

U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON SCIENCE AND TECHNOLOGY

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February 24, 2009

President Barack Obama  
The White House  
1600 Pennsylvania Ave., N.W.  
Washington, D.C. 20500

Dear President Obama:

In the almost \$800-billion economic recovery package you signed into law last week, federal inspectors general offices were allocated millions of dollars of additional funding so that they have the resources to oversee spending of stimulus money.<sup>1</sup> We are confident that many of the sitting inspectors general are capable of meeting this new challenge. However, Robert Cobb, the inspector general (IG) of the National Aeronautics and Space Administration (NASA), cannot be relied upon to carry out this important task. With an agency budget of more than \$17 billion and another \$600 million proposed in the economic stimulus package, NASA cannot afford another four years with an ineffective inspector general. We are asking that you take immediate steps to remove Mr. Cobb.

The Government Accountability Office (GAO) recently released a report documenting the disastrous effects of Mr. Cobb's management of the NASA Office of the Inspector General (OIG).<sup>2</sup> GAO found that Mr. Cobb is one of the least productive IGs in the federal government. His monetary accomplishments reflect a return of just 36 cents for every dollar budgeted for his office. This compares with an average of \$9.49 returned for every dollar spent on other IGs offices.<sup>3</sup> The main reason for this failure is that NASA's audit operation is not working. According to GAO, the strategic and annual audit plans of the OIG do not provide assurance that the IG's legal obligations to tend to the "economy and efficiency" of the agency would be addressed responsibly or that measurable monetary accomplishments would be achieved. After thoroughly reviewing weaknesses in audit planning and management of audit staff, GAO went on to make the highly unusual recommendation that Mr. Cobb should consult with "an objective, knowledgeable outside party with experience in these types of audits" when writing his strategic

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<sup>1</sup> The American Recovery and Reinvestment Act, H.R. 1, Sec. 1107. The NASA OIG budget would be increased by \$2 million.

<sup>2</sup> "Inspectors General: Actions Needed to Improve Audit Coverage of NASA," Government Accountability Office, GAO-09-88, December 2008, pp. 23-25. The summary of the report is attached; the full report can be accessed at <http://www.gao.gov/new.items/d0988.pdf>

<sup>3</sup> *Ibid.*, p. 16.

and annual audit plans.<sup>4</sup> This advice is aimed at an IG with six years on the job, and GAO concludes he has yet to master the organization and management of audit work.

Mr. Cobb's ineffectiveness in policing his agency has been demonstrated repeatedly during his tenure. In 2006, after a lengthy investigation, the Integrity Committee of the President's Council on Integrity and Efficiency (PCIE) found that Mr. Cobb, a presidential appointee, demonstrated a lack of independence from NASA management because of his socializing and frequent consultations with NASA officials about his office's work.<sup>5</sup>

Documents obtained in the PCIE investigations pertaining to Mr. Cobb's appointment as NASA's IG suggest that Sean O'Keefe, then NASA Administrator, personally selected Mr. Cobb as his IG. After his appointment, Mr. Cobb routinely referred to Director O'Keefe as "my boss," demonstrating a fundamental lack of understanding of the independence expected of an IG. Cobb had served in the White House Counsel's office and traded on the perception that he was well connected to Alberto Gonzalez, then the White House counsel. It appears that former Administrator O'Keefe urged Mr. Cobb's appointment more for political reasons and because of the perception that Mr. Cobb would be cooperative than for his professional competence as the IG statute requires. Mr. Cobb had only very limited relevant experience prior to his appointment.

The PCIE also determined that Cobb had created an abusive work environment for his employees, and they responded by leaving in large numbers. The GAO report confirms that this pattern has continued and documents an unusually high level of staff turnover in Mr. Cobb's office reaching almost 20 percent in fiscal year 2007. Nine of the 10 highest-level audit managers left NASA IG in the past five years.

