

United States Senate

Washington, D.C.

For Immediate Release

Thursday, October 30, 2008

Senators call on President to honor congressional intent with reform of Inspector General law

WASHINGTON --- A bipartisan group of senators says the presidential signing statement accompanying the Inspector General Reform Act passed by Congress this fall needlessly challenges two important elements of the new law. The senators have called on the President to implement the law according to its text, spirit and intent so that inspectors general have access to independent legal counsel and the ability to submit budget requests that are free from inappropriate agency influence.

The text of the letter sent today by the senators to the President is below.

October 30, 2008

The Honorable George W. Bush
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Bush:

On October 14, 2008, you signed the Inspector General Reform Act of 2008. As co-sponsors of the Senate version of the Act, we believe the new law will help enhance the independence and effectiveness of our nation's Inspectors General (IGs). We write to reinforce the importance of two provisions that were singled out in your signing statement that accompanied this law.

We are pleased that your signing statement acknowledges the importance of timely and accurate legal advice for IGs. Although many IGs already have independent legal counsel, others must rely on the legal advice of their agency's general counsel office – advice that may lack critical independence and could reflect inherent conflicts of interest. To address this concern, Section 6 of the Act provides important protections for the independence of IGs by allowing them to “obtain legal advice from a counsel either reporting directly to the Inspector General or another Inspector General.” This is an arrangement that is already working well in most of the larger departments and agencies. As the rule of construction indicates, this provision does not disrupt the authority of the general counsel within an agency. It is critical, however, that an IG have access to independent legal advice, and if an IG ultimately disagrees with a legal interpretation of agency counsel, then that IG should be free to record this disagreement, and their position on the matter, in their reports and recommendations to the head of their agency and to Congress. Congress and the public deserve the right to understand an IG's independent, unbiased position with respect to potentially inappropriate or illegal conduct.

With respect to Section 8 of the Act, we are concerned that the signing statement may indicate an intention not to comply with the law. Under the new law, the President's budget submissions to Congress must include a line item detailing the President's budget request for each IG, as well as the IG's budget request. If the President's proposed budget would "substantially inhibit" the IG from performing the duties of the office, the President's budget submission must also include any comments from the affected IG relating to the President's proposal. Congress included Section 8 in the law to prevent the use of the budget process to inappropriately influence, marginalize, or prevent important investigations initiated by IGs.

Inspectors General within the executive branch occupy a unique position in our government. Though these IGs are executive branch officials, the laws that established the positions mandate that these IGs submit a semi-annual report to Congress detailing "significant problems, abuses, and deficiencies" and outlining any "recommendations for corrective action." "Recommendations for corrective action" may include proposals for legislative action. Inspector General reports have provided factual support for modifications to our laws and have encouraged the enactment of important legal changes. Congress relies on the information in these reports and any accompanying recommendations to fulfill its constitutional responsibilities to legislate and to oversee the Executive branch. The budget information required to be submitted to Congress under Section 8 of the Act will also be critical to the performance of Congress's constitutional mandate.

We urge you to implement the entire Inspector General Reform Act of 2008 in a manner consistent with the spirit and intent of the legislation. As public servants, we have a duty to all Americans to ensure that our government operates as efficiently as possible and with the utmost integrity. Inspectors General play an important role in helping us fulfill this duty, rooting out fraud, waste, abuse, and mismanagement in the federal government. The Inspector General Reform Act of 2008 is a critical step in ensuring that Inspectors General can continue to protect taxpayer dollars in this and future administrations.

Sincerely,

Charles E. Grassley
United States Senator

Claire McCaskill
United States Senator

Joseph I. Lieberman
United States Senator

Susan M. Collins
United States Senator

cc: The Honorable Jim Nussle
Director
Office of Management and Budget
Executive Office of the President