

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3303**

February 5, 2010

The Honorable Nick J. Rahall, II  
Chairman  
House Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Doc Hastings  
Ranking Member  
House Committee on Natural Resources  
1329 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Rahall and Ranking Member Hastings:

I am writing to respectfully request that you schedule an oversight hearing on the fisheries enforcement programs of the National Oceanic and Atmospheric Administration (NOAA). The urgent need for this hearing was made clear by a 27-page report released last month by the Inspector General (IG) of the U.S. Department of Commerce entitled "Review of NOAA Fisheries Enforcement Programs and Operations." The report confirmed what I have heard from fishermen for years – namely, that there are "systemic nationwide issues" with NOAA's law enforcement programs, practices and personnel.

The Inspector General report is the product of months of work by a team of IG investigators who thoroughly examined the NOAA fisheries enforcement operation. As part of that effort, they interviewed over 225 individuals from across the country, including fishermen, conservation officials, Fishery Management Council members and NOAA personnel. Their findings reveal a number of problems that cry out for congressional oversight. Among other things, the report found:

- ". . . systemic nationwide issues adversely affecting NOAA's ability to effectively carry out its mission of regulating the fishing industry. These issues have contributed significantly to a highly-charged regulatory climate and dysfunctional relationship between NOAA and the fishing industry";
- NOAA's "civil penalty assessment process is arbitrary and unfair";
- NOAA's workforce composition is dramatically misaligned to its mission – "only about 2 percent of its caseload has been criminal-investigative, yet over 90 percent of its enforcement personnel are criminal investigators – a clear imbalance"; and,
- NOAA's Asset Forfeiture Fund – which contains proceeds from civil penalties it collects – has a balance of \$8.4 million as of December 31, 2009, but Department officials "are not aware of the fund's having ever been audited", and "the account under which they are maintained has weak internal controls" leading the IG to launch a pending "forensic review of the fund".

I strongly believe the “systemic” issues outlined in this report require further examination by the committee. I also believe NOAA’s fisheries enforcement programs need significant reform. To that end, I would appreciate your assistance in scheduling a hearing to receive testimony from the Inspector General, from personnel responsible for the NOAA enforcement programs and from fishermen so that Congress can better understand these issues and how to resolve them.

Thank you for your consideration of this request. I look forward to your response.

Sincerely,



Walter B. Jones  
Member of Congress