



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

August 8, 2022

The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

The Honorable Bennie G. Thompson, Chairman
Committee on Homeland Security
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, DC 20515

Re: Further update on DHS OIG's efforts to comply with your
May 10, 2022 oversight request

Dear Chairwoman Maloney and Chairman Thompson:

I am writing to provide you with a further update on the status of the Department of Homeland Security (DHS) Office of Inspector General's (OIG) efforts to comply with the requests in your letter of May 10, 2022.

As I explained in my previous status report dated June 13, 2022, the materials sought in your request fall into two main categories: (i) Records that DHS OIG obtained in the course of its fieldwork; and (ii) records and information concerning DHS OIG's internal deliberations. With respect to the first category, DHS OIG continues to work with the Department to identify records that the Department determined to be responsive and prepare them for production to the Committees.

With respect to the second category, as mentioned in my June 13, 2022 update to you, DHS OIG contacted the Executive Office of the President (EOP) for guidance. On July 11, 2022, attorneys in EOP informally advised DHS OIG staff that when Congress seeks records and information concerning an agency's internal deliberations, this Administration's policy is to follow the approach outlined in the November 4, 1982, Memorandum from the President to the Heads of Executive Departments and Agencies entitled *Procedures Governing Responses to Congressional Requests for Information*. On July 28, 2022,



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EOP indicated that the informal advice supplied to DHS OIG represented the official position of EOP.

The November 4, 1982, Memorandum from the President instructs agency heads to seek the advice of the Office of Legal Counsel (OLC), Department of Justice, when faced with congressional requests for deliberative records and information. On August 3, 2022, I requested an opinion from OLC concerning whether I am permitted to release deliberative records and information to Congress.

Please contact me with any questions at (202) 981-6000.

Sincerely,

Joseph V. Cuffari, Ph.D.
Inspector General

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable John Katko, Ranking Member
Committee on Homeland Security