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Ranking Member
Subcommittee on Oversight
Committee on Science, Space, and Technology

Opening Statement

*Top Challenges for Science Agencies:
Reports from the Inspectors General
Part 1*

Thursday, February 28, 2013
10:00 a.m. – 12:00 p.m.
2318 Rayburn House Office Building

Mr. Chairman, I thank you very much. I too share your concerns about NOAA's response to the committee. But on this I want to welcome the three witnesses.

Inspector Generals, sometimes called "IGs," carry an unusual mandate and heavy burden. Inspector Generals stand on the front line of accountability, and work to improve government and protect taxpayer interests. As the "kind of cop" on the beat in agencies, they function not just as another executive office, but also as Congress's eyes and ears in those agencies. This is why IGs have a statutory responsibility to quickly inform Congress of any significant wrongdoing at their agencies. While some IGs have tried to morph their role into that of a management consultant to agency leadership, and that's fine, it is still extremely important though, and congress expects, Inspector Generals to view themselves as watchdogs first and foremost.

IGs have enormous discretion to go with their great responsibility. Within the limits of the law, they can decide what they will and will not pursue, how they will structure their offices, who they will hire and fire, and how they will spend their budgets. The agencies they overlook are in no position to second guess their actions, as that would undermine the IG's necessary independence. However, this independence combined with large budgets outside the control of any other office leaves open the possibility that a bad Inspector General may abuse that position. Inspector Generals are a classic example of the old question, "who will watch the watchman?" With no authority over them in their agencies, serving at the pleasure of the President, but the President who stands at great distance, and often keeping information about their activities secret from the public and even Congress, the job of insuring that a IG who is not doing their job would be identified and removed can fall through the cracks.

The Chairman's purpose in holding this hearing, it is my understanding, is to explore what the three IGs from NASA, NSF and Commerce have accomplished in the last year and hope to take on next, and I applaud the Chairman for holding this hearing. I have no reason to doubt that the two Inspector Generals before us have been doing good work, and are raising important questions, and I welcome your testimony.

The subcommittee staff however and members of the news media have reported serious and pressing concerns in the office of the Department of Commerce Inspector General. And yet, Mr. Chairman, Mr. Zinser, the Commerce Inspector General, has decided not to appear before us, or in staff briefings before the hearing. Now, Mr. Smith, I do sincerely appreciate your time and attention. I hope you can understand

why the Committee Members might be disappointed that we don't have direct access to the Department of Commerce IG. It is nothing about your work, you are a fine public servant, but we want to make sure that we have direct access to an IG.

Mr. Chairman, the committee was first alerted to one serious concern when staff discovered that the Inspector General Mr. Zinser let NOAA investigate itself regarding criminal financial misconduct. The explanations he offered to the staff back in August to members in September and then written responses to questions for the record are contradictory, and his office has refused to provide records members requested to better understand what happened. Then, in December, the Washington Post reported that Mr. Zinser, along with his principal Assistant for Investigations and his General Counsel, compelled senior employees to resign and sign non-disclosure agreements that would bar them from disclosing information about the operation of his office to either the Office of Special Counsel, which is the whistleblower protection office in the federal government, or even to Congress itself.

Now, why would the IG compel senior officials to relinquish their statutory and in fact, constitutional, right of redress? The conduct reported in the Post should be shocking conduct for any federal official, let alone an Inspector General. And if we find an Inspector General, who we would hope would listen to whistleblowers, not silence them, has engaged in gag orders, that is not acceptable conduct. The recent Federal Best Places to Work survey brings up other concerns, that show that the Department of Commerce IG office is ranking 291 out of 292 places polled, making it among the worst places to work according to the survey. In this survey, 50% of the staff said they were going to look for another job in the next year, and almost half were unsure or felt unsafe in telling senior leadership if they find violations of the law, regulation or policy. So according to the survey, the Inspector General staff are afraid to report violations of law. I should add that our staff has begun to receive information from former employees at Commerce Department of Inspector General, and some of the allegations are very serious.

So for all these reasons Mr. Chairman, Ms. Johnson, Ms. Wilson, Ms. Bonamici and I have sent a letter to GAO, we have asked that they open an investigation into the management and conduct of the IG at the Department of Commerce.

At a time when we face the possibility of large scale arbitrary cuts, to both domestic and military programs, I believe that any charges of wasting taxpayer dollars, or using them to run an ineffective office, must be investigated. Congress has the responsibility and authority to hold IGs accountable, and we have to ensure money has not been wasted or ineffectively protected, and that laws have not been broken in the name of enforcement. If indeed Mr. Zinser or any Inspector General has allowed his office to be abused, or become ineffective, then we in Congress have the responsibility to bring that to light. Now Mr. Chairman, I would like to ask if the article of the Post, the letter from Ms. Johnson Ms. Wilson Ms. Bonamici and I and other supporting materials be included after this statement in the record.

Thank you Mr. Chairman.