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

April 2, 2012

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The Honorable Jane Lubchenco, Ph.D.
Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue
Washington, DC 20230

Dear Administrator Lubchenco:

As you may know, the Committee on Natural Resources (“Committee”) has been monitoring the Office of Inspector General’s (“OIG”) investigations into the National Oceanic and Atmospheric Administration’s (“NOAA”) mismanagement of the Asset Forfeiture Fund. Under section 311(e)(1) of the Magnuson-Stevens Act, NOAA is authorized to seize assets from violators of the Act and use the proceeds from the sale of those seized assets to fund certain law enforcement activities.

Under House Rule X(1)(m), the Committee has broad jurisdiction over fishery and ocean issues, including implementation of the Magnuson-Stevens Act. As highlighted in several recent OIG reports, NOAA’s Office of Law Enforcement lacked institutional controls over the Asset Forfeiture Fund. In its most recent public report, dated February 8, 2012, the OIG recognized that NOAA had taken some steps to improve the management of the Asset Forfeiture Fund but still lacked sufficient institutional controls to ensure payments are properly tracked and processed, enforcement personnel functions are separated to minimize the potential misuse of funds, and outstanding debts are properly collected. This report recommended NOAA take nine actions to improve the management of the Asset Forfeiture Fund. Please provide the Committee no later than April 16, 2012 with a description of how NOAA plans to respond to these recommendations, including a copy of any action plans to implement the recommendations.

Notably, monies from the Asset Forfeiture Fund were used to fund international travel, including spending more than \$100,000 to pay for 15 NOAA staff to attend a conference in Norway, and to purchase more than 200 vehicles and 22 vessels at a cost of \$7.3 million, including more than \$300,000 for a 35-foot “luxury” vessel intended for undercover work, all for an office with fewer than 175 enforcement personnel. A July 2011 OIG report into the procurement of this undercover vessel found irregularities in the procurement process and

several instances of improper use of the vessel, including its use by Office of Law Enforcement staff in Seattle for pleasure cruises, whale watching excursions, and trips to restaurants.

At a March 6, 2012 hearing to consider NOAA's budget request for FY 2013, you said you were "appalled" to learn of the \$300,000 boat purchase and that NOAA has taken actions as appropriate. I understand that the U.S. Attorney has declined to prosecute any of the individuals in connection with the purchase and misuse of this vessel. Please provide no later than April 16, 2012 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. Although I am aware this information may implicate personal privacy and Privacy Act considerations, those considerations do not justify withholding such information in response to a Congressional Committee oversight request. See 5 U.S.C. § 552(d) and 5 U.S.C. § 552a(b)(9).

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.

Thank you for your prompt attention to this matter.

Sincerely,



Doc Hastings
Chairman