



Council of the  
**INSPECTORS GENERAL**  
on INTEGRITY and EFFICIENCY

November 4, 2015

The Honorable Charles E. Grassley  
Chairman  
U.S. Senate Committee on the Judiciary

The Honorable Patrick Leahy  
Ranking Member  
U.S. Senate Committee on the Judiciary

The Honorable Ron Johnson  
Chairman  
U.S. Senate Committee on Homeland  
Security and Governmental Affairs

The Honorable Tom Carper  
Ranking Member  
U.S. Senate Committee on Homeland  
Security and Governmental Affairs

The Honorable Bob Goodlatte  
Chairman  
U.S. House of Representatives Committee  
on the Judiciary

The Honorable John Conyers  
Ranking Member  
U.S. House of Representatives Committee  
on the Judiciary

The Honorable Jason Chaffetz  
Chairman  
U.S. House of Representatives Committee  
on Oversight and Government Reform

The Honorable Elijah Cummings  
Ranking Member  
U.S. House of Representatives Committee  
on Oversight and Government Reform

The Honorable John Cornyn  
U.S. Senate Committee on the Judiciary

The Honorable Claire McCaskill  
U.S. Senate Committee on Homeland  
Security and Governmental Affairs

The Honorable Thom Tillis  
U.S. Senate Committee on the Judiciary

The Honorable Amy Klobuchar  
U.S. Senate Committee on the Judiciary

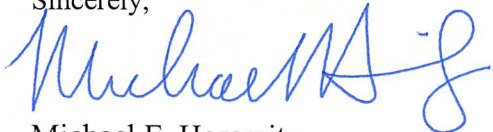
Dear Chairmen, Ranking Members, and distinguished Senators,

On behalf of the Council of the Inspectors General on Integrity and Efficiency (CIGIE), we write to express our strong opposition to the proposal of the Department of Justice (DOJ), sent to you in a letter dated November 3, 2015. The DOJ proposal would amend Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) in response to the July 2015 opinion of the DOJ's Office of Legal Counsel (OLC). While the DOJ agrees with CIGIE that legislation is needed and should be passed by Congress to reverse the impact of the OLC opinion, the DOJ's proposal only applies to the DOJ Inspector General's access to records and fails to ensure that all other federal Inspectors General have the same independent access at their respective agencies. As such, DOJ's proposed legislative language is not acceptable. Effective and independent oversight is the mission of all Inspectors General and, therefore, all Inspectors General require timely and independent access to agency information necessary to carry out that responsibility. This is a bedrock principle of the IG Act.

Three months ago, an OLC opinion determined that the words "all records" in Section 6(a) of the IG Act does not mean "all records" and therefore the IG Act did not give the DOJ IG independent access to all records in the DOJ's possession that are necessary to perform its oversight work. Section 6(a) is the cornerstone of the IG Act for federal Inspectors General, and an opinion that undercuts its broad access provision places our collective ability to have timely and independent access to agency records and information at risk. Yet the DOJ's proposal would restore access authority to only one Office of Inspector General. The DOJ's proposal is clearly inadequate and would leave in place a threat to the independence of all other Offices of Inspector General. Indeed, we have seen the impact of this threat at both the Peace Corps and the Commerce Department. Inspectors General at both agencies have faced claims by their agency's counsel that they are not entitled to access all records in their agency's possession.

We urge you and your colleagues to reject the DOJ's proposal and proceed with the bipartisan substitute amendment to Senate bill S.579, the "Inspector General Empowerment Act of 2015." This bill amends Section 6 of the IG Act and makes clear that no law or provision restricting access to information applies to any applicable IG unless Congress expressly so states, and that such IG access extends to "all records" available to the agency. This is the only way to effectively restore to all IGs the independence that has been the lynchpin to our success for more than 35 years, and ensure that we can continue to conduct effective oversight on behalf of the American people.

Sincerely,



Michael E. Horowitz  
Inspector General, U.S. Department of Justice  
Chair, CIGIE



Kathy A. Buller  
Inspector General, The Peace Corps  
Chair, CIGIE Legislation Committee

**CC:**

The Honorable Barbara Mikulski

The Honorable Kelly Ayotte

The Honorable Joni Ernst

The Honorable Tammy Baldwin

The Honorable James Lankford

The Honorable Susan Collins

The Honorable Mark Kirk

The Honorable Peter J. Kadzik  
Assistant Attorney General  
U.S. Department of Justice  
Office of Legislative Affairs