

Opening Statement
Rep. Paul D. Tonko, Ranking Member
Subcommittee on Investigations and Oversight
Committee on Science, Space and Technology
Hearing on:

*Mismanagement of Funds at the National Weather Service and the Impact on the
Future of Weather Forecasting*

September 12, 2012

Thank you, Madame Chair.

I start with several statements of the obvious: The National Weather Service (NWS) is a vital, public safety organization, and the public greatly values the organization and its work. Congress authorizes and appropriates funds to federal agencies for specific purposes and has been supportive of the NWS and its mission. In light of this, the financial misconduct at the National Weather Service is shocking.

There are well established and widely understood processes for NWS to use if top management feels that funds must be reprogrammed. At their heart, those processes involve consulting with Congress. If you move money around without any accountability, as the former Chief Financial Officer (CFO) at NWS did, you are violating the Anti-Deficiency Act—a statute that sets clear limits and penalties for spending money not authorized or appropriated by Congress. The power of the purse is enshrined for Congress in the Constitution and for any senior official to ignore the law and the Constitution is a deeply troubling event.

We will not be able to delve deeply into the details of this incident at today's hearing or answer many outstanding questions. Why were these funds being moved without a reprogramming request? Which accounts received additional funding and which accounts were short-changed? Why did whistleblowers have to complain repeatedly to the Agency and the Inspector General's Office before anyone noticed that something was amiss in the NWS budget?

The Committee Majority have expressed their preference not to release the investigative report produced by NOAA management to the public. The Committee has not engaged in its own investigation to test the findings in that report to reach our own conclusions. This Subcommittee has much more work to do before any of these questions could be answered.

Instead, much of this hearing will be about the path forward for NWS and NOAA in ensuring that a future CFO cannot engage in systematic financial deception. That is fine as far as it goes. I think the proposals put forward by the Agency make sense. However, I am not sure we agree with this hearing's focus or scope. While there is no question that wrong-doing occurred at NOAA, just as troubling to me is the failure by the Inspector General's office at the Department of Commerce to take aggressive steps to investigate this matter.

The IG is the cop on the beat at federal agencies. Congress empowers IG's with broad authority to investigate the inner workings of their agency, provides funding for investigative staff, and has established whistleblower protections for Federal employees to try to encourage a culture where accountability is rewarded. The IG offices are vital partners in Congress's oversight responsibility. In this instance, the cop appears to have been taking a break, and the partnership failed.

Inspector General Zinser has included in his testimony an accounting of the allegations his office received regarding financial irregularities at NWS and the disposition of those allegations. After receiving multiple tips, the IG's office recognized the potential problem. But, the response to allegations of high-level financial shenanigans seems to have been to send those allegations back to the agency to ask them to check on their own misconduct. It seems counter-intuitive to me that the best way to ferret out problems is to ask a potential wrong-doer to investigate their own wrong-doing.

Even the one preliminary investigation that was triggered by the hotline tips coming into the IG's office reveals something a little odd. That tip appears to have come in October of 2010. However, Mr. Zinser was unaware that his office had received the allegation, that his staff had launched a preliminary investigation, or that his staff believed an Anti-Deficiency Act violation had occurred until November of 2011— one year later.

By the time Mr. Zinser had seen his staff's memo, NOAA had already conducted their own preliminary investigation and had begun to take steps to remove the CFO from his post. And when it came time to launch a full investigation, the IG allowed the agency to conduct its own investigation. The IG's office was limited to offering investigative advice and questions to the team that NOAA put together. These procedures bear no resemblance to the conduct of an independent investigative office.

Since the scandal broke, the IG has instituted a new system where allegations are aggregated each week and forwarded to a senior level review team led by the IG himself. That is certainly a positive step.

But for five years, his office did not do this and one has to wonder whether other anonymous tips were ignored or sent back to the perpetrators with a recommendation that they investigate themselves.

Finally, the IG has a mandate to inform Congress in a timely fashion of important agency misconduct and mismanagement. Mr. Zinser has expressed to Committee staff that he believes there was sufficient evidence in the preliminary investigative memo done by his staff in November of 2011 that an Anti-Deficiency Act violation had occurred. Yet, to my knowledge the IG did not inform this Committee or the Appropriations Committee that they had uncovered evidence of this apparent violation of law.

His explanation was that he believed that the Agency was going to inform Congress, but there was no follow up to confirm this. In fact, this Committee, which has black letter jurisdiction over the National Weather Service, did not learn of the situation until April of 2012. This represents a real failing to follow the intent that the IG communicate with Congress about significant misconduct at their agency. There is no partnership where there is no communication. This is unacceptable.

I understand that this IG had a lot on his plate with oversight of the recovery act and politically-charged requests for investigations into topics such as climate science. Being the Inspector General at the Department of Commerce has been a notoriously difficult post. However, it is clear that in the 5 years that this IG has been on the job he did not put in place information and decision-making processes to guarantee that credible, important allegations receive high level attention and timely action. If the first complaint from Spring of 2010 had been acted on quickly

by the IG, as it should have been, we might have kept this situation from spinning so far out of control.

Madame Chair, I hope you agree that this Committee deserves answers to our questions about what went wrong in the IG's shop, as we rely on that office to be our eyes and ears for wrong-doing. Congress has a responsibility to the taxpayer to not only allocate budgets to the agencies, but to ensure the allocated funds are spent wisely and in accordance with the law. I am concerned that the Department of Commerce IG has failed to carry out the mission of the office, and I expect his full cooperation in helping us understand what they did—good and bad—and that he stand accountable for those actions.