical Conduct, the Federal Travel Regulation, and DOI policy.

September 24, 2024

Alleged Ethics Violations, BLM, DC

Report Number 23-0282

We partially substantiated allegations that a senior DOI official violated ethics requirements and failed to disclose prohibited investments.

April 12, 2023

Summary: Company Failed to Report Oil and Gas Royalties from Mineral Production on an Indian Lease in Oklahoma

Report Number 20-0253

We found an oil and gas company failed to report royalties from mineral production on an Indian Lease in Oklahoma.

October 12, 2023

Summary: Company Failed to Report Production and Pay Royalties for Oil and Gas

Report Number 21-0282

We found that a company in Colorado failed to report production and pay royalties for oil and gas produced from Federal leases.

September 14, 2023

Summary: Failure to Pay Federal Coal Royalties

Report Number 19-0371

We investigated allegations that a coal operator failed to pay mineral royalties on coal produced from Federal leases in Wyoming and Kentucky.

June 16, 2023

Summary: Underreporting of Gas Production

Report Number 21-0510

We investigated alleged underreporting of gas production from Federal wells and found a company owes unpaid Federal gas royalties.

Mark Lee Greenblatt
Former Dept. of Interior Inspector General

Mark Lee Greenblatt was nominated by President Trump to serve as Inspector General of the Department of Interior in 2019, and he began serving in that role after he was confirmed by the senate in August 2019.

In January 2025, Greenblatt, and 16 other Inspector Generals (IGs) were ('illegally') fired by President Trump.

The Department of Interior IG's Office has a staff of more than 300 investigators, auditors, evaluators, attorneys, and support staff. Greenblatt was also a former Chair of the federal Council of the Inspectors General on Integrity and Efficiency (CIGIE).

The chilling message behind Trump's latest firing spree MSNBC

Congress created the first inspector general position in 1976 in an era of post-Watergate reform. Trump's recent move to fire 18 of the 73 positions flies in the face of that tradition.

PBS NEWS Menu

By — Lindsay Whitehurst, Associated Press

Leave your feedback

Share

Government watchdogs fired by Trump sue and ask judge to reinstate them

Politics Feb 12, 2025 1:21 PM EST

POLITICO

WHITE HOUSE

Trump fires independent inspectors general in Friday night purge

The watchdogs say the removals may be invalid for failing to comply with a 2022 law requiring a 30-day notification to Congress before removals.

Trump Waged War on the IG Community in his 1st Term - not because they were bad IG's - but because they were conducing effective oversight of his Administration.

MARK GREENBLATT

Compliance & Ethics Expert | Author | Speaker

The Economist

Donald Trump should not replace us with his stooges, warns a fired inspector-general

Mark Greenblatt on the dangers America will face if oversight officials lose their independence | By Invitation.

CNN

‘Troubling’: Inspector general fired by Trump has warning for Americans | CNN Politics

President Donald Trump fired the inspectors general from more than a dozen federal agencies in a Friday night purge, according to a Trump...

The New York Times

In the Trump Administration, Watchdogs Are Watching Their Backs

The president has fired or demoted over 20 inspectors general since he took office. Employees say they are demoralized and reluctant to...

Brace for Impact!!

- Less Public Trust
- Less Oversight
- Less ROI
- More Wasteful Spending
- More Fraudulent Activities
- More Abuse In & Out of Government
- More Troubled Programs

NON-GOVERNMENTAL WATCHDOGS

NGO Watchdogs

Non-Governmental Watchdog Organizations play an important role in the public accountability matrix.

- They educate the public.
- Their investigations point Congress to critical oversight issues and may generate Congressional investigations.
- They help hold public officials accountable.

POGO Testimony on Ensuring the Extractive Industries Pay Their Fair Share

Chair Pingree, Ranking Member Joyce, and Members of the Subcommittee, thank you for the opportunity to submit testimony on the...

Mar 10, 2022 | Joanna Derman

POGO Calls for Congressional Action to Reform Onshore and Offshore Royalty Systems

Chair Pingree, Ranking Member Joyce, and Members of the Subcommittee, thank you for the opportunity to submit testimony on the...

Apr 16, 2021 | Tim Stretton

POGO Testimony on Holding the Oil and Gas Industry Accountable

Chair Porter, Ranking Member Gosar, and members of the Subcommittee, thank you for the opportunity to testify today regarding the...

