

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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September 30, 2015

The Honorable Willie E. May
Director
National Institute of Standards and Technology
100 Bureau Drive
Gaithersburg, MD 20899-1000

Dear Director May,

The Committee on Science, Space, and Technology is continuing its oversight of the explosion at the National Institute of Standards and Technology (NIST) federal laboratory in Gaithersburg, Maryland on July 19, 2015.¹ As part of this oversight, I wrote to the Department of Commerce on July 22, 2015, requesting additional information and a briefing.² NIST officials briefed Committee staff on July 29, 2015, and provided subsequent briefings via conference calls. The briefings provided by NIST, while helpful and appreciated, have not provided answers to all of the Committee's questions, including information regarding building access records the night of the explosion. More recently, information obtained by the Committee appears to show a pattern of misconduct and mismanagement at NIST Police Services. To assist the Committee's investigation of these matters, I am writing to request related documents and information.

During the July 29, 2015, briefing with NIST officials, Committee staff raised questions regarding building access records for building 236 where Christopher Bartley, a senior officer with NIST Police Services who recently pled guilty to attempting to manufacture methamphetamine, allegedly attempted to manufacture the illegal drug.³ On a subsequent call with Committee staff, NIST officials agreed to provide the Committee with those records. However, James Schufreider, Director of NIST's Office of Congressional and Legislative Affairs, later informed Committee staff by e-mail that "NIST cannot make any further comment on the badging records at this time" because of the Department of Commerce Office of Inspector

¹ Mathew Barakat, *Possible Drug-related explosion investigated at federal lab*, ASSOCIATED PRESS, Jul. 21, 2015, available at <http://bigstory.ap.org/article/2aa5679466644babb94e865f48a713de/possible-drug-related-explosion-investigated-federal-lab>.

² Letter from Hon. Lamar Smith, Chairman, H. Comm. on Science, Space, & Tech., to Hon. Penny Pritzker, Secretary, U.S. Dep't of Commerce (July 22, 2015).

³ See Ben Nuckols, *Former Officer Plans to Plead Guilty to Manufacturing Meth*, ASSOCIATED PRESS, Aug. 18, 2015, available at <http://bigstory.ap.org/article/5b99f59e02574b9cbf9e694a35e25532/former-police-officer-charged-after-explosion-federal-lab>.

General's ongoing review.⁴ This Committee has a legitimate interest in the safety of NIST employees and ensuring that agency property is not used to produce illegal drugs. The building access records are essential to the Committee's oversight.

Furthermore, information recently obtained by the Committee appears to show a culture of waste, fraud, abuse, and misconduct at NIST Police Services that was not previously disclosed to the Committee during its investigation. For example, Officer Bartley allegedly had sexual relations with other NIST employees on agency property, in vehicles owned by the government, while on official duty. More troubling, it appears that agency officials were aware of Mr. Bartley's conduct but failed to take appropriate disciplinary actions and even selected him as interim chief of police despite his misconduct.

Additionally, documents reviewed by the Committee indicate that time and attendance fraud occurs regularly at NIST Police Services. In one instance, during April 2014, Mr. Bartley allegedly worked 84 hours of overtime during a two week period while also covering his full-time shifts. If accurate, Mr. Bartley would have worked 164 hours in two weeks, averaging over 16 hours a day while working seven days per week. It also appears that police equipment worth thousands of dollars is unaccounted for or missing from the police force. The missing material includes Emergency Response Team equipment and listening devices. If this information is accurate, it raises serious questions about the lack of internal agency controls at NIST.

The American people expect the federal government to exercise responsible stewardship of their tax dollars. As this Committee is charged with rooting out waste, fraud, and abuse at agencies under its jurisdiction, I have additional questions regarding NIST's apparent disregard for taxpayer money. In order for the Committee to understand the extent of abuses and mismanagement at NIST Police Services, please provide the following documents and information as soon as possible, but no later than noon on October 14, 2015. Additionally, please make arrangements with Committee staff by October 6, 2015, to schedule a site visit of the NIST campus, including building 236.

1. All documents and materials related to building access records for building 236 at the Gaithersburg, Maryland National Institute of Standards and Technology (NIST) campus, from January 2015 to August 2015.
2. All documents and communications regarding former NIST police officer Christopher Bartley, including the decision to promote Mr. Bartley interim Chief of Police, performance evaluations, internal complaints or discussions regarding misconduct, and any photographic evidence of misconduct obtained by the Department of Commerce, including the Department of Commerce Office of Security.

⁴ E-mail from James Schufreider, Director, Office of Congressional & Legislative Affairs, NIST to Staff, H. Comm. on Science, Space, & Tech. (Aug. 13, 2015).

3. All documents and communications related to NIST's internal investigation of the explosion that occurred on July 19, 2015, including communications related to the agency's decision to not provide the Committee with access records for building 236.
4. All documents and communications related to the misuse of government vehicles on NIST property, including the Boulder, Colorado campus and the Gaithersburg, Maryland campus.
5. All documents and communications related to the misuse of overtime pay at NIST Police Services, including Christopher Bartley's 84 hours of overtime in April 2014, during pay period #7.
6. All documents and communications related to unaccounted or missing police equipment, including Emergency Response Team equipment and listening devices.

The Committee on Science, Space, and Technology is the principal oversight committee of the National Institute of Standards and Technology as set forth in House Rule X.

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

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.

Sincerely,



Lamar Smith
Chairman

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member, House Committee on Science, Space and Technology