



Office of the Inspector General  
United States Department of Justice

Statement of Michael E. Horowitz  
Inspector General, U.S. Department of Justice

*before the*

U.S. House of Representatives Committee on Appropriations  
Subcommittee on Commerce, Justice, Science and Related Agencies

*concerning*

“Management, Performance Challenges, and COVID Response at the Department of  
Justice”

March 24, 2021

Chairman Cartwright, Ranking Member Aderholt, and Members of the Subcommittee:

Thank you for inviting me to testify about the management and performance challenges at the Department of Justice (DOJ), as well as DOJ's response to the coronavirus 2019 (COVID-19) pandemic. This is an important and timely hearing, as recent events illustrate the substantial challenges facing DOJ. Every year, the Office of the Inspector General (OIG) surveys our body of oversight work, including any significant open recommendations and our understanding of ongoing areas of high risk, to identify the most pressing management and performance challenges facing DOJ. In our most recent [report](#), which was released in November 2020, we identified nine specific top challenges.

Although further discussion of any of these nine areas could help inform this hearing and the Subcommittee's oversight efforts, the January 6 attack on the U.S. Capitol and several other recent events implicate five of the challenges we identified in our November 2020 report and merit particular emphasis. These include: 1) DOJ's efforts to counter domestic and international terrorism, 2) DOJ's efforts to protect against cyber-related threats, 3) DOJ's need to strengthen public confidence in law enforcement, 4) DOJ's contingency planning and response to a global pandemic, and 5) DOJ's management of the federal prison system. In my statement, I will briefly highlight each of these challenges, including recent OIG reviews intended to strengthen DOJ's efforts in these critical areas.

***Countering Domestic and International Terrorism.*** Enhancing national security and countering terrorism threats remain top priorities for DOJ, and among their most important challenges. For example, in his appearance before the Senate Judiciary Committee on March 2, 2021, Federal Bureau of Investigation (FBI) Director Christopher Wray testified that the attack on the U.S. Capitol on January 6, 2021, was domestic terrorism and the "problem of domestic terrorism has been metastasizing across the country for a long time." The OIG remains focused on conducting vigorous oversight of DOJ's efforts to address this growing threat. Shortly after the attack on the U.S. Capitol, the OIG initiated a review to examine the role and activity of DOJ and its components in preparing for and responding to these events. In particular, our ongoing review will assess the information relevant to the January 6 events that was available to DOJ and its components in advance of January 6 and the extent to which such information was shared by DOJ and its components with the U.S. Capitol Police and other federal, state, and local agencies. The review will also examine the role of DOJ personnel in responding to the events at the U.S. Capitol on January 6. And, importantly, we will assess whether there are any weaknesses in DOJ protocols, policies, or procedures that adversely affected the ability of DOJ or its components to prepare effectively for and respond to the events at the U.S. Capitol on January 6.

Although the January 6 attack on the U.S. Capitol added urgency to the growing threat of domestic terrorism, as we noted in our November 2020 report, the terrorism risk is of course broader than any one specific attack and includes threats from both domestic

violent extremists (DVE) and homegrown violent extremists (HVE). DVEs are individuals who seek to commit violent, criminal acts to further ideological goals stemming from domestic influences, such as those of a political, religious, social, racial, or environmental nature. For example, in October 2020, DOJ charged six individuals with conspiring to kidnap the Governor of Michigan, and the Michigan Attorney General charged another seven individuals with providing material support for these terrorist activities. HVEs are global jihad-inspired individuals who are in the United States, have been radicalized primarily in the United States, and are not receiving individualized direction from a foreign terrorist organization. Recent OIG work illustrates DOJ's challenges in this area. In a March 2020 OIG [report](#), we found the FBI had not taken sufficient action to resolve certain weaknesses in its process for assessing potential HVEs and lacked comprehensive strategies to mitigate emerging challenges related to assessing potential HVEs. In a separate OIG [report](#), we found the Federal Bureau of Prisons (BOP) had not identified all domestic and foreign terrorist inmates in its custody and thus did not adequately monitor their communications. We will continue to closely monitor and oversee DOJ's counterterrorism programs and activities, and make recommendations to improve these programs and national security as appropriate.

