

Statement of
The Institute of Internal Auditors
Senate Judiciary Committee
“ ‘All’ Means ‘All’ ”
The Justice Department Needs to Comply with Its Legal Obligation to Ensure
Inspector General Access to All Records Needed for Independent Oversight
August 5, 2015

Chairman Grassley, Ranking Member Leahy, and members of the Committee:

As you are well aware, Inspectors General play a significant role in ensuring taxpayer funds are used responsibly. In fact, their role is so critical to public confidence in our government that The Institute of Internal Auditors (IIA), by submitting this letter for the record of this hearing, expresses its strong support for ensuring that Inspectors General are provided with unfettered access to the information they need to provide an effective level of independent oversight and be fully equipped to combat waste, fraud, and abuse.

The recent ruling by the Department of Justice (DOJ) Office of Legal Counsel (OLC) seeks to limit Inspectors General access to certain information, claiming that information is protected by The Wiretap Act and Fair Credit Reporting Act. Such a move would effectively threaten the independence and access fundamental to the IG function and undermines more than three decades of crucial oversight.

Recognizing the potential fallout, DOJ Inspector General Michael E. Horowitz quickly criticized the OLC's decision, suggesting that it would “significantly impair” his office's ability to fulfill its vital oversight role. Importantly, Inspector General Horowitz is not alone in his position. Members from both political parties – along with nearly 50 IGs themselves – have continued to advocate that IGs be provided with timely, unfettered access to information so that they can continue to serve as a bulwark against potential mismanagement in government.

Unfortunately, the OLC's ruling is just the latest in a series of recent events that undermine the effectiveness of one of our most-respected and cherished institutions. But the problems do not end there, as the ongoing problem of extended Inspectors General vacancies is yet another threat to the IG system.

Rather than adding further obstacles to Inspectors Generals' fulfilling their important mission, it is imperative that IGs maintain true independence, obtain full support from every quarter of

government, and remain free from the burdens of capricious restrictions. Therefore, The IIA urges Congress to overturn the OLC's ruling and strengthen the IG Act through clear and decisive legislative action. Moreover, The IIA continues to stand in strong support of the institution of Inspectors General and the public's expectation that any vacancy be filled promptly and responsibly with a permanent IG. The IIA has repeatedly called on the President and Congress to quickly appoint highly qualified candidates who are non-partisan, independent, and aggressive in the discharge of their statutory responsibilities to fill those posts.

As a former Inspector General, I can personally attest that a truly qualified IG with full and free access to "all" information necessary makes a material difference in the effective operation of federal agencies and programs. It is therefore vital that both Congress and the President act quickly to protect the 35-year investment in the IG system by ensuring these hard-working public servants enjoy unfettered access to the information they need to do their jobs.

The IIA is the recognized world leader in certification, education, research, standards, and guidance for the internal audit profession. With more than 180,000 global members, The IIA is dedicated to supporting quality, professional, and ethical practices across all industries and public enterprises. Among The IIA's more than 70,000 members in the United States are many who steadfastly serve the public interest through federal, state, and local government entities.

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