

**FRANK R. WOLF**  
10TH DISTRICT, VIRGINIA



233 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4810  
(202) 225-6136

COMMITTEE ON APPROPRIATIONS

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13673 PARK CENTER ROAD  
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(703) 709-5800  
(800) 945-8653 (IN STATE)

110 NORTH CAMERON STREET  
WINCHESTER, VA 22601  
(540) 667-0990  
(800) 850-3463 (IN STATE)

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## Congress of the United States House of Representatives

August 11, 2014

The Honorable Penny Pritzker  
Secretary  
Department of Commerce  
1401 Constitution Ave NW  
Washington DC 20230

Dear Secretary Pritzker:

I was deeply troubled by the A-1 story in today's *Washington Post* about employees of the U.S. Patent and Trademark Office (USPTO) abusing the telework program and that the agency's leadership apparently sought to hide serious findings of abuse in a final report to the department's inspector general.

According to the article: "some of the 8,300 patent examiners, about half of whom work from home full time, repeatedly lied about the hours they were putting in, and many were receiving bonuses for work they didn't do. And when supervisors had evidence of fraud and asked to have the employee's computer records pulled, they were rebuffed by top agency officials, ensuring that few cheaters were disciplined, investigators found." It goes on to describe how the unedited version of the review found "a culture of fraud that is overlooked by senior leaders, lax enforcement of the rules and the resulting frustration of many front-line supervisors."

The article also provides examples of abuse by employees including "an examiner who missed 304 hours of work in a year but was paid for the time. Despite warnings, this examiner kept cheating and was caught twice but not fired. Another examiner claimed to have worked 266 hours for which there was no evidence she was on the job, and she received \$12,533 in pay. She was never charged with time fraud because an assistant deputy commissioner refused her supervisor's request to pull computer records."

This is inexcusable. The employees that have been abusing telework and committing time fraud should be fired today. So too should the senior USPTO managers who sought to hide these troubling findings in the report provided to the inspector general.

I am also asking that you refer these individuals and all relevant findings to the Justice Department for prosecution for any fraud that has taken place. If the department determines criminal fraud has occurred, they should be prosecuted to the full extent of the law. I am also referring this report to the House Oversight and Government Reform Committee and will ask

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Chairman Rogers to consider an investigation by the Appropriations Surveys and Investigations subcommittee to ensure that all resources of the committee are being used to address this matter.

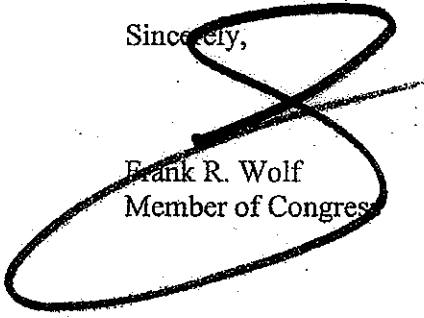
What has happened at USPTO is symptomatic of an agency that has not had leadership for the last 18 months when the last confirmed director left. Because it continues to lack a permanent director, I am asking you to take immediate action to address this matter and to report to the Congress on the steps that have been taken to ensure that this abuse does not occur again.

For the past 20 years, I have been one of the leading advocates for telework – both at federal agencies and in the private sector. I continue to believe that telework, if properly managed, can be an effective tool to boost both productivity and quality of life, while reducing traffic. However, this report also demonstrates what can happen when an agency fails to hold employees accountable – much less tries to cover up alleged criminal fraud committed by employees from the inspector general's office.

I am very disappointed that USPTO, which holds itself up as a telework model for the federal government, has failed to manage this program appropriately. I encourage you to take immediate action to hold these fraudulent employees accountable and send a clear message that this abuse will no longer be tolerated.

Best wishes.

Sincerely,



Frank R. Wolf  
Member of Congress