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ONE HUNDRED TENTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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May 10, 2007

DENNIS B. FITZGIBBONS, CHIEF OF STAFF  
GREGG A. ROTHSCHILD, CHIEF COUNSEL

The Honorable Johnnie E. Frazier  
Inspector General  
U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, D.C. 20230

Dear Mr. Frazier:

Pursuant to Rules X and XI of the Rules of the House of Representatives, the Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are conducting an official investigation into numerous serious allegations relating to you and senior officials within your office.

During the course of our investigation, several credible allegations have been received that one or more senior officials within the Office of Inspector General (OIG) of the Department of Commerce may have: (1) threatened an employee within the OIG for communicating to or participating with the Committee and the Office of Special Counsel (OSC) during the course of their respective investigations related to your office; and (2) retaliated against an employee with administrative action because the employee communicated to or participated with the Committee and the OSC during an investigation. Furthermore, the Committee has been told that a complainant has been threatened with imminent suspension or termination in response to his or her cooperation with Committee and OSC investigations. In order to protect the complainants from additional harassment and mistreatment, we are not disclosing their identities at this time.

Accordingly, the Committee requests that you immediately remind all managers within your office that, pursuant to 18 U.S.C. § 1505, it is a violation of Federal law to interfere with a Congressional inquiry:

“Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any

pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress...”

In addition, consistent with the Committee’s April 13, 2007, letter to you requesting that the Department preserve records related to our investigation of the OIG, and our April 27, 2007, document request letter to you, the Committee expects to receive any and all records that are relevant to this investigation. Accordingly, we remind you that it is also against the law to deny or interfere with employees' rights to furnish information to Congress. Title 5 U.S.C. § 7211, provides that:

“The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.”

Finally, while it is not a matter of Committee policy or practice to promote the private rights of Federal employees, we would remind you and other managers within your office that, pursuant to 5 U.S.C. 2302 (b)(8), it is a violation of Federal law to retaliate against whistleblowers. That statute states:

“(b) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority— . . . .

(8) take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of—

(A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences—

(i) a violation of any law, rule, or regulation, or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, . . . .

(B) any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences

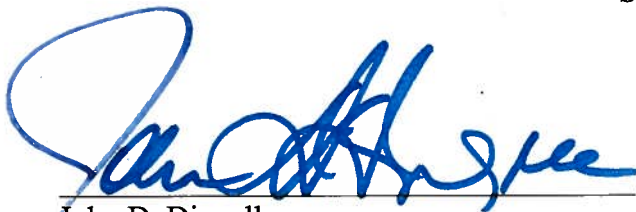
(i) a violation of any law, rule, or regulation...” . . . .

To demonstrate your good faith compliance with the aforementioned laws and cooperation with these investigations, we ask that you provide unedited and unredacted copies of this letter, as well as our April 27, 2007, document request letter, to all managers in your office, including but not limited to Elizabeth Barlow, Acting Deputy Inspector General; Carolyn Croak, Acting Counsel to the Inspector General; and Jessica Rickenbach, Assistant Inspector General for Administration. In addition, we understand that the Office of Public Debt (OPD) assists the OIG with human resources management. Therefore, we request that you provide copies of the aforementioned letters to the appropriate managers at the OPD.

Finally, given the potential confusion that some of your senior officials appear to have interpreting our prior request, we would reiterate that all personnel actions such as terminations, new hires, promotions, transfers, etc., would cease during the pendency of this investigation.


Thank you for your prompt attention to this important matter. Should you have questions regarding this investigation, please contact us or have your staff contact Steven Rangel with the Majority Committee staff at (202) 226-2424 or Alan Slobodin with the Minority Committee Staff at (202) 225-3641.

Sincerely,



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John D. Dingell  
Chairman



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Joe Barton  
Ranking Member



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Bart Stupak  
Chairman  
Subcommittee on Oversight and Investigations



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Ed Whitfield  
Ranking Member  
Subcommittee on Oversight and Investigations