**Cyber-Related Threats.** As both a law enforcement agency and a member of the Intelligence Community, DOJ has an integral role in protecting the nation against cyber-related threats. Moreover, as a repository of classified national security information, law enforcement sensitive information, and other sensitive but unclassified information, DOJ must ensure that its own information systems are secure in the face of cyber-related threats. The recent SolarWinds incident shows the potential vulnerability of information technology (IT) systems and presents a clear warning that DOJ must remain vigilant. Describing the SolarWinds intrusion in written testimony to Congress earlier this month, the Acting Assistant Director of the FBI's Cyber Division said that by "purposely infecting a product widely used by enterprises to manage their networks, the adversary gained widespread access and visibility, and executed their plan with a degree of sophistication, tradecraft, and thoroughness that made it extremely difficult to detect." The OIG is coordinating with its OIG counterparts at other agencies impacted by the SolarWinds incident in assessing how best to conduct additional oversight work in this area.

To contribute to the DOJ's effort to combat cyber-related threats, the OIG conducts periodic audits of DOJ IT systems as required under the Federal Information Security Modernization Act. The OIG is also conducting an audit of the DOJ's cyber supply chain risk management efforts to determine the extent to which it assesses, mitigates, and responds to supply chain risk throughout the information technology lifecycle. Additionally, in 2019, the OIG [reviewed](#) the FBI's Cyber Victim Notification process and identified issues with the completeness and reliability of the data stored in the FBI's data system. These issues rendered the FBI unable to determine if all victims were notified of cyber intrusions and impaired the ability of victims or potential victims to mitigate threats to their systems. In addition, during criminal and administrative investigations, the OIG found systemic

concerns with the BOP's compliance with cyber security and related issues. Based on these concerns, the OIG issued a memorandum to the BOP regarding the practice of allowing personnel to have a "personal container" on their government-issued phones without properly training the personnel on appropriate uses of the container. The OIG also has identified concerns in numerous reports regarding non-compliance by high-level Department employees, including the [former FBI Director](#), with DOJ policies on the use of personal devices to conduct official Department business. These practices pose potential security risks and can undermine the Department's ability to maintain appropriate security over sensitive information it regularly processes.

***Strengthening Public Confidence in Law Enforcement.*** Another pressing challenge facing the DOJ in the wake of nationwide protests following the deaths of George Floyd, Breonna Taylor, and Ahmaud Arbery, among other incidents, is how it can most effectively work to strengthen public confidence in law enforcement and protect individuals' civil liberties. This is not a new challenge for the DOJ. The OIG's 2015 TMPC [report](#) identified building trust and improving police community relations as among the most pressing challenges for the DOJ. Recently, the federal government's response to protests and civil unrest in Washington, D.C., and Portland, Oregon, generated civil rights lawsuits against the DOJ and other federal agencies. In response to requests from Congress and the public, the OIG initiated a review into the DOJ's response to those events in Washington in June and July 2020, and is separately investigating use-of-force allegations involving DOJ law enforcement personnel in Portland. The review of DOJ's actions in Washington will include, among other things, examining the training and instruction that was provided to the DOJ's law enforcement personnel; compliance with applicable identification requirements, rules of engagement, and legal authorities; and adherence to DOJ policies regarding the use of less-lethal munitions, chemical agents, and other uses of force.

Relatedly, the OIG also initiated an audit of the DOJ's policies on body worn cameras. Our review's preliminary objectives are to: (1) review and assess the DOJ's current body worn camera policy for federal law enforcement officers, (2) evaluate the extent to which body worn cameras were utilized during the DOJ's task force pilot program, and (3) assess any plans to expand the use of body worn cameras among federal law enforcement officers and federally deputized task force participants. Given the importance of this issue, in early FY 2021, I directed OIG law enforcement personnel to develop and implement a Body Worn Camera program to ensure the OIG is fulfilling its responsibility of accountability and professionalism during its enforcement operations.

The Department must also work to ensure that, in exercising its law enforcement authorities, its components adhere to policies designed to protect individuals' privacy. One of the most important, and potentially most intrusive, investigative tools that the FBI uses in counterterrorism and counterespionage investigations is a court-authorized surveillance warrant under the Foreign Intelligence Surveillance Act (FISA). A December 2019 OIG [review](#) found fundamental and serious deficiencies in connection with certain FBI

applications for FISA warrants. Additionally, a March 2020 OIG follow-on [report](#) identified significant concerns with the factual accuracy documentation process (known as the “Woods Procedures”) that the FBI has implemented for FISA warrant applications. Such deficiencies can damage the public’s confidence in the FBI and the Department as a whole. The OIG is continuing to monitor the DOJ’s implementation of recommendations from the 2019 review in addition to ongoing audit work of the FBI’s compliance with the process for verifying facts in FISA applications.

