

August 10, 2021

The Honorable Gary Peters
Chair
Homeland Security and Governmental Affairs Committee
United States Senate

The Honorable Rob Portman
Ranking Member
Homeland Security and Governmental Affairs Committee
United States Senate

Dear Chairman Peters and Ranking Member Portman,

We write to urge the Homeland Security and Governmental Affairs Committee to expeditiously mark up legislation to strengthen the Inspector General Act of 1978. The House has already passed such a measure, H.R. 2662, IG Independence and Empowerment Act. Similar legislation, S. 587, the Securing Inspector General Independence Act of 2021 (SIGI Act), is currently pending in the Senate.

We, the undersigned organizations from across the political spectrum agree that Inspectors General should remain independent from political concerns. When Congress first established the offices of Inspectors General (OIG) in 1978, these offices were given authority to deter the federal bureaucracy from abuse of office and power, and improve operations and programs — a critical check and balance for our three branches of government. Congress’ job is to ensure IGs can independently initiate, carry out, and complete audits or investigations without interference by agency heads. Currently, without sufficient oversight by Congress to ensure IGs are removed for permissible reasons, the OIG’s ability to hold government officials accountable is undermined.

The SIGI Act would require the president to provide “substantive rationale, including detailed and case-specific reasons” before removing an Inspector General (IG) and establish standard requirements for placing them on administrative leave. This enhanced notice provision would help Congress determine whether any removal is appropriate and consistent with the spirit of the law.

The House has already acted to bring increased protections to IGs by passing the IG Independence and Empowerment Act. It is time for the Senate to act. There have been too many

instances in past administrations — both Democratic and Republican — to remove IGs without adequate notice and for questionable reasons.

In 2009, President Obama removed Inspector General Gerald Walpin without a clear explanation to Congress about why he acted. Even more troubling, during President Trump’s last year in office, he removed four inspectors general without adequately explaining to Congress why he was moving forward with the removals.

The Inspector General Act of 1978 (IG Act) requires 30 days’ notice to Congress before removing an IG. However, both President Trump and President Obama bypassed that requirement by putting inspectors general on administrative leave simultaneously with the notification to Congress. Recent administrations have bypassed this law, including President Trump in 2020 and President Obama in 2009. Like the House bill, the SIGI Act would explicitly prohibit the president from circumventing the notice and explanation requirement and would place reasonable limits on who the president can appoint as an acting IG.

IGs play a critical role in ensuring a federal government that works for the people. IGs are essential to meaningful transparency and the “good government” so needed at a time when the American people’s faith in their government is abysmally low.¹ The only way to ensure that our nation maintains and fosters an efficient democracy is to promote a well-constructed IGs system that allows them space to investigate as needed. For this reason, the Senate should now act before the end of the first session of the 117th Congress to pass the strongest IG bill possible, and that effort starts with the Homeland Security and Governmental Affairs Committee considering these legislative proposals.

Sincerely,

Campaign Legal Center
Issue One
Lincoln Network
National Taxpayers Union
Niskanen Center
Project on Government Oversight
Protect Democracy
Stand Up Republic
Taxpayers for Common Sense
Taxpayers Protection Alliance
Unite America

¹ “Public Trust in Government: 1958-2021,” Pew Research Center, May 17, 2021, <https://www.pewresearch.org/politics/2021/05/17/public-trust-in-government-1958-2021/>