

United States Senate

WASHINGTON, DC 20510

October 6, 2010

Via Electronic Transmission

The Honorable Gary F. Locke
Secretary
United States Department of Commerce
Herbert Clark Hoover Building
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Secretary Locke:

As Ranking Members of the Senate Committee on Finance, and the Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, we sent a letter on April 8, 2010, to 69 Inspectors General asking, among other things, about any agency interference or resistance to the OIG's oversight work.

The OIGs replied, indicating varying degrees of cooperation with their agencies. We were disappointed to learn that the Department of the Commerce is among those that have not fully cooperated with the OIG. A copy of Inspector General's letter is attached for your reference. The Inspector General indicated that the Commerce Department operating units are "filtering" OIG access to information. For example, agency liaisons prevent communications from flowing freely between OIG staff and individual agency staff. We also learned agency operating units may delay providing access to OIG staff until after meeting with the Inspector General or other OIG principal. These are unnecessary delays that have impeded the OIG's ability to conduct its mission in a timely and effective manner.

More specifically, in December 2008, Census Bureau resistance to oversight was so great the OIG had to alert the Committee on Homeland Security and Government Affairs in order resolve the issues. In light of these problems, we have the following questions:

- 1) Prior to this letter, were you aware of these examples of interference with the OIG's oversight function?
- 2) If so, when and how did you become aware of these issues and what steps have you taken to correct the problems?
- 3) If not, what steps do you intend to take to correct the problems?

Thank you for your cooperation and attention to this important matter. Please provide the request set forth in this letter no later than October 20, 2010. Should there be any questions, please contact Jason Foster on Senator Grassley's staff at (202) 224-4515, or Keith Ashdown on Senator Coburn's staff at (202) 224-3721. All formal correspondence should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov or via facsimile to (202) 228-2131.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on Finance



Tom Coburn
Ranking Member
Permanent Subcommittee on Investigations
Homeland Security and Governmental Affairs Committee

Attachment



UNITED STATES DEPARTMENT OF COMMERCE
The Inspector General
Washington, D.C. 20230

June 15, 2010

The Honorable Charles E. Grassley
Ranking Member
Committee on Finance
United States Senate
219 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Tom Coburn
Ranking Member
Committee on Homeland Security and Governmental Affairs,
Permanent Subcommittee on Investigations
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Via Electronic Transmission

Dear Senators Grassley and Coburn:

This letter is in response to your April 8, 2010, request for information. The OIG has not experienced situations since October 1, 2008, where the Department or an operating unit resisted or objected to OIG oversight in a significant manner. Offices of Inspectors General operate in environments where a certain tension inherently exists between them and the agencies they oversee. The Department of Commerce Office of Inspector General (OIG) is not immune to this tension. From time to time, agency operating units may “filter” OIG access to information such as when an agency liaison becomes involved to a point where communications do not flow freely between OIG staff and individual agency staff. Also, an agency may delay providing access to OIG staff until after meeting with the Inspector General or other OIG principal. The OIG recognizes these potential obstacles and addresses them appropriately as they arise.

Although the OIG has not experienced significant resistance or objection to its oversight recently, in late 2008 the OIG was continuing to experience certain information access issues involving the Census Bureau. The OIG and Census resolved these issues by December 2008. We alerted the Committee on Homeland Security and Governmental Affairs to these issues. Chairman Lieberman, Ranking Member Collins, Senator Carper, and Senator Coburn sent a letter to the Census Director on September 16, 2008, which was helpful in resolving the issues. Enclosed please find a copy of the Committee’s letter (see enclosure 1).



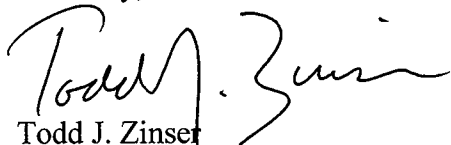
For some time prior to December 2008, Census prohibited OIG staff from removing Title 13 information from Census facilities or otherwise accessing that information outside of Census facilities. Census cited its guidelines and policy concerning safeguarding of Title 13 information as the reason it restricted the OIG to on-site only access. The OIG was also experiencing delays in Census's response to OIG requests for meetings and information. Although Census's restrictions did not pose significant, immediate problems, we anticipated that the restrictions would become particularly problematic given our oversight responsibilities for the upcoming 2010 Decennial Census. Census has since amended its guidelines and policies to provide OIG staff greater access and has also made efforts to better manage OIG requests and improve its responsiveness. This included providing the OIG a stand-alone data access terminal in OIG offices in the main Commerce Building. I also note that, at the initiation of Census Director Groves, conference calls among the OIG, GAO, Census Director and Deputy Census Director are being held twice weekly to discuss ongoing operations and issues identified by our oversight of the decennial. These calls provide unprecedented access to the Census Director, enabling the parties to address—in real time—problems the OIG and GAO are finding.

Per your request, enclosed are summaries of all OIG investigations, evaluations, and audits that have not been previously publicly disclosed (see enclosure 2). This information is being provided for matters that were closed from January 1, 2009, through April 30, 2010.

In your letter, you also request a courtesy copy of the OIG's reply to the Ranking Member of the House Committee on Oversight and Government Reform regarding outstanding OIG recommendations that have not been fully implemented. Enclosed please find a copy of our response (see enclosure 3).

If you have any questions or require additional information, please do not hesitate to contact me at (202) 482-4661.

Sincerely,


Todd J. Zinset

Enclosures (3)

cc: The Honorable Gary Locke, Secretary of Commerce