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ONE HUNDRED ELEVENTH CONGRESS

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
FACSIMILE (202) 225-4784  
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March 4, 2010

Mr. Dale J. Jones  
Director  
Office for Law Enforcement  
National Oceanic and Atmospheric Administration  
1315 East West Highway  
Silver Spring, Maryland 20910

Dear Mr. Jones:

We are writing to demand documents and answers to questions for the record, in connection with your testimony about serious problems at the Office for Law Enforcement (OLE), before a field hearing of the Domestic Policy Subcommittee held on March 2, 2010, in Gloucester, MA.

We remind you that destruction of any relevant or requested document in connection with this Committee's investigation may constitute obstruction of justice under 18 U.S.C §1505, as well as constitute contempt of Congress under 2 U.S.C § 192. Please be aware that if we discover any actions undertaken by you or at your direction that obstruct our investigation, we will take action to see that those in violation are prosecuted to the fullest extent of the law.

**International travel**

In your testimony, you indicated that you did not remember if your international travel had been paid for out of the Asset Forfeiture Fund. The Inspector General stated that preliminary indications of his review of the Fund reveal that your international travel was charged to the Fund.

Please provide a full accounting of all international travel taken by yourself since 1999. State specifically where the travel was (provide itineraries if you have them), identifying name of city and country of travel, name of hotel or resort if applicable, total cost and duration of travel, source of funding.

Other than yourself, please provide a full accounting of all international travel taken by other top officials at OLE since 1999. State specifically where the travel was (provide itineraries if

you have them), identifying name of city and country of travel, name of hotel or resort if applicable, total cost and duration of travel, and source of funding ( Asset Forfeiture Fund, Agency appropriation, or other (specify)).

Provide all work products related to each trip, including any and all presentations made by you and/or other top officials, and any after-action reports documenting the accomplishments achieved on each trip.

### **Hiring Practices**

Is it true that you have hired a number of ex-Maryland police officers in executive positions in the Office for Law Enforcement, including Mark Spurrier, Mark Paterni, and Harold Robbins?

Is it true that none of those individuals had fisheries or other natural resources law enforcement experience at the time of their hiring?

Is it true that none of those individuals had federal law enforcement training at the time of their hiring?

You stated in your testimony that the hiring of the above-named individuals was done by NOAA HR, and that you did not influence the decision. Please provide the subcommittee with all documents pertaining to the hiring of Spurrier, Paterni and Robbins. Include whether any competitors for the jobs of those individuals had federal law enforcement training and/or natural resources law enforcement experience at the time of the hiring decision?

### **Accreditation**

Is it true that shortly after you became chief, OLE pursued certification by the Commission on Accreditation for Law Enforcement Agencies (CALEA), which is an organization made up almost exclusively of state and local police departments?

Is it true that one of the criteria for accreditation by CALEA is the development of "Traffic Enforcement Activities Review" mechanism? As OLE does not enforce traffic laws, how did you meet that criterion?

Is it also true that another criterion for CALEA accreditation is a "Court Security Function" standard. As OLE does not to protect court rooms anywhere in the country, how did you meet that criterion?

Is it true that OLE is the only natural resource federal law enforcement agency that is accredited by CALEA?

Is it true that you have served as an assessor for CALEA, conducting reviews of local law enforcement agencies seeking accreditation by CALEA? If so, please indicate the years in which you served as an assessor, and your compensation from CALEA for this work?

Have any other top officials at OLE served as assessors for CALEA since 1999? If so, please identify them by name, the years in which they served as assessor, and any compensation they received from CALEA for that work.

**OPR**

Please provide a summary of investigations conducted by the Office of Personnel Responsibility (OPR) regarding allegations of misconduct by agents of OLE since 1999. Please indicate the nature of the allegation, the date of opening and closing investigation, the investigation finding(s), and any disciplinary action taken as a result.

**Document Destruction**

Please provide all documents, including a list of and email correspondence, that you provided to the Inspector General, relating to your admitted shredding of documents in connection with an ongoing investigation by the Department of Commerce Inspector General.

The Domestic Policy Subcommittee has broad jurisdiction, including the National Oceanic and Atmospheric Administration. The Oversight and Government Reform Committee is the principal oversight committee in the House of Representatives, with broad oversight jurisdiction as set forth in House Rule X. An attachment to this letter provides additional information about how to respond to the Subcommittee's request.

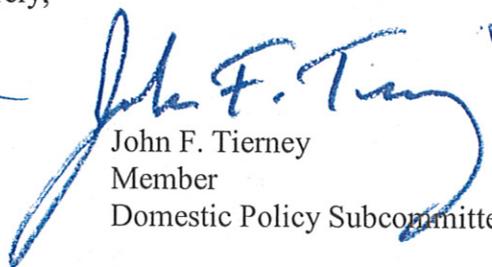
We request that you provide these answers and documents as soon as possible, but **in no case later than 5:00 p.m., Thursday, March 18, 2010.**

If you have any questions, please contact Jaron Bourke, Staff Director, at (202) 225-6427.

Sincerely,



Dennis J. Kucinich  
Chairman  
Domestic Policy Subcommittee



John F. Tierney  
Member  
Domestic Policy Subcommittee

cc: Jim Jordan  
Ranking Minority Member

cc: Dr. Jane Lubchenco  
Administrator  
National Oceanic and Atmospheric Administration

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### Domestic Policy Subcommittee Document Request Instruction Sheet

In responding to the document request from the Domestic Policy Subcommittee, Oversight and Government Reform Committee please apply the instructions and definitions set forth below.

#### Instructions

1. In complying with the request, you should produce all responsive documents in your possession, custody, or control.
2. Documents responsive to the request should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Subcommittee.
3. In the event that any entity, organization, or individual denoted in the request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.
4. Each document produced should be produced in a form that renders the document capable of being copied.
5. When you produce documents, you should identify the paragraph or clause in the Subcommittee's request to which the documents respond.
6. Documents produced in response to this request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production.
7. Each folder and box should be numbered, and a description of the contents of each folder and box, including the paragraph or clause of the request to which the documents are responsive, should be provided in an accompanying index.
8. It is not a proper basis to refuse to produce a document that any other person or entity also possesses a nonidentical or identical copy of the same document.
9. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or

10. computer backup tape), you should consult with Subcommittee staff to determine the appropriate format in which to produce the information.
11. The Committee accepts electronic documents in lieu of paper productions. Documents produced in electronic format should be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in (6) and (7) above. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page TIF files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
  - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
12. In the event that a responsive document is withheld on any basis, you should provide the following information concerning the document: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author, and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. This request is continuing in nature and applies to any newly discovered document. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.
16. All documents should be bates-stamped sequentially and produced sequentially. In the cover letter, you should include a total page count for the entire production, including both hard copy and electronic documents.

17. For paper productions, four sets of documents should be delivered: two sets to the majority staff and two sets to the minority staff. For electronic productions, one dataset to the majority staff and one dataset to minority staff are sufficient. Productions should be delivered to the majority staff in B-349B Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building. You should consult with Subcommittee staff regarding the method of delivery prior to sending any materials.
18. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Subcommittee or identified in a privilege log provided to the Subcommittee.

## Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto). The term also means any graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “documents in your possession, custody, or control” means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.
3. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
4. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of the request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms “person” or “persons” means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures,

proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

6. The terms “referring” or “relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.