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United States Senate

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May 18, 2020

VIA ELECTRONIC TRANSMISSION

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear President Trump:

On Friday, May 15, you provided notice to Congress of your intent to remove the State Department Inspector General (State IG) Steve Linick.¹ This follows the recent removal of the Intelligence Community Inspector General (IC IG) Michael Atkinson, which generated several letters of concern from the Senate, including a bipartisan letter that I drafted with several of my colleagues.² We still have received no official response. As you know, Congress created inspectors general to combat waste, fraud, and abuse, and to be independent watchdogs holding federal agencies accountable to the taxpayer. In light of their important and unique role, they report to both the President and Congress. To guard them from unwarranted political attacks from all sides, including from officials that they are duty bound to critique, Congress provided IGs with some additional protections. One of those is the requirement that the President provide notice *and explanation* to Congress 30 days before the removal of an IG.³

As mentioned in previous letters, Congress's intent is clear that an expression of lost confidence, without further explanation, is not sufficient to fulfill the requirements of the IG Reform Act.⁴ This is in large part because Congress intended that inspectors general only be removed when there is clear evidence of unfitness, wrongdoing, or failure to perform the duties of the office.⁵ The Senate Committee Report on the Inspector General Reform Act of 2008 provides further clarity regarding the high bar that is expected in cases of removal. In that report, the Committee expressed its intent that, "Inspectors General who fail to perform their duties properly whether through malfeasance or nonfeasance, or whose personal actions bring discredit upon the

¹ Andrew Restuccia & Lindsay Wise, *Congressional Democrats Launch Probe of Trump's Ousting of State Department Watchdog*, WALL ST. J. (May 16, 2020), available at <https://www.wsj.com/articles/trump-fires-state-department-inspector-general-11589611232?mod=searchresults&page=1&pos=1>; see also Inspector General Act of 1978, 5 U.S.C. app. § 3(b).

² Letter from Charles Grassley et al., U.S. Senators, to Donald Trump, President of the United States (Apr. 8, 2020).

³ 5 U.S.C. app. § 3(b).

⁴ Inspector General Reform Act of 2008, Pub. L. No. 111-409, 122 Stat. 4302; see also Inspector General Reform Act of 2008, S. 2324, 110th Cong. (2008), available at <https://www.congress.gov/bill/110th-congress/senate-bill/2324>.

⁵ S. REP. NO. 110-262, at 8 (2008) (reporting on S. 2324).

office, be removed.”⁶ The report also states that, “[t]he requirement to notify the Congress in advance of the reasons for the removal should serve to ensure that Inspectors General are not removed for political reasons.”⁷

IGs are intended to be equal opportunity investigators and are designed to combat waste, fraud, abuse, and misconduct without regard to political affiliation. They are the ultimate swamp drainers. Many IGs span multiple administrations and work in a nonpartisan manner to provide objective oversight of the Federal Government. Removal of IGs without explanation could create a chilling effect in the oversight community, and risks decreasing the quantity, quality, fidelity, and veracity of their reports.

These concerns are only amplified when an acting IG is appointed from the agency that the IG oversees, a situation that creates obvious conflicts of interest. And particularly when, as is alleged here (and in the case of the new acting Inspector General for the Department of Transportation), the newly appointed acting IG leadership are political appointees at the agency, who reportedly plan to keep their political appointments while serving as head of an inspector general office. If this is true, it means that while still reporting to the agency secretary, they will have oversight of and access to all confidential inspector general information, including whistleblower complaints and identities. As you work toward filling IG roles, it is absolutely imperative that any acting leadership do not create obvious conflicts that unduly threaten the statutorily required independence of inspectors general.

I have been a strong supporter of the Inspector General community throughout my time in Congress, most recently authoring with a group of my colleagues the Inspector General Empowerment Act, which passed with broad bipartisan support.⁸ Inspectors General help ensure transparency and accountability, both of which are critical for taxpayers to have confidence in their government. They should be free from partisan political interference, from either the Executive or Legislative branch. I want to work with you to ensure that the enemy here is wasteful government spending, not the government watchdogs charged with protecting the taxpayer. To that end, please provide a detailed reasoning for the removal of Inspector General Linick no later than June 1, 2020. Please also provide me and my colleagues a written response to our letter of April 8, 2020, regarding the removal of Inspector General Atkinson as soon as possible.

Please contact Daniel Boatright or DeLisa Ragsdale of my committee staff with any questions at 202-224-4515.

Sincerely,



Charles Grassley

⁶ *Id.*

⁷ *Id.*

⁸ Inspector General Empowerment Act, S. 579, 114th Cong. (2015), available at <https://www.congress.gov/bill/114th-congress/senate-bill/579>.