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## United States Senate

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS WASHINGTON, DC 20510–6250

June 12, 2013

The Honorable Eric H. Holder Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, N.W. Washington, DC 20530

Dear Attorney General Holder:

It was welcome news from the Department of Justice (DOJ) that there will be no furloughs of federal law enforcement agents this year at DOJ. The department accomplished this by reprogramming \$313 million in de-obligated and expired salary accounts. This type of management is encouraging, and illustrates that agencies have plenty of resources to carry out their core mission and to effectively serve the taxpayer.

Yet in February it was the department's position was that sequestration "is something that is going to have an impact on the safety of this country," and that "anybody that says otherwise is either lying or saying something that runs contrary to the facts." The warning concluded that fewer federal law enforcement agents and prosecutors would be able to do their jobs because of furloughs.

However, DOJ claims that the reprogrammed funding only provides a temporary fix, and if sequester levels are continued next year, federal agents could be furloughed.<sup>4</sup> Furthermore, the White House claims that across the country sequestration will lead to thousands of victims of domestic violence losing access to support services.<sup>5</sup>

DOJ should not be threatening to furlough law enforcement agents while paying bonuses to recreation specialists for prisoners or sending bureaucrats on international junkets.

<sup>&</sup>lt;sup>1</sup> "Holder: No furloughs at Justice Department," (Apr. 25, 2013), available at <a href="http://thehill.com/homenews/administration/296053-holder-no-furloughs-at-justice-department.">http://thehill.com/homenews/administration/296053-holder-no-furloughs-at-justice-department.</a>

<sup>&</sup>lt;sup>3</sup> "Eric Holder Sounds the Sequester Alarm," (Feb. 27, 2013), available at <a href="http://abcnews.go.com/Politics/eric-holder-sounds-sequester-alarm/story?id=18610419">http://abcnews.go.com/Politics/eric-holder-sounds-sequester-alarm/story?id=18610419</a>.

<sup>&</sup>lt;sup>5</sup> See "How will the sequester hurt your state," available at <a href="http://www.whitehouse.gov/issues/sequester/interactive-map">http://www.whitehouse.gov/issues/sequester/interactive-map</a>

In FY 2012, DOJ spent more than \$58 million on conferences. Such spending should be significantly reduced, especially during times of fiscal challenges. That is why the Senate approved an amendment to the FY 2008 appropriations bill to cap DOJ conference spending at \$15 million. Still, DOJ spent \$47.8 million in 2008 on conferences, more than three times the amount authorized by Congress. Conference spending at DOJ peaked in 2010, when the department spent more than \$90 million on conferences.

This type of spending is an area where all agencies, including DOJ, could easily eliminate unnecessary expenditures. For example, DOJ's conferences last year included nearly \$500,000 for 30 DOJ employees to attend a conference in Indonesia, nearly \$200,000 for just 4 DOJ employees to attend a seminar in Senegal, and more than \$100,000 on a summit in the Northern Mariana Islands that did not include a single DOJ attendee.<sup>6</sup>

While taxpayers expect government employees will sometimes need to spend tax dollars to meet in order to share information and gather knowledge on pressing and pertinent issues and to perform outreach in other countries, in these fiscal times, they do not expect or deserve their money to be used on the current jet-set culture at the department. As a result, DOJ should re-evaluate these expenditures and significantly reduce them going forward.

Last week, the DEA participated in its annual International Drug Enforcement Conference in Moscow, Russia. None of the program details are on the department's website, but according to a February listing on the Federal Business Opportunities website, the DEA planned to lease the Crowne Plaza Hotel and World Trade Center in Moscow, to provide the agency up to 340 rooms for lodging and a variety of meeting spaces. It is unclear what the total cost of the conference will be and what percentage of the joint conference for which DEA is responsible.

Additionally, a new database indicates that DOJ employed 558 "recreation specialists" in 2012 through the Bureau of Prisons. Around 100 of these employees earned salaries of more than \$70,000 and 13 earned bonuses of more than \$1000. DOJ also has some 90 employees with the title "writing and editing," with all but 5 earning salaries greater than \$70,000.

