

**U.S. House of Representatives
Committee on Science, Space, and Technology**

HEARING CHARTER

Investigating Contract Misconduct at the National Weather Service

Wednesday, July 15, 2015
10:00 a.m. – 12:00 p.m.
2318 Rayburn House Office Building

Purpose

On July 15, 2015 the Committee on Science, Space, and Technology will hold a hearing titled *Investigating Contract Misconduct at the National Weather Service*. The hearing will examine findings by the Department of Commerce Inspector General (OIG) regarding contract misconduct at the National Weather Service (NWS). Additionally, the hearing will address allegations regarding exertion of influence by a senior official to obtain employment for an immediate family member at the NWS.

Witnesses

- **Mr. Mark Greenblatt**, Deputy Assistant General for Compliance & Ethics, Office of Inspector General, Department of Commerce
- **Mr. Robert Byrd**, Former Chief Financial Officer, National Weather Service
- **Mr. Peter Jiron**, Former Deputy Chief Financial Officer, National Weather Service

Background

The primary source of information to be discussed at this hearing can be found in the OIG report *Investigation into Alleged Contracting Misconduct and Exertion of Improper Influence Involving a Senior National Weather Service Official* issued last month.¹ 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 Mr. Jiron return to the NWS post-retirement as a consultant.² One month before officially retiring from the NWS, Mr. Jiron negotiated the terms of his consultancy, drafted and edited the associated Statement of Work, drafted terms and conditions of his contract with NWS as a consultant, and eventually signed the consulting agreement with NWS in April 2010.³ In total, Mr. Jiron's consulting contract lasted 21 months, costing tax payers \$471,875 including \$50,000 in post-retirement housing.⁴

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). Found at: <http://www.oig.doc.gov/OIGPublications/OIG-12-0447-I.pdf>

² *Id.*

³ *Id.*

⁴ *Id.*

All of Mr. Jiron's alleged actions relating to post-retirement contracts were approved by his supervisor, Mr. Byrd.

In addition, the OIG found evidence that Mr. Jiron may have attempted to influence NWS officials when seeking to find employment for an immediate family member in a NWS office.⁵ According to an Administrative Official, Mr. Jiron "offered to exert influence to have the Administrative Official promoted from the GS-13 position he held at the time to a higher-paid GS-14 position if he assisted" in getting Mr. Jiron's family member hired.⁶ Ultimately, the Administrative Official alerted his supervisor, and Mr. Jiron's family member was not hired.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 OIG, 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. 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 immediate family member. Given the

Further, the OIG found the "lack of understanding about applicable laws and regulations on the part of multiple" agency officials so concerning that the OIG is "taking steps to ascertain whether this matter is indicative of a more systemic 'revolving door' contracting problem within [NOAA]."¹⁰ According to Mr. Byrd, this type of behavior is "just the way business is done" at the agency. Several people interviewed by the OIG expressed a similar belief that these practices are commonplace.¹¹ For instance, "one of the highest-ranking NWS leadership officials wondered aloud during her OIG interview 'why we have all these people that retire and then we go and hire them to come back.'"¹² Moreover, the Acquisition and Grants Office (AGO) Representative that facilitated Mr. Jiron's contract told investigators that NOAA employees returning post-retirement "happens all the time."¹³

The findings from this report prompted the OIG to conclude that some of Senior Official's conduct may have been criminal in nature, and as such referred the matter to both the Office of Government Ethics and to the Department of Justice for prosecution, but the relevant prosecutors declined to pursue charges.

⁵ See OIG Report, *supra* note 1.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*