The PCIE also found that reports were delayed and watered down until they became irrelevant. The Integrity Committee took the unprecedented step of stating, "all Members of the committee further believed that disciplinary action up to and including removal, could be appropriate."<sup>6</sup> Unfortunately, the Integrity Committee left it to the then-Deputy Director of the Office of Management and Budget, who by law chairs the PCIE, to take appropriate steps. He then delegated the responsibility to NASA management, which directed that Mr. Cobb attend management training classes and report to the NASA Deputy Administrator bimonthly on his progress. These requirements further contributed to Mr. Cobb's appearance of a lack of independence. Although the Integrity Committee later stated that these steps were not sufficient, no additional actions were taken by NASA or the Chair of the PCIE.

On April 2, 2007, the Science and Technology Committee and the Senate Subcommittee on Space, Aeronautics and Related Sciences of the Senate Committee on Commerce, Science, and Transportation asked former President George Bush to remove Mr. Cobb "for the good of NASA." They stated that "the Record of Investigation demonstrated that the office environment has seriously deteriorated and is affecting the staff's ability to conduct audits and investigations... Experienced, skilled employees appear to have become more interested in

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<sup>4</sup> *Ibid.*, p. 18.

<sup>5</sup> Jan. 22, 2007 Report of the Integrity Committee to Clay John III, Chair, PCIE.

<sup>6</sup> Letter dated March 20, 2007, from James H. Burrus, Jr., IC Chair, to Clay Johnson III, Chair, PCIE.

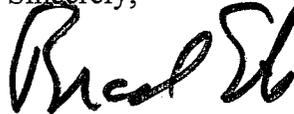
avoiding Mr. Cobb's anger than in doing credible work." That letter also cited his forcing out senior auditors and replacing them with non-auditors because Mr. Cobb believed that "you don't need auditors to do audits."<sup>7</sup>

President Bush ignored that letter, but this situation cannot be allowed to fester in a new presidential administration for another four years. Therefore, we are asking that you take steps to ensure Mr. Cobb's expeditious removal and replacement with an inspector general who can rebuild the NASA OIG into the highly competent, thorough and independent operation that both NASA and the American taxpayers deserve.



BART GORDON  
Chairman

Sincerely,



BRAD MILLER  
Chairman  
Subcommittee on Investigations and Oversight

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<sup>7</sup> Letter dated April 2, 2007, from Rep. Brad Miller and Senator Bill Nelson to President George W. Bush, p. 1 (copy attached). That letter was followed by a joint hearing by the House Science and Technology Subcommittee on Investigations and Oversight and the Senate Commerce, Science, and Transportation Subcommittee on Space, Aeronautics, and Related Sciences at which Mr. Cobb and other witnesses appeared. "Oversight of the Investigation of the NASA Inspector General," S. Hrg. 110-434. June 7, 2007.

Congress of the United States  
Washington, DC 20515

April 2, 2007

President George W. Bush  
The White House  
1600 Pennsylvania Ave., N.W.  
Washington, D.C. 20500

Dear President Bush:

Late last week, the undersigned were provided with the report of the Integrity Committee (IC) of the President's Council on Integrity and Efficiency (PCIE) relating to its investigation of Robert Cobb, the inspector general of the National Aeronautics and Space Administration (NASA). The Integrity Committee found that Mr. Cobb had abused his authority by creating a hostile and abusive work environment and had taken actions that gave the appearance of a lack of independence from the NASA management in violation of the *Quality Standards for Federal Office of Inspector General* established by the PCIE.

The Integrity Committee took the unprecedented step of stating that, "All members of the committee further believed that disciplinary action up to and including removal could be appropriate" (emphasis added).

After reviewing the report and the voluminous supporting documentation, it is our position that Mr. Cobb must be removed for the good of NASA and the nation, and we are requesting that you do so. The Record of Investigation demonstrated that the office environment has seriously deteriorated and is affecting the staff's ability to conduct audits and investigations for fear of verbal abuse and ridicule. Experienced, skilled employees appear to have become more interested in avoiding Mr. Cobb's anger than in doing credible work. The IC viewed Mr. Cobb's conduct as "inconsistent with the high standards of conduct expected of senior executives." It was more than an "aggressive management style or a way of expressing dissatisfaction with employee performance," but "arbitrary and capricious conduct, which affected the rights of senior employees to a non-hostile and abusive workplace."<sup>2</sup> Given that the Office of the NASA Inspector General has important roles in assuring the safety of the Space Shuttle program and other high-risk national assets, this is an untenable situation that cannot be allowed to continue.

