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United States Senate

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COMMITTEES:
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS,
RANKING MEMBER
APPROPRIATIONS
ARMED SERVICES
SPECIAL COMMITTEE
ON AGING

March 22, 2012

The Honorable John Bryson
Secretary
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Secretary Bryson:

I am concerned regarding the accountability and integrity of the National Oceanic and Atmospheric Administration (NOAA) and its Office of Law Enforcement (OLE) in the oversight and use of funds derived from the Asset Forfeiture Fund. Over a period of several years, reports from the Department's Inspector General, whistleblowers, and the media have surfaced regarding:

- Unjustified and questionable charges filed against the fishing industry and the resulting fines which contribute to the fund;
- Duplicative, undocumented and sometimes unexplained uses of money from the fund;
- A \$300,000 luxury boat—solely purchased with funding from the Asset Forfeiture Fund—supposedly to be used for undercover patrols but ultimately used as a personal pleasure craft for a senior OLE manager;
- The use of resources from the fund for questionable travel; and
- An apparent lack of disciplinary action against NOAA officials involved in wrongdoing documented by the Office of the Inspector General (OIG).

Several of my colleagues, including Senators Scott Brown and Tom Carper, have experienced considerable difficulties getting answers from NOAA regarding the management of the Asset Forfeiture Fund, the integrity and accountability of those managing the fund, the disposition of the \$300,000 luxury boat and what, if any, disciplinary actions have been taken against employees found culpable in the misuse of the fund.

For example, a July 2011 OIG investigative report documents how the OLE senior manager who purchased the \$300,000 boat not only “violated agency policy and ethical standards” but misled the OIG investigators by making assertions that “lack[ed] validity and candor” and were “not true.” On February 17, 2012, a NOAA spokesman was quoted by the Associated Press claiming “appropriate action has or will be taken against the employees involved.” At a March 7, 2012 hearing, Undersecretary Jane Lubchenco assured Congress that she “took immediate action.”



Despite these assurances, the Department has provided no documented evidence that disciplinary action has actually taken place, despite requests from the OIG and Congress.

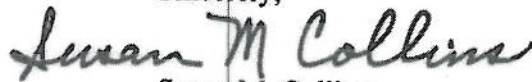
This is not the first time there has been a documented instance of abusive conduct on the part of senior OLE officials. For example, according to an April 2010 report from the OIG to Under Secretary Lubchenco, the now former OLE Director, Dale Jones, held a "shredding party" during an investigation of the OLE by the Inspector General. The OIG found that Mr. Jones accomplished this by using a "truck from a mobile document destruction company....and spent an hour shredding multiple large bags of documents on the street outside OLE headquarters."

These are serious issues that Congress has a duty to investigate and ensure are brought to appropriate resolution. NOAA officials have failed to provide answers to Congress, often citing Privacy Act restrictions that may bar public disclosure of certain aspects of these cases. NOAA officials' use of the Privacy Act as a sword to protect its reputation rather than as a shield, as Congress intended, to protect the privacy rights of private citizens is unacceptable.

Therefore, I request a meeting between staff of the Senate and House Appropriations and Oversight Committees attended by representatives from your office, NOAA officials, and the Office of the Inspector General, no later than April 12, 2012 to provide a direct accounting of these issues. Please have your staff contact my staff, _____ arrange the briefing.

Thank you for your assistance in this important matter.

Sincerely,



Susan M. Collins
United States Senator