May 19, 2021 | Tim Stretton

Ryan Zinke's Interior Department Gives Law-Breaking Coal Company a Pass

Under Trump, violations against three of the Farrell-Cooper Mining Company's mines have been quietly dismissed – leaving landowners whose land was ruined...

Jun 25, 2018 | Laura Peterson

Inspector General's Reports Show Officials May Have Ignored Ethical Misconduct in Bureau of Land Management

The U.S. Department of the Interior may have ignored possible ethical violations in the Bureau of Land Management (BLM), allowing...

Mar 2, 2011

POGO Letter to Secretary Salazar Regarding Bureau of Land Management and the Revolving Door

The Honorable Ken SalazarSecretaryU.S. Department of the Interior1849 C Street, NWWashington, DC 20240The Honorable Bob AbbeyDirectorBureau of Land Management1849 C...

Oct 12, 2010 | POGO Staff

Investigating money, influence and power.

DOCUMENTED

Follow

NEWS

Kathleen Sgamma withdraws nomination to lead BLM

APRIL 10, 2025 | BY JEREMIAH RHODES

"However, the events yesterday at the Capitol were so shocking that our policy engagement with and PAC support for the Trump Administration compels me to speak up. I am disgusted by the violence witnessed yesterday and President Trump's role in spreading misinformation that incited it. I'm disgusted he discredited all the good work he did reorienting the judiciary back toward respect for the rule of land and constitution by dishonoring the vote of the People and the rulings of those very same judges on his numerous challenges."

Special Message to Alliance Members

January 7, 2021

Facebook Twitter LinkedIn YouTube

Hope for a Resurgence of Sanity

I don't usually bother you with reactions to major events shaping the country and world, because there is plenty of coverage on those. We take positions on issues in our portfolio, and I usually do not like to stray into larger issues that are outside the lanes directed by our committees and boards. We stick to our issues in social media, and I personally limit engagement on most other issues because of my professional position and general intolerance for a medium that quickly devolves into people yelling past each other.

However, the events yesterday at the Capitol were so shocking that our policy engagement with and PAC support for the Trump Administration compels me to speak up. I am disgusted by the violence witnessed yesterday and President Trump's role in spreading misinformation that incited it. I'm disgusted he discredited all the good work he did reorienting the judiciary back toward respect for the rule of law and constitution by dishonoring the vote of the People and the rulings of those very same judges on his numerous challenges. I'm disheartened he besmirched his smart, well-intentioned people in the agencies who did such good work on important policies that advance the crucial mission of making life-sustaining, affordable energy accessible to all Americans, no matter their race, gender, and political orientation.

I am also disgusted that similar violence over the summer was routinely excused by most of the media and many politicians. Do they only care when they're physically threatened, as they were yesterday, but not when small business owners, low-income residents, and other ordinary people in cities are killed by rioters and have their homes and businesses burned and looted? Those folks didn't have the police and national guard protection Congress did even when it was similarly warranted. And I'm furious with dishonest media that have routinely lied and misled the public to suit a particular political agenda, fomenting the toxic environment without ever acknowledging their role.

But I also see hope after hitting rock bottom as a country. As I'm engaged in political and media work professionally, friends and family have often asked me what can be done to change the disfunction of our political situation. And I honestly haven't had an answer for them.

But after yesterday's confusion comes clarity. It comes from all of us, since after all, our politicians are a reflection of us. I know it sounds trite, but change can only come from within. It does seem overwhelming at times when the rhetoric on both sides is so inflammatory. Trying to engage in the debate can devolve into recriminations and accusations. I'm not encouraging engaging in unconstructive shouting matches by any means, as I limit my exposure to social and traditional media myself to maintain sanity and perspective.

Rather, we should rise above the tribalism and echo chambers that have unfortunately become the norm. We must conduct ourselves with dignity, credibility, humility, and restraint. We must listen to and accept others whom we disagree with, even when they don't return that respect. We must stick to our nation's founding principles of the sanctity and rights of every individual, even as many forces are undermining those basic principles. By making this effort individually and together as citizens, we may eventually get political leaders who better reflect the ideals of our nation.

So how does all that idealism translate into anything practical at the Alliance? We will continue to advance the policies that we helped enact while defending against radical proposals that would be devastating for our country. We've chosen those policy positions because they aren't just good for our industry, but good for the country, despite how we may be maligned and misunderstood. But we will step up efforts to engage moderate politicians on both sides of the aisle and build bridges. We'll look for meaningful ways to find mutually agreeable issues to work on. While we will not back down from opposing policies like a federal ban on leasing and fracking or radical climate change policies that would starve our country of energy, being part of the solution means moderation and compromise to find common ground.

