

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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### Opening Statement

#### Ranking Member Elijah E. Cummings

#### Hearing on "Inspectors General: Independence, Access and Authority"

#### February 3, 2015

Mr. Chairman, thank you very much for holding today's hearing. Our Inspectors General do a phenomenal job on behalf of the American people, they make our government work more effectively and efficiently, and they save billions of taxpayer dollars. So I am glad you are kicking off our Committee's first hearing of the 114th Congress on this critical issue.

I welcome all the IGs who are here today, including those in the audience and those testifying—Inspector General Buller from the Peace Corps, Inspector General Elkins from the Environmental Protection Agency, and Inspector General Horowitz from the Department of Justice. Mr. Horowitz, I also want to congratulate you on your new post as the Chair of the Council of the Inspectors General on Integrity and Efficiency.

It is an honor to have you here today. You have no greater supporter here in Congress than me. The work you do is critical, not only to federal agencies, but to this Committee. We rely on you for your investigations, audits, recommendations, and advice.

Your work can be very challenging. You are agency employees, but your job is to root out waste, fraud, and abuse at those agencies. You stand apart, and in order to fulfill your obligations under the Inspector General Act, you need to be independent and you need access to information.

So I understand your frustration when you are not getting the documents you request. I empathize with you when agencies cite various other federal statutes with competing interests, and the system seems to slow to a crawl. You are just trying to do your jobs, and without full information, it is extremely difficult to do so.

I do not want to downplay the interests of the agencies. They are sometimes put in difficult positions too. Congress orders them to protect information from unauthorized disclosure, and we are not always clear about whether that includes the IGs too.

For example, after reports of Peace Corps volunteers being sexually assaulted, Congress passed the Kate Puzey Act to protect whistleblowers and help these victims. Based on the law, the Peace Corps withheld the names of victims, as well as specific details about their sexual attacks, while the IG wanted access to this information under the IG Act.

Working together, they developed a Memorandum of Understanding that fulfills both goals. It allows the agency to protect the information, and it establishes a process for the IG to gain access to this information in certain cases. This MOU is not ideal, and it is frustrating that the IG even had to sign one. But the fact is that the IG is now getting access to the information it needs to do its job.

Personally, I have always believed that the best course is to try to help the parties resolve these competing statutory interpretations if possible. I believe that is preferable to coming back to Congress and seeking a change in the law. This is not easy, and it sometimes takes hard work, but that is exactly what I have directed my staff to do.

For example, at our last hearing in September, we heard about a similar disagreement between the EPA and the IG about federal statutes governing homeland security-related investigations. The IG wanted access to this information under the IG Act, while the EPA cited other statutes that they believed required them to work through the FBI.

On that issue, my staff worked for many months, meeting with each party to address their concerns, and I believe we are now very, very close to a resolution. The leaders of these offices all seem to have an agreement in principle, but FBI senior leadership, field offices, and agents need to fully commit. Last Friday, I wrote to Chairman Chaffetz requesting that we call these agencies in as soon as this week to get us past the finish line, and I sincerely hope we can do that.

Of course, on some occasions, we have to draw lines. At the Department of Justice, for example, the IG has waited for months for the Office of Legal Counsel to render an opinion on the statutes governing their document dispute with the IG over grand jury and other sensitive investigative information. To the agency's credit, they said they would support a legislative fix if necessary, but this ongoing delay is unacceptable. We need a resolution, and we need it soon.

Finally, in some cases it may not be possible to salvage a workable outcome. For example, Rep. Henry Waxman, who served previously as the Ranking Member of the Energy and Commerce Committee, worked very hard to try to address management deficiencies at the Chemical Safety Board. Although he made a number of very sensible recommendations, we heard at our hearing last September that the CSB Chairman failed to adequately address these problems, and in fact had created a dysfunctional work environment.

Mr. Chairman, I want to thank you once again for holding today's very important hearing, and I want to commend all of the IGs for being here today. I look forward to your testimony.

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