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June 7, 2013

Mr. A. Roy Lavik  
Inspector General  
U.S. Commodity Futures Trading Commission  
1155 21<sup>st</sup> Street NW  
Washington, DC 20581

Dear Mr. Lavik:

I write to you regarding the use of external email by Commodity Future Trading Commission (CFTC) Chairman, Gary Gensler. In a recent report entitled, *Commodity Futures Trading Commission's Oversight and Regulation of MF Global, Inc.*, your office stated that Chairman Gensler made pervasive use of a personal email account to conduct official business. The report says:

The Chairman exclusively used his personal email account over the weekend while dealing with MFGI matters from his home....He used his personal email so much that he carried two smartphones, one issued by CFTC with his work email, and another for his personal email. He used his personal email to schedule meetings and for substantive conversations; he used it to contact CTC staff at their official CFTC email addresses as well as their personal email accounts; he used it because he did not know how to access his official email at home.<sup>1</sup>

Federal agencies, such as the CFTC, are required by statute to securely store all official communications. This helps protect sensitive information like American citizens' personal details and national security information. This also ensures that proper oversight of the agencies can be conducted by Congress.

In order to support these goals, Congress has allocated funds to facilitate remote access. Approved tools paid for by the federal government include Blackberries, iPhones, and secure web accounts. Congress clearly intended these approved tools to be used in lieu of potential non-secure and untraceable external emails.

Please explain in writing within 20 business days the following:

- 1) Does the use of personal email rather than approved remote access systems violate the policies of the Commodity Futures Trading Commission;

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<sup>1</sup> Commodity Futures Trading Commission. Office of the Inspector General. *Review of the Commodity Futures Trading Commission's Oversight and Regulation of MF Global, Inc.* Washington, DC, 2013. Page v

- 2) Does the use of personal email rather than approved remote access tools violate federal statute;
- 3) What are the penalties and sanctions for violations of these policies?

Thank you for your prompt attention to this matter.

Sincerely,



Scott Garrett

Member of Congress



Michael Conaway

Member of Congress