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<sup>1</sup> Letter dated March 20, 2007, from James H. Burrus, Jr., IC Chair, to Clay Johnson III.

<sup>2</sup> January 22, 2007 Report of the Integrity Committee to Clay Johnson III, Chairman, PCIE, p. 2.

The IC also found that numerous incidents that, as a group, were sufficient to create an "appearance of a lack of independence" problem, and noted that it was the "responsibility of the IG to consider how the combined affect [sic] of his interaction with the Agency head might cloud or be perceived to cloud his independence." While the *Quality Standards* do not have the status of law, rule or regulation, "the IC views these standards as a benchmark for IG performance and applicable to all IGs through EO 12805, *Integrity and Efficiency in Federal Programs*."<sup>3</sup>

During the IC's investigation, Mr. Cobb was allowed to respond to each allegation. He did not deny any of them, but gave excuses for each of them. In response to the allegations of creating a hostile work environment by using profanity, threats and intimidation against his staff, he said he was "passionate when people are insubordinate to my face." In his deposition, Mr. Cobb – who had no auditing nor investigative experience prior to assuming his position – frequently described his staff as producing "deplorable and relatively meaningless" work that he personally had to rewrite and as having faulty understanding of the relevant laws. He determined that "anyone could do audits" and replaced experienced auditors with technical people who could not audit according to the required government standards. These "reorganizations" seriously delayed the production of audits.

Additionally, without both an appearance of and actual independence, neither his staff nor NASA employees will be able to trust Mr. Cobb. Trust is an essential element for any IG because he will not receive information if the perception is that he cannot be trusted. Mr. Cobb is clearly outside of the acceptable norms for this critically important job. The work done by the Justice Department's inspector general and the inspector general for Iraq reconstruction demonstrate the need for strong inspectors general who can be trusted as credible critics – not apologists – for the agencies they oversee. In contrast, the situation in the NASA IG office deteriorated so far that audits are being delayed and rewritten to the point at which they are meaningless or not timely. Mr. Cobb personally rewrote audits; in one case a review took 14 months and 24 revisions and resulted in a 1-1/4 page report. Reports written with recommendations ended up with no recommendations. Sometimes the audit staff just gave up.

Cobb deliberately replaced experienced auditors with "technical" people because he believed the auditors couldn't communicate. The problem was that the technical people couldn't audit to government standards, and their work had to be redone – which caused additional delays. His view was that "you don't need auditors to do audits," and he took steps to force out senior GS-15 auditors with a buy-out. The result has been that the technical people he brought in are now working under auditors so that they can produce acceptable audits.

Cobb stated to the investigators that "almost every audit and administrative report that came into my office throughout the first couple of years, they were all substantially revised and amended to be consistent with the law." As a result, reports were delayed or significantly revised based on Cobb's personal view of the law. There is no evidence that he was correct.

The reports from the Inspector General have often been important to the work of our Committees in its oversight of NASA. The evidence presented in the IC report demonstrates that

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<sup>3</sup> Ibid., pp. 8-9.

the Committees and the public are not receiving useful assistance from one of their primary tools.

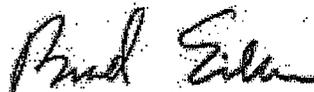
Given the compelling weight of the evidence compiled by the Integrity Committee, we believe that the NASA inspector general can no longer be effective in his office and should be immediately replaced.

Your prompt attention to this letter is greatly appreciated.

Sincerely,



SENATOR BILL NELSON  
Chairman  
Subcommittee on Space,  
Aeronautics and Related Matters  
Committee on Commerce, Science and  
Transportation



REPRESENTATIVE BRAD MILLER  
Chairman  
Subcommittee on Investigations and  
Oversight  
House Committee on Science and  
Technology