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COMMITTEE ON THE JUDICIARY

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January 29, 2016

**VIA ELECTRONIC TRANSMISSION**

The Honorable Michael E. Horowitz  
Chair of Council of the Inspectors General on Integrity and Efficiency (CIGIE)  
1717 H Street, N.W., Suite 825  
Washington, D.C. 20006

Dear Chair Horowitz:

A recent article made public the serious misconduct of a Department of Veterans Affairs (VA) Deputy Inspector General (IG)—who at one time served as Acting IG.<sup>1</sup> In 2008, this misconduct was investigated by the Department of the Interior Office of Inspector General (DOI-OIG) through a process of the CIGIE Integrity Committee. The DOI-OIG produced a report with findings, but the Deputy IG retired before the conclusion of any disciplinary process.

There are many troubling aspects to this incident. In particular, prior to the 2008 misconduct, the Deputy IG had been disciplined for having unauthorized sexually explicit material on his work computer in 2003, but was nevertheless promoted to be the VA's Acting IG. An additional issue of concern is the fact that the report of investigation of the 2008 misconduct has not been produced pursuant to the Freedom of Information Act (FOIA), despite a pending 2013 request to DOI-OIG and requests made directly to the VA-OIG in 2012. DOI-OIG officials believe that the report their

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<sup>1</sup> Luke Rosiak, *Top VA Watchdog Resigned After Being Caught Masturbating On The Job*, The Daily Caller (Dec. 6, 2015, 8:24PM), <http://dailycaller.com/2015/12/06/va-cop-chose-the-wrong-beat/#ixzz3ty0Eyiyl>.

office authored should be produced pursuant to FOIA; however, the recipient of the report, the VA-OIG, reportedly, does not.

The CIGIE Integrity Committee process was established to ensure independent oversight and accountability for high-ranking OIG officials. When completed investigations are not properly made public pursuant to FOIA, it undermines that process, diminishes accountability for these critical officials, and erodes public confidence in the integrity of our inspectors general. While the process by which the investigation occurred in this instance was prior to the 2009 Integrity Committee Policy and Procedures, which are currently being revised, it raises important questions about FOIA responsibilities at the conclusion of an investigation. Current Integrity Committee Policy and Procedures state that third party requests for information will be processed pursuant to FOIA, Justice Department FOIA regulations, and Federal Bureau of Investigation FOIA policy and procedures, but do not further elaborate on roles and responsibilities.<sup>2</sup> It is essential that CIGIE and investigating OIGs understand their roles and responsibilities in the FOIA process and that such process be properly followed.

Accordingly, please provide responses to the following questions regarding the FOIA process of the CIGