

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

June 15, 2023

The Honorable Peggy Gustafson
Inspector General
Department of Commerce
1401 Constitution Avenue N.W.
Washington, DC 20230

Dear Inspector General Gustafson:

The Committee on Science, Space, and Technology (“the Committee”) has received a very serious allegation that you may have disclosed the identity of a whistleblower whose claims against you and other senior members of your office are being investigated by the Committee.¹ As an Inspector General, you must understand the importance of protecting whistleblower anonymity as well as the fact that purposefully disclosing a whistleblower’s identity can, in some circumstances, constitute a violation of law.²

On June 6, 2023, the Committee sent your office a letter requesting various documents and communications related to our ongoing investigation.³ This letter contained personally identifiable information such as the names of individuals and references to testimony they have provided to the Committee. This information was included for the purpose of obtaining specific documents for the Committee’s investigation, not for wide distribution. The extensive redactions in the

¹ Letter from Frank Lucas, Chairman, and Zoe Lofgren, Ranking Member, H. Comm. on Sci., Space, and Tech., to Peggy Gustafson, Inspector General, Dep’t of Com. (Apr. 5, 2023), <https://republicans-science.house.gov/cache/files/6/5/659b0ce2-9b05-456f-8c10-b3da1016ae56/2AEE37599CE2F5F9BF9FEE8A2FB136A8.2023-04-05-sst-to-doc-oig-redacted.pdf>; see also Press Release, U.S. Dep’t of Com., Office of the Inspector General, Inspector General’s Statement Regarding an Investigation by the H. Comm. on Sci., Space, and Tech. (April 11, 2023), <https://www.oig.doc.gov/OIGPublications/2023-04-12%20IG%20Response%20to%20HSST.pdf>.

² Inspector General Act of 1978, 5 U.S.C. app. § 7 (2021); Privacy Act of 1974, 5 U.S.C. § 552a (2022); *Halliburton, Inc. v. Admin. Rev. Bd.*, 771 F.3d 254, 255-56, 259-62 (5th Cir. 2014) (where disclosure of a whistleblower’s identity created an “environment of ostracism, [which] well might dissuade a reasonable employee from whistleblowing”); see also Letter from Peggy Gustafson, Inspector General, Dep’t of Com., to Roger Wicker, Ranking Member, S. Comm. on Com., Sci. and Transp. (May 27, 2021), <https://www.commerce.senate.gov/services/files/2F09349F-6461-4185-A7C6-EC77ABE1BB2D>, (where Peggy Gustafson acknowledged the importance of complying with the Privacy Act of 1974).

³ Press Release, H. Comm. on Sci., Space and Tech., Lucas, Lofgren Request Documents from Com. Inspector General for Ongoing Investigation (Jun. 7, 2023), <https://science.house.gov/2023/6/lucas-lofgren-request-documents-from-commerce-inspector-general-for-ongoing-investigation>.

Committee's public release of the letter reflect the level of sensitivity surrounding this information.⁴

According to documents reviewed by the Committee, it appears that you forwarded the unredacted version of the June 6th letter to undisclosed individuals on June 8.⁵ Responding to a Congressional request while maintaining whistleblower anonymity should involve tight control over any sensitive identifying information. Any dissemination of the Committee's letter should contain redactions sufficient to protect the whistleblower's personally identifiable information.

It is important for the Committee to know exactly who within your office received an unredacted copy of the June 6th letter to determine if any impropriety or violations of law occurred. Please respond no later than June 20, 2023, with the names of the individuals who were sent an unredacted copy of the Committee's June 6th letter by you, and any others who have seen an unredacted copy of the Committee's letter. Additionally, please provide details of any actions you, or others, have taken to mitigate the proliferation of the unredacted June 6th letter.

Sincerely,



Frank Lucas
Chairman
House Committee on
Science, Space, and Technology



Zoe Lofgren
Ranking Member
House Committee on
Science, Space, and Technology

cc: Mark Greenblatt, Council of the Inspectors General on Integrity and Efficiency;
Gina Raimondo, Secretary of the Department of Commerce;
Henry J. Kerner, Special Counsel of the Office of the Special Counsel

⁴ Letter from Frank Lucas, Chairman, and Zoe Lofgren, Ranking Member, H. Comm. on Sci., Space, and Tech., to Peggy Gustafson, Inspector General, Dep't of Com. (Jun. 6, 2023), <https://republicans-science.house.gov/cache/files/b/9/b93b772c-d24b-42db-9d64-5d9b50c2d301/6FABDDBE5B70BB367A408DC404505DF0.2023-06-06-fl-zl-to-commerce-oig-doc-request-redacted.pdf>.

⁵ Letter from Matthew Field, Partner, Venable LLP, to Peggy Gustafson, Inspector General, Dep't of Com. (Jun. 12, 2023) (on file with author).