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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

February 03, 2010

BETTINA POIRIER, STAFF DIRECTOR
RUTH VAN MARK, MINORITY STAFF DIRECTOR

Allison C. Lerner
Inspector General
National Science Foundation
Office of Inspector General
4201 Wilson Boulevard
Arlington, VA 22230

Dear Ms. Lerner:

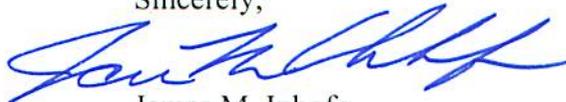
This is a follow-up to my letter of December 2, 2009 and concerns today's announcement by Penn State University that it has concluded its initial inquiry into possible research misconduct by one of the University's researchers, Dr. Michael Mann. Penn State's internal inquiry found further investigation is warranted to determine if Dr. Mann "engaged in, directly or indirectly, any actions that seriously deviated from accepted practices within the academic community for proposing, conducting or reporting research or other scholarly activities."

While I firmly agree that Penn State's investigation is warranted and must commence without delay, there are federal laws and policies implicated in this matter, including your "Research Misconduct" regulations, Title 45 CFR Part 689, that go beyond the scope of Penn State's inquiry. Therefore, in order to have a full and complete accounting of this matter, I request that you now begin a formal investigation of the allegations against Dr. Mann.

Among other laws and regulations, I ask that you investigate compliance with, or violations of, OMB administrative procedures, 2 CFR Part 215 (OMB Circular A-110), in particular 2 CFR §215.36; Freedom of Information Act 5 U.S.C. §552 (NSF Regulation, 45 CFR Part 612); NSF guidelines implementing OMB information quality guidelines (515 Guidelines); Federal False Claims Act, 18 U.S.C. §287, and 31 U.S.C. §§3729-33; and Federal False Statements Act, 18 U.S.C §1001.

Finally, given that Dr. Mann was at the University of Virginia from 1999 until 2005, I also request that you inquire whether his activities at the University of Virginia are implicated in this matter and within your jurisdiction.

Sincerely,



James M. Inhofe
Ranking Member
Senate Committee on Environment and Public Works