

**COMMITTEE ON SCIENCE AND TECHNOLOGY  
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT  
U.S. HOUSE OF REPRESENTATIVES**

JOINT HEARING WITH THE SENATE COMMERCE COMMITTEE'S SUBCOMMITTEE  
ON SPACE, AERONAUTICS, AND RELATED SCIENCES

**HEARING CHARTER**

*Oversight Review of the Investigation of the NASA Inspector General*

June 4, 2007

2318 Rayburn House Office Building

On Thursday, June 7, the Subcommittee will hold a joint hearing with the Senate Subcommittee on Space, Aeronautics and Related Sciences to review the matter of NASA Inspector General Robert "Moose" Cobb. The hearing will begin at 2 p.m. in 253 Russell Senate Office Building.

**Background**

Mr. Cobb has been NASA's Inspector General since 2002. He was chosen by NASA's former administrator, Sean O'Keefe. Mr. Cobb was an unusual pick to be an Inspector General (IG). Most IGs come out of an accounting or, more commonly, an investigative or law enforcement background. They also typically have experience managing a large staff as the NASA's IG's office employees between 180 and 200 persons.

Mr. Cobb had spent nine years as a staff attorney at the Office of Government Ethics and then 15 months at the White House as the ethics counsel to Alberto Gonzales where he reviewed and processed financial disclosure forms for Administration appointees before he went to NASA in 2002. He had never had managerial authority over anyone prior to that time, so far as staff can determine. Nor did he have an audit or investigative background. At NASA, Mr. Cobb inherited an office of 200 employees with a staff made up of trained auditors and experienced investigators. To say that his tenure at NASA has been rocky is perhaps an understatement.

By December of 2005, enough complaints about Mr. Cobb's conduct had been collected by the President's Council on Integrity and Efficiency (PCIE—the IG watchdog body that is chaired by the Deputy Director for Management at OMB) that an investigation into Cobb was launched. A preliminary review led to the conclusion that the allegations were not about criminal violations, but rather violations of the standards of conduct expected of an Inspector General. (Criminal violations are investigated by the FBI and referred to Justice for prosecution.) Violations of the standards of behavior for IGs are investigated by a designated Inspector General recruited for the task and that office then reports to the Integrity Committee (a subcommittee of the PCIE).

Between February of 2006 and August of 2006, the Housing and Urban Development (HUD) Inspector General's staff collected facts regarding 79 allegations of misconduct against Cobb.

The HUD IG was not to come to determinations of what was true and what false, but simply to collect facts regarding the allegations and then present those to the Integrity Committee (IC). It would be up to the IC, made up of inspector generals and others from the “accountability” community, to determine whether the standards of conduct had been violated.

The HUD IG’s staff briefed the IC in September and again in December of 2006. Finally, in January of 2007, the IC reported to the Chair of the PCIE that they had concluded that Mr. Cobb had both created the appearance of the lack of independence through his conduct and had abused his authority. The first finding was based on the weight of evidence collected that Cobb had been too cozy with NASA’s managers during the O’Keefe years. The second finding was based on the weight of evidence that his personal conduct was so abusive towards his employees that it interfered with the ability of the office to function.

The IC did not make any recommendations regarding how to handle Mr. Cobb. The Chair of PCIE sent the report to Dr. Michael Griffin, the NASA administrator, on February 15, 2007 with a request that Dr. Griffin recommend steps that would be taken to deal with the Cobb case. This was an unfortunate move. Inspectors General walk a fine line between being independent of their agency’s management so that they can be a watchdog, while trying to get along with management well enough that they are not simply ignored. If an agency head is asked what to do with an IG, he or she is placed in a no-win situation, as is the IG. If the agency head indicates the IG should be removed, it will look like the head wants to get rid of a meddlesome pest. If the agency head indicates that some lesser sanction should be followed, the IG then owes his or her career to the agency head, and there will be the appearance of a lack of independence.

In Cobb’s case, the NASA administrator recommended a series of administrative steps for Cobb. He is to receive management training at the Federal Executive Service Institute. He is to be given a personal “management” coach. He is to report to NASA’s Deputy Administrator on his progress as a manager every two months. Also, Dr. Griffin decided to address the IG staff to tell them how much he values their work and independence. That event, and the subsequent destruction by NASA’s general counsel of the video record of the exchange with the OIG staff, has already been the subject of an I&O hearing. Since Mr. Cobb had already been found to have created the appearance of a lack of independence, these steps just reinforced that appearance, particularly since he has also developed a close relationship with the general counsel.

In NASA’s handling of the Cobb case, the agency actually ignored the findings of the Integrity Committee. Instead, NASA’s general counsel set about looking for legal violations that Cobb had engaged in based on the facts collected in the HUD IG report, contrary to the standard set by the Integrity Committee. The end result was that Mike Griffin and NASA set up their own standards of conduct and found that, at least as it applied to the finding of abuse of authority, Cobb had not engaged in that.

Despite NASA giving Mr. Cobb a pass on his behavior and its consequences for the effectiveness of the Office of the Inspector General (OIG), Chairman Gordon, Chairman Miller and Chairman Nelson in the Senate have all called for Mr. Cobb to be removed by the President. After studying the facts gathered by the HUD IG, and the opinion of the Integrity Committee, it was apparent to these Members that Mr. Cobb could not be trusted to continue to serve. While that is, ultimately, a matter for the President to decide, the Committees can act on these

conclusions by discounting the work of the office as being unreliable and by investigating more thoroughly than did the HUD IG the actions taken by Mr. Cobb.

**Witnesses:**

The disposition of the case by the PCIE and NASA will not be the focus of this hearing—that may happen in a future event. This hearing is about the way Mr. Cobb has conducted himself in his office. It will also allow Members to engage the broader questions of the proper relationship of an Inspector General to the agency and to Congress.

There will be three panels of witnesses to allow these issues to be fleshed out.

Panel One will consist of Senator Grassley (R-IA). The Senator has been very active on inspector general issues for many years.

Panel Two will include three former senior employees of the NASA IG office (former Assistant IG for Audits Kevin Carson, former Assistant IG for Investigations Lance Carrington and former Deputy Assistant IG for Investigations Deborah Herzog) who will speak about Mr. Cobb's management style, its impact on staff and his appearance of a lack of independence. Also sitting on this panel will be Danielle Brian, the Director of the Project on Government Oversight and Professor Paul Light of New York University. Ms. Brian will speak primarily to the importance of trust in IGs for whistleblowers to rely upon them. Dr. Light will speak primarily about the need for an IG to be perceived as being independent of agency management.

Panel Three will be Mr. Cobb himself to answer the questions from the Subcommittees. This will be the first opportunity for Members to ask Mr. Cobb about his continued service at NASA.