

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

June 16, 2009

Via Electronic Transmission

The Honorable Shara L. Aranoff
Chairman
United States International Trade Commission
500 E Street, SW
Washington, DC 20436

Dear Chairman Aranoff:

My staff has been conducting thorough reviews of the semi-annual reports produced by the Inspector General community. As Ranking Member of the Senate Finance Committee I am responsible for conducting oversight of the International Trade Commission (ITC), and therefore, am particularly interested in the ITC Inspector General's semi-annual reports. The following statement from the April 2009 Semiannual Report to Congress (Report) raises a number of serious concerns and questions: "On March 5, 2009, in the course of conducting an investigation regarding contractor activities, certain procurement files were removed forcibly from the possession of the Inspector General by a Commission employee."

I was disappointed to learn that, according to the Report, despite being notified of this situation the ITC failed to ensure that the files were immediately returned intact and unaltered. The ability of Inspectors General to secure agency records subject to audit or investigation is essential to ensure the integrity and reliability of their work on behalf of Congress and the American People. The Inspectors General were created by Congress as a means to combat waste, fraud, and abuse and to be independent watchdogs ensuring that federal agencies are held accountable for their actions. It is difficult to understand why the ITC would not have taken action to ensure that the ITC Inspector General had the information necessary to do the job.

The Report also noted that the ITC Inspector General is serving a limited six-month term. I am unaware of any other agency Inspector General that serves under such a constraint and am curious to learn what statutory authority gives the ITC the ability to make a limited term appointment. Accordingly, please provide a briefing to me by no later than July 17, 2009, which addresses the following:

- 1) What disciplinary action, if any, has been or will be taken against any employees involved in forcibly removing documents from the Inspector General's possession?

- 2) Why did you not immediately act to secure the records upon notification by the Inspector General?
- 3) What steps are you taking to ensure that the Inspector General is able to secure and maintain the integrity of agency records in the future?
- 4) For how long and by what authority has the ITC purported to make limited-term appointments to fill Inspector General vacancies?

In addition, prior to meeting, but no later than June 30, 2009 I would appreciate receiving the following:

- 1) all materials relating to documents removed from the Inspector General's possession on or about March 5, 2009, including all emails, memoranda, notes, records, or other documents, whether in draft or final form;
- 2) all materials relating to the six month term appointment of the Inspector General;
- 3) all materials relating to the ITC's interpretation of the term "access" as set forth in the Inspector General Act of 1978, as amended;
- 4) a comparison of the annual budget amounts for the Office of the Inspector General and to the ITC for the period of October 1, 2004 through the present; and
- 5) a timeline describing, from October 1, 2005 to the present, precisely when the ITC had a permanent IG, an acting IG, a term-limited IG, or no IG.

In cooperating with the Committee's review, no documents, records, data, or other information related to these matters, either directly or indirectly, shall be destroyed, modified, removed, or otherwise made inaccessible to the Committee.

Should you have any questions regarding this letter please contact Katie Takacs at (202) 224-4309 or Jason Foster at (202) 228-5968. Please send all replies electronically to Brian_Downey@finance-rep.senate.gov. Thank you for your prompt attention to these important matters.

Sincerely,



Charles E. Grassley
Ranking Member

cc: Commissioners of the United States International Trade Commission

Judith Gwynn
Acting Inspector General
United States International Trade Commission