

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371

www.science.house.gov

June 5, 2015

The Honorable Penny Pritzker
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, D.C. 20230

Dear Secretary Pritzker:

The Committee on Science, Space, and Technology is conducting oversight of current and former senior officials at the National Weather Service (NWS) and the alleged violations of government contracting and ethics regulations carried out by these officials that ultimately cost taxpayers nearly \$500,000.¹ The U.S. Department of Commerce Office of Inspector General (OIG) found that the former NWS Deputy Chief Financial Officer arranged post-retirement consulting services with the NWS, while still a federal employee, and carried out those services upon his retirement for a period of nearly two years.² These actions, among others discovered by the OIG, present a conflict-of-interest and may have violated federal laws. More concerning, the OIG found the “lack of understanding about applicable laws and regulations on the part of multiple [National Oceanic and Atmospheric Administration]” so concerning that the Inspector General is “taking steps to ascertain whether this matter is indicative of more systemic ‘revolving door’ contracting problems within [NOAA].”³

According to the Inspector General, in 2009 then-Deputy Chief Financial Officer Peter Jiron, intended to retire from the NWS. Mr. Jiron’s supervisor, then-Chief Financial Officer Robert Byrd, suggested Jiron return to the NWS post-retirement as a consultant. One month before officially retiring from the NWS, Mr. Jiron negotiated the terms of his consultancy, drafted and edited the associated Statement of Work for the consultancy, drafted terms and conditions of his contract with NWS as a consultant, and eventually signed the consulting contract with the NWS in April 2010.⁴ Part of Mr. Jiron’s consulting agreement included post-

¹ U.S. Dep’t of Commerce, Office of Inspector General, *Investigation into Alleged Contracting Misconduct and Exertion of Improper Influence Involving a Senior National Weather Service Official* (June 2015).

² *Id.*

³ *Id.*

⁴ *Id.*

retirement housing expensed by the NWS totaling \$50,000 in value. Mr. Jiron's consulting contract lasted 21 months, costing the government \$471,875 according to the Inspector General.⁵

Additionally, the OIG found evidence that indicates Mr. Jiron may have attempted to use his relationship with Mr. Byrd in order to influence NWS officials when seeking to find employment for an immediate family member in a NWS office. Most troubling is the fact that all of Mr. Jiron's wrongdoing was conducted with the approval of his supervisor Mr. Byrd. According to an internal investigation conducted by the NWS in 2012, Mr. Byrd allowed tens of millions of dollars to be used to cover costs at the NWS that differed from Congress' intended budgeting purposes.⁶ The budgeting mishap eventually led to the resignation of then-NWS Director, Jack Hayes.⁷

The OIG indicated that Mr. Jiron's alleged improprieties may have violated numerous federal laws and regulations, including criminal statutes. Specifically, the criminal conflict-of-interest statute prohibits federal employees from acting in their official capacity in matters that will affect their financial interests.⁸ Additionally, federal regulations prohibit executive branch employees from using a government position to benefit themselves.⁹ According to the Inspector General, Mr. Jiron's creation of his consulting position while employed at NWS and arranging for the future payment of his housing expenses was a conflict of interest that benefited himself.¹⁰ Furthermore, Mr. Jiron allegedly violated 18 U.S.C § 201, which criminalizes bribing government officials, when he attempted to influence NWS employees to hire his family member.¹¹ If the OIG's allegations prove true, Mr. Jiron's actions are troubling and raise questions about whether this kind of behavior still occurs at NWS.

It appears that NWS lacks internal agency controls to prevent the kind of mismanagement described by the OIG. According to Mr. Byrd, the former Chief Financial Officer at NWS, this type of behavior is "just the way business is done" at the agency.¹² This is unacceptable. In order for the Committee to understand the extent of abuses and mismanagement at NWS, please provide the following documents and information as soon as possible, but by no later than noon on June 19, 2015.

1. All documents and communications, including any contracts and agreements, referring or relating to Peter Jiron's employment as a consultant with the National Weather Service.

⁵ *Id.*

⁶ Tom Cohen, *Weather Service Improperly Shifted Government Funds*, CNN, May 28, 2012, available at <http://www.cnn.com/2012/05/28/us/noaa-contracts/>

⁷ *Id.*

⁸ See OIG Report, *supra* note 1.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

2. All documents and communications referring or relating to Peter Jiron allegedly exerting influence on National Weather Service staff to hire his immediate family member.
3. All documents and communications referring or relating to Peter Jiron's post-retirement housing expenses paid for by the National Weather Service.
4. All documents and communications referring or relating to taxpayer dollars spent on Peter Jiron post-retirement from National Weather Service.
5. All documents and communications between Robert Byrd and Peter Jiron, referring or relating to Mr. Jiron's post-employment relationship with National Weather Service.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Drew Colliatie or Lamar Echols of the Committee Staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Lamar Smith
Chairman

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member