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

June 28, 2012

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Dr. Jane Lubchenco  
Administrator  
National Oceanic and Atmospheric Administration  
1401 Constitution Avenue  
Washington, DC 20230

Dear Administrator Lubchenco:

I am writing to follow up on my April 2, 2012 request for information about the National Oceanic and Atmospheric Administration's ("NOAA") response to the mismanagement of the Asset Forfeiture Fund that was recently identified by the Department of Commerce's Office of Inspector General's ("IG"). The response, dated May 7, 2012 but not received by the Committee on Natural Resources until May 30, 2012, lacks candor and transparency.

The apparent pattern of financial mismanagement at NOAA is highly concerning.

Several recent IG reports have identified significant problems with the management of the Office of Law Enforcement's Asset Forfeiture Fund and questionable vehicle and travel expenditures totaling more than \$7 million, including the \$300,000 purchase of a "luxury" vessel intended for undercover work in violation of NOAA acquisition policy and the subsequent misuse of the vessel by the Office of Law Enforcement's staff for pleasure cruising, whale watching excursions, and trips to restaurants. In fact, a February 2012 IG report found that the financial controls and accounting practices for the Asset Forfeiture Fund were so lacking that NOAA could not accurately track assessed fines and penalties and had to write off almost \$ 4 million in uncollected debts.

In addition to the problems with the Asset Forfeiture Fund, the IG reported in May 2012 that NOAA had paid more than \$43 million in contract award fees and contract extension without proper justification. Following this were reports that an internal NOAA investigation found significant financial mismanagement within the National Weather Service, possibly in violation of federal appropriations law.

At a March 6, 2012 hearing to consider NOAA's budget request for FY 2013, you said NOAA has done a "top-to-bottom overhaul" of the Office of Law Enforcement with "new

leadership” and “very clear direction that we will not tolerate the kinds of things that happened in the past.” You also stated you were “appalled” to learn of the \$300,000 vessel purchase and that NOAA has “taken actions accordingly” against the individuals involved.

In my April 2 request, I asked for “a description of what, if any, administrative, disciplinary, or personnel actions have been taken against each of the individuals connected with the purchase and misuse of this vessel.” Rather than provide the information, as requested, NOAA responded by stating, “We believe the Office of Inspector General has provided you the information on this matter.”

Referral to information that may have been separately provided by the IG is not an acceptable response to a Congressional oversight request directed to NOAA. Further, this response does not answer the important questions of whether any of the NOAA officials who were involved have been held to account or how the American taxpayers have been made whole from the misdeeds of these officials.

As for documents obtained from the IG, they call into doubt whether NOAA has “taken actions accordingly” against the officials involved. The documents also raise significant questions about the extent to which NOAA officials cooperated in the IG’s original investigation and the IG’s subsequent efforts to determine whether NOAA had taken steps to consider administrative or disciplinary action against those involved, as the IG had recommended in July 2011 and NOAA agreed in September 2011 to take.

On the contrary, the IG documents appear to show among other things that none of the senior officials involved were fired or disciplined for their actions. It appears that rather than seek dismissal of the senior Office of Law Enforcement official found by the IG to have lied about his role in acquiring and misusing the vessel, NOAA allowed him to remain on the payroll on leave status for about six months pending his retirement in May 2012.

In fact, the same senior official was also given a 4.6 % performance-based raise (totaling \$5,054) in October 2011 by his manager, who was herself implicated in the IG investigation for failing to provide proper oversight or pursue allegations that her subordinate had been using the undercover vessel for personal use. Although that manager was initially admonished for her role in failing to properly oversee the use of the undercover vessel, the IG documents indicate that NOAA management subsequently removed a letter of admonishment from her personnel file and gave her a \$1,500 year-end performance bonus. It is unclear, based on the IG files, whether any other disciplinary action has been taken against that Office of Law Enforcement manager or other officials.

The apparent conflict of interest in allowing senior NOAA managers who were aware of the misuse of the undercover vessel and the interference with the IG’s investigation, and in one case was herself implicated by the IG’s investigation, to continue to be involved in approving the raise and other personnel actions especially is troubling. It is difficult to see how this represents the “top-to-bottom overhaul” and “very clear direction that we will not tolerate the kinds of things that happened in the past” that was described at the March 6 hearing.

In light of the details contained in the IG documents and the lack of transparency in NOAA's May 7 letter, I reiterate my request for "a description of what, if any, administrative, disciplinary, or personnel actions have been taken against each of the individuals connected with the purchase and misuse of this vessel."

In addition, I request copies of all documents related to any such administrative or disciplinary actions that have been considered, proposed, or finalized against any NOAA employees for their role in the acquisition and misuse of the undercover vessel or in responding to the IG's investigation of those activities.

Please contact Byron R. Brown, Senior Counsel for Oversight, Office of Oversight and Investigations, on (202) 225-2761 with any questions regarding this request, or to make arrangements for the production of the requested material.

I look forward to your response no later than July 12, 2012.

Sincerely,



Doc Hastings  
Chairman