

August 17, 2010

The Honorable Jane Lubchenco, Ph.D.
Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue, NW
Room 5128
Washington, DC 20230

Dear Dr. Lubchenco:

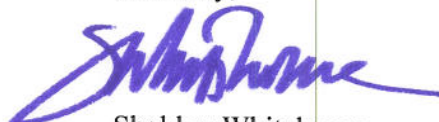
I thank you for the initial steps you have taken to address serious concerns recently brought to light by the NOAA Inspector General regarding activities within NOAA's Office of Law Enforcement (OLE) and Office of General Counsel for Enforcement and Litigation (GCEL). At your request the Office of the Inspector General is evaluating NOAA's enforcement program and the two reports generated by the investigation so far have been very troubling with regard to current enforcement practices and financial mismanagement.

The Inspector General's July 1, 2010 memorandum "Review on NOAA Fisheries Asset Forfeiture Fund (AFF)," raises some serious concerns about the lack of cohesive management and accountability procedures within OLE, NMFS and the Agency in general. Your initial step of reassigning oversight of the AFF from NMFS to NOAA's Comptroller seems even more appropriate given the AFF forensic audit results. I strongly encourage you to continue implementing the full set of recommendations made by the Office of the Inspector General to repair the AFF. In particular, clearly defining the AFF and establishing a proper process for fine collection and the use of these revenues should be done immediately. I look forward to seeing the final NOAA Enforcement Priority Setting Process document and hope that it incorporates suggestions made by the IG as well as those made during your recent National Enforcement Summit Meeting in Washington, DC on August 3rd.

As you undertake a deeper review of the enforcement account and how it is administered, I hope you keep in mind that continuing to fund NMFS enforcement activities through the AFF lends itself to furthering the culture of overzealous enforcement of civil penalties and undermines your efforts to build better working relationships with the fishing community.

I very much appreciate the attention you have so far given to these important issues and hope that you will continue to engage in solving them.

Sincerely,



Sheldon Whitehouse
United States Senator