While there are certainly reasons for the Bureau of Prisons to employ recreation specialists, those needs take a backseat to keeping guards from being furloughed. Furthermore,

<sup>8</sup> "Data Universe," Asbury Park Press, available at http://php.app.com/fed\_employees12/search.php

<sup>&</sup>lt;sup>6</sup> "Report on Department of Justice Conference Expenses for Fiscal Year 2012," available at <a href="http://www.justice.gov/jmd/publications/fy2012-doj-conference-costs.pdf">http://www.justice.gov/jmd/publications/fy2012-doj-conference-costs.pdf</a>; Department of Justice FY 2012 Conferences with Expenses over \$100,000, available at <a href="http://www.justice.gov/jmd/publications/fy2012-doj-conference-costs.pdf">http://www.justice.gov/jmd/publications/fy2012-doj-conference-costs.pdf</a>.

<sup>&</sup>lt;sup>7</sup> See Solicitation Number D-13-OM-001, available at <a href="https://www.fbo.gov/index?s=opportunity&mode=form&id=5a57e83b7b3b75e9a610a002ea4518ca&tab=core&\_cview=0">https://www.fbo.gov/index?s=opportunity&mode=form&id=5a57e83b7b3b75e9a610a002ea4518ca&tab=core&\_cview=0</a>

it is unclear why writers at the DEA, ATF, and FBI cannot be furloughed for a larger number of days to spare law enforcement officers from furloughs.

Finally, there are many areas of waste, fraud and abuse in DOJ grant programs. For example, a 2011 DOJ Office of the Inspector General (DOJ IG) audit of an Office on Violence Against Women (OVW) grant questioned 47 percent (\$638,298) of a \$1.3 million grant to a Boston grantee. The questioned costs were used for unsupportable conferences, bonus payments and consultant fees. In a 2012 audit of a Community Oriented Policing Services (COPS) grant to a Delaware recipient, the DOJ IG questioned the entire federal award of approximately \$2.25 million, as well as the additional grantee match of \$747,746, totaling almost \$3 million. The DOJ IG found questionable charges for contracts, portable and mobile radio equipment, and an electrical study, as well as lack of competitive bidding for contract awards. 10

By eliminating wasteful grants, consolidating duplicative programs, and addressing issues raised by the DOJ Office of the Inspector General, DOJ could reduce grant program expenditures without significant effect on grantees, or, more importantly, on its mission "to enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans."

The recent revelation that DOJ's investigation of the news media was overbroad raises serious questions for the people of this country about the judgment of DOJ officials. Continuing to sound the alarm about the impact of sequestration while there is a wealth of waste that could be cut instead only widens that credibility gap.

To better understand the impact of sequestration on DOJ, please respond to the following questions no later than June 28, 2013:

- 1. How many DOJ employees attended the 2013 International Drug Enforcement Conference in Moscow?
- 2. How many advance staff went ahead of the conference in Moscow? Please include the number of staff and their arrival and departure dates.

Department of Justice Mission Statement, available at http://www.justice.gov/about/about.html.

<sup>&</sup>lt;sup>9</sup> Department of Justice Inspector General Report, "Audit of the Office on Violence Against Women Grants to Jane Doe, Inc., Boston, Massachusetts," Audit Report FR-70-11-005, August 2011, *available at* http://www.justice.gov/oig/grants/2011/g7011005r.pdf.

Department of Justice Inspector General Report, "Audit of the Office of Community Oriented Policing Services Grant Awarded to the City of Wilmington, Delaware," Audit Report GR-70-12-005, May 2012, available at http://www.justice.gov/oig/reports/2012/g7012005.pdf.

- 3. What is the total cost of the conference to the United States Government? Please include all airfare, lodging, leasing, rental, planning, per diem, and other costs associate with the conference?
- 4. What portion of the conference costs are paid for by the Unites States Government and what portion is paid for by the Russian Government or the governments of other nations?
- Please provide the conference approval request that was reviewed by the Attorney General or Deputy Attorney General pursuant to the September 27, 2011, memorandum.<sup>12</sup>
- 6. Under what circumstances does DOJ provide support for conferences that it does not send employees to?
- 7. Please provide a full listing of all federal and nonfederal attendees, including their job title and employer, at the conferences last year in Indonesia, Senegal, and the Northern Mariana Islands.
- 8. Please provide a list of all known and possible overseas travel for all DOJ component heads for the remainder of the fiscal year.
- 9. Is DOJ still paying bonuses and performance awards to its employees during sequestration?

Thank you for your attention to this important matter. Please have your staff contact Patrick Bailey of my staff at 202-224-4751 with any questions or concerns.

Sincerely,

Tom A. Coburn, M.D.

Ranking Member

<sup>12</sup> See http://www.justice.gov/oip/docs/dag-conf-app-memo.pdf