The moderating results of the election, from defeating President Trump to the razor-thin margin in Congress, provide hope for a resurgence of sanity if we all help achieve that reality through our personal and professional conduct. We wish President-elect Biden the best of luck in his goal to return to normalcy and moderation, even as we oppose policies that aren't moderate or normal. Both normalcy and moderation can and must be achieved.

Kathleen Sgamma
President

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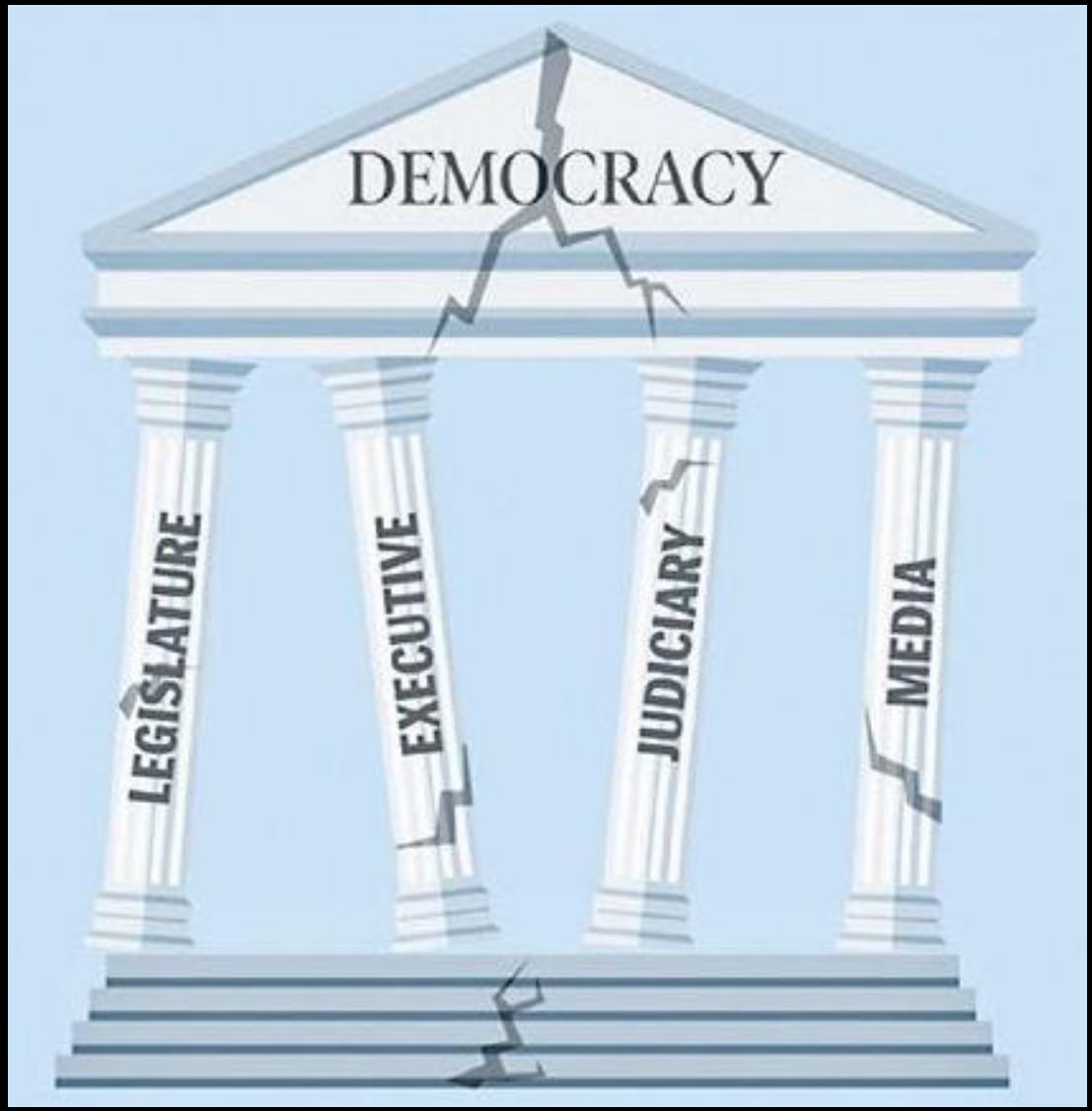

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