***DOJ’s Response to the COVID-19 Pandemic.*** Responding to the COVID-19 pandemic has and continues to present acute and significant challenges for the DOJ, most notably in its responsibility to keep its employees, contractors, visitors, and workspaces as safe as possible. In addition to protecting its own workforce while also performing its enforcement and national security responsibilities, the DOJ faces growing pandemic-related challenges that include preventing the spread of the virus among the federal inmates and detainees in BOP and U.S. Marshals Service (USMS) custody, respectively. The DOJ also must effectively manage the \$850 million in Coronavirus Aid, Relief, and Economic Security Act (CARES Act) grant funding that it is disbursing to fund state, local, and tribal efforts to prevent, prepare for, and respond to COVID-19; and operate the nation’s immigration courts in a manner that minimizes risk to participants while preserving individual rights.

Beginning in early March 2020, the OIG shifted a significant portion of its oversight toward assessing these crucial areas. Through its initial assessment, the OIG determined that preventing spread of the virus among federal inmates and detainees in BOP and USMS custody was one of the DOJ’s most immediate challenges. As of March 14, 2021, the BOP reported over 200 BOP inmates and 4 BOP staff died due to COVID-19, while nearly 48,000 current inmates in BOP-managed institutions or community-based facilities and over 6,000 staff are or were infected by COVID-19. To assist the DOJ with this immediate challenge, the OIG conducted remote inspections of 16 BOP-managed and contract facilities to assess the steps the facilities took to prepare for, prevent, and manage COVID-19 transmission within the facilities. To help inform the remote inspections, in Spring 2020 the OIG surveyed the over 40,000 staff employed at federal prisons, contract prisons, and residential reentry centers.

During our remote inspections, we found significant challenges associated with the BOP’s efforts to control the spread of COVID-19 at facilities throughout the country. For example:

- At some institutions, the pandemic amplified medical and correctional staffing shortages.
  - At [MDC Brooklyn](#), a shortage of medical staff hindered the screening of inmates and staff, and MDC Brooklyn struggled to meet the medical needs of non-COVID-19 inmates.

- At [FCC Lompoc](#), preexisting staffing shortages were among the institution's biggest challenges in controlling the spread of COVID-19 infection.
  - At [FCC Coleman](#), the facility had only 80 percent of its authorized medical staff at the onset of the pandemic, and positive cases exacerbated these staffing shortages.
  - At [FMC Fort Worth](#), a COVID-19 outbreak during April and May 2020 required more staff to guard inmates who were transferred to local hospitals for treatment, straining the facility's staffing resources.
- Some institutions struggled to ensure sufficient space for quarantine and medical isolation.
  - At [FCC Butner](#), two facilities were not able to quarantine all inmates meeting the criteria for quarantine, largely due to space availability issues.
  - As the number of positive inmate cases increased, [FMC Fort Worth](#) had to repeatedly re-designate the areas established for quarantine and medical isolation between March 26 and May 11, 2020.
  - In our April 2020 survey of BOP staff, 60 percent of respondents from [FMC Fort Worth](#), 50 percent of respondents from [FCC Lompoc](#), and 43 percent of respondents from [FCC Butner](#) identified more space to quarantine inmates as an immediate need.
- Some institutions experienced issues with the use of Personal Protective Equipment (PPE) and face coverings, including some instances of non-compliance with BOP guidance.
  - At [Brooklyn House Residential Reentry Center \(RRC\)](#), in the absence of BOP requirements on use of PPE in general RRC settings, Brooklyn House did not enforce universal use of PPE, such as masks and gloves, for staff and inmates until late April 2020.
  - At [FCC Oakdale](#), some staff did not have proper PPE when in close contact with infected or potentially infected inmates in mid- to late March 2020. In mid-May 2020, after nearly 100 asymptomatic inmates tested positive, some positive inmates were left in their housing units for up to 6 days without being isolated. Staff were not immediately advised that they

would be interacting with COVID-19 positive inmates and were not furnished proper PPE prior to the inmates' isolation.

- At [FCC Butner](#), staff were not changing N95 respirators when moving between units that had COVID-19 positive inmates and those that had COVID-19 negative inmates, which may have increased the risk of cross-contamination.
  - At [FCI Milan](#), staff escorted symptomatic inmates to the local hospital without wearing appropriate PPE in early April 2020. The lack of appropriate PPE potentially increased the staff members' risk of contracting COVID-19 and bringing it back to the institution. Milan later complied with the CDC's April 3, 2020, guidance that face coverings be worn in public settings; however, COVID-19 was already spreading throughout the institution.
- Some institutions did not adequately implement inmate and staff screening guidance.
    - [FCC Lompoc's](#) initial COVID-19 screening process was not fully effective, as two staff members came to work in late March 2020 after experiencing COVID-19 symptoms.
    - [Toler House RRC](#) did not implement mandatory screening for all staff until a week after the BOP told RRCs to do so.
    - [FCC Oakdale](#) failed to promptly implement January 2020 inmate screening guidance and February staff screening guidance, and, by the time Oakdale expanded screening to all staff, COVID-19 had already entered the institution.
  - Some institutions did not adequately limit inmate and staff movement.
    - [FCC Oakdale](#) did not fully limit inmate movement until after it identified its first COVID-19 positive inmate on March 21, 2020.
    - Contract Correctional Institution [McRae](#) did not immediately restrict all inmates to their housing units after the first inmate presented symptoms and ultimately tested positive for COVID-19.

We are assessing these and other observations from our inspections to complete a capstone report, which will provide BOP-wide conclusions and recommendations resulting



from our inspections. In addition, the OIG is conducting two surveys in 2021 – a second survey of BOP staff employed at federal prisons and a new survey of BOP inmates.

The OIG also reviewed the USMS's initial response to the COVID-19 pandemic to assess the USMS's implementation of guidance and best practices for preventing, managing, and containing potential COVID-19 outbreaks among the approximately 61,000 persons in its custody. We found that while the USMS has taken steps to prepare for, prevent, and manage the risks associated with COVID-19, opportunities for improvement remain. For example, the OIG found that the USMS had a practice of transporting prisoners without first testing to confirm that they were COVID-19 free. We believe this practice could have led to further infections and needed to be re-evaluated. In addition, we found that the USMS's detention facility oversight plan was inconsistent and did not ensure that all active facilities were assessed for implementation of the latest Centers for Disease Control and Prevention (CDC) guidance.

Further, to address other aspects and challenges associated with DOJ's response to the COVID-19 pandemic, the OIG conducted and publicly released a [survey](#) of DOJ law enforcement personnel on the effects and impact of COVID-19 on law enforcement investigative operations; developed and launched interactive public data [dashboards](#) displaying trends of COVID-19 cases and deaths at all BOP facilities; and issued two interim reports in [November](#) and [July](#) 2020 examining the Office of Justice Programs' administration of CARES Act funding. The OIG also collaborated with the Pandemic Response Accountability Committee, of which I am Chair, to produce a multi-agency [report](#) in January 2021 presenting data and insights on COVID-19 testing across the federal government. This report includes a DOJ-specific segment presenting data relating to testing of BOP inmates. In the coming months, we will also release reports regarding the Executive Office for Immigration Review's (EOIR) response to the COVID-19 pandemic, the BOP's use of home confinement as a response to the pandemic, and oversight of CARES Act funding.

***Maintaining a Safe, Secure, and Humane Prison System.*** The OIG has identified the management, safety, and security of BOP facilities as a top challenge in its TMPC report as long as I have been the IG, in part due to scope and volume of resources dedicated to the BOP's mission. From 1980 to 2013, the total number of federal inmates grew exponentially, from 24,640 to 219,298, and in 2013 the BOP reported its institutions were 36 percent above rated capacity. The BOP's budgets rose accordingly. In its 2013 TMPC [report](#), the OIG noted that from FY 2001 to FY 2013, the BOP's budget rose from 20 percent to 25 percent of the DOJ's total discretionary budget. However, since 2013, the BOP inmate population has declined by about 31 percent to approximately 151,000 total inmates, and the BOP's share of the Department's overall budget declined to 23 percent of the DOJ's overall enacted FY 2021 budget. The BOP is the largest employer among the DOJ's components and currently accounts for about 33 percent of DOJ's total personnel (not including contract prison employees).



Despite the declining inmate population, the BOP has continued to experience significant staffing shortages for correctional officers, medical staff, and other positions. According to data provided to the OIG, the BOP had an average vacancy rate of 16.5 percent for correctional officers in FYs 2018 and 2019. As of June 2020, that vacancy rate was still approximately 16 percent. These vacancies created additional challenges for the BOP as it responded to the COVID-19 pandemic. For example, while the BOP directed Wardens in March 2020 to limit the movement of staff between different areas of an institution to help control the spread of infection, our FCC Lompoc remote inspection [report](#) found that FCC Lompoc officials delayed implementation of this directive for 15 days due to the preexisting shortage of correctional staff.

One of the tools that the BOP utilizes to supplement staffing is authorizing BOP employees to work overtime. As part of our efforts to further analyze the BOP's staffing situation, the OIG issued a December 2020 [memorandum](#) to the BOP Director that provided our assessment of the BOP's overtime spending, to see what that pattern of spending revealed regarding the BOP's staffing challenges. We found that BOP employees worked 6.71 million overtime hours during FY 2019, at a cost of \$300.9 million. These overtime costs represent roughly 7 percent of the BOP's total FY 2019 payroll costs. In addition, we found that overtime is not uniform across the BOP; rather, a small percentage of employees and locations account for a large percentage of the agency's overtime. Another tool the BOP uses to address staffing shortages is augmentation, which assigns individuals other than correctional officers, such as teachers or healthcare professionals, to temporarily fill security posts. In our recent overtime report, the OIG could not specifically quantify overtime related to augmentation because this data is not tracked in the National Finance Center's payroll system from which we obtained BOP's overtime data. However, as we have previously noted, extensive use of augmentation to address staffing shortage issues (as opposed to its limited use for training purposes) can present a potentially significant challenge for the BOP because it places program staff into critical security positions, potentially affects the BOP's ability to ensure the safety of its staff and inmates, and can impact the BOP's capacity to provide inmate programs.

Medical staffing is another related challenge for the BOP. For example, in March 2016 the OIG we issued a [review](#) of the BOP's medical staffing challenges and found that as of September 2014, BOP institutions had only filled 3,215, or 83 percent, of 3,871 health services positions. The BOP's ability to recruit and retain medical staff was limited by lower-than-market compensation, the institutions' locations, and the prison work environment. In response to our recommendations in that review, the BOP exempted 429 medical vacancies from a 2017 to 2018 hiring freeze and filled 303 of those positions as of October 2018. Considering the difficulty of filling these high demand positions, the BOP continued to offer employment incentives and enacted several strategies, including expanding and examining its recruiting practices and identifying hiring obstacles. The BOP also implemented a pilot program allowing Public Health Service officers from the

Department of Health and Human Services, who already make up a significant percentage of BOP's medical staff, to fill temporary clinical assignments to satisfy professional licensing requirements.

In addition to staff, a substantial expenditure of the BOP involves the cost of providing medical care to its inmate population. For example, the OIG is currently conducting an audit of the BOP's comprehensive medical service (CMS) contracts awarded to the University of Massachusetts Medical School, which provides offsite and onsite medical care to inmates at 3 out of more than 130 BOP-managed or contract facilities. The amount billed to these contracts as of December 2019 was nearly \$305 million. The BOP medical staffing challenges referenced above are a factor in the BOP's healthcare costs because health services vacancies in BOP facilities can lead to an increased reliance on outside medical providers. Another contributing factor is the cost of pharmaceuticals. In early 2020, the OIG [found](#) not all BOP institutions reported certain drug purchases to the BOP's Central Office, and until March 2018, the Central Office did not store or analyze historical purchase-level data. Additionally, the OIG determined the BOP did not ensure its institutions were procuring pharmaceutical drugs in the most cost-efficient ways such as effectively obtaining Big 4 pricing, a discounted government pricing available to specific agencies, or utilizing competitive bidding when required. The BOP has estimated that if it had had access to the Big 4 price in FY 2017 it could have reduced its total drug spending by approximately \$13.1 million (11 percent). Complicating this challenge, the OIG [found](#) in 2017 that the BOP's health care claims submitted through CMS contracts with private companies and hospitals continue to be processed primarily through manual methods. As a result, the OIG recommended that the BOP require all CMS contractors to submit electronic claims, and we are continuing to monitor the BOP's efforts to address this recommendation.

We greatly appreciate the Subcommittee's interest in this important aspect of the OIG's oversight of the Department and look forward to completing additional audits and reviews to assist the Subcommittee with its independent oversight of the BOP's resource and management challenges.

### **Support for the OIG's Independent Oversight of the Department**

Our oversight of the Department and its components would not be possible without the continued, bipartisan support that we have received for our budget requests from the Subcommittee and your Senate counterparts. Additionally, with support you provided for enhancements to OIG capabilities, we have expanded our ability to obtain and analyze a growing volume of digital forensic evidence, took steps to modernize our information technology infrastructure, built a sophisticated data analytics capability, and augmented our whistleblower retaliation investigatory staff. In particular, we have hired experts in cyber investigations to obtain and process forensic evidence; began migrating the OIG's IT infrastructure from a legacy, on-site posture to a more reliable cloud environment; and

hired additional Analysts to support our Office of Data Analytics, without whom we likely could not have launched the interactive dashboards of BOP COVID-19 data or provided critical analytic support to our remote inspections of BOP facilities. In addition, because of your support, we were able to hire additional investigative counsels in our Oversight & Review Division to enable us to more timely handle whistleblower reprisal investigations. For example, we substantiated [allegations](#) against an FBI senior official, who we found committed misconduct by retaliating against an FBI Supervisory Special Agent for reporting that the senior official and other managers committed ethics violations. Your support has directly impacted our ability to promote accountability and deter future misconduct and retaliation within the Department.

As we consider the expanding complexity and volume of our work, we anticipate additional investments will be required to keep up with the demand for digital forensic evidence in our investigations, continued improvements to our IT infrastructure, and greater flexibility for accessing and processing classified information. The need for timely forensic examinations of digital evidence has continued to grow, despite the COVID-19 pandemic. Specifically, the number of digital evidence items examined by the OIG more than doubled from 272 items in FY 2018 to 564 items in FY 2020. In addition, the OIG is still building an IT infrastructure that is agile enough to respond to unforeseen events similar to the COVID-19 pandemic and SolarWinds incident and durable enough to withstand the gradually increasing capacity needed to support OIG staff and facilitate its oversight work. Prior to the pandemic, the OIG already had limited options for accessing and storing highly sensitive classified information outside of the Washington, D.C. area. The onset of the COVID-19 pandemic exacerbated these challenges and caused further delays in the OIG's efforts to perform critically important national security-related work. To ensure such disruptions do not occur in the future and meet the growing demand for oversight in this area, we aim to build capacity in our field offices to appropriately process and store highly classified materials.

Our ability to conduct rigorous oversight of DOJ programs, and hold individuals accountable for misconduct, would further benefit from two additional authorities. First, unlike the Department of Defense OIG, the DOJ OIG does not currently have the authority under the Inspector General Act to compel the testimony of witnesses that have left the Department. Without testimonial subpoena authority (TSA), the OIG is unable to obtain potentially critical evidence from former federal employees, employees of federal contractors and grant recipients, and other non-government witnesses. Congress has already taken steps to grant or consider granting TSA to specific OIGs. In 2018, the House Committee on Oversight and Reform and full House advanced a bill by voice vote (H.R. 4917) that granted OIGs testimonial subpoena authority; however, the Senate did not consider the legislation. In the last Congress, a bipartisan group of Senators introduced the Strengthening Oversight for Veterans Act, S. 3177, which would have granted the Department of Veterans Affairs OIG testimonial subpoena authority. I look forward to

working with Congress to advance this crucial measure that would both enhance whistleblower protection and independent oversight.

Finally, let me briefly turn to an oversight limitation that is unique to my office. Unlike Inspectors General throughout the federal government, our office does not have authority to investigate all allegations of misconduct within the agency we oversee. While we have jurisdiction to review alleged misconduct by non-lawyers in the Department, under Section 8E of the Inspector General Act, we do not have the same jurisdiction over alleged misconduct committed by Department attorneys when they act in their capacity as lawyers – namely, when they are litigating, investigating, or providing legal advice. In those instances, the Inspector General Act grants exclusive investigative authority to the Department’s Office of Professional Responsibility (OPR), a DOJ component that lacks the same statutory independence and protections the OIG is provided by the IG Act. As a result, these types of misconduct allegations against Department lawyers, including those that may be made against the most senior Department lawyers (including those in leadership positions) are handled differently than misconduct allegations made against law enforcement agents or other Department employees. Last month, the Senate introduced the Inspector General Access Act, S. 426, which would grant the DOJ OIG the authority to conduct oversight of all of DOJ employees. By voice vote, the House passed a substantively identical bill in the prior Congress. I look forward to continuing to work with you and the Senate on this important issue.

## **Conclusion**

Thank you again for the Subcommittee’s continued support for our mission, which allows the OIG to conduct aggressive and thorough oversight of the Department in order to help make its operations more effective and efficient, and to root out waste, fraud, abuse, and mismanagement. I look forward to continuing to work closely with the Subcommittee to ensure that our office can continue its vigorous oversight. Thank you for the opportunity to testify, and I would be pleased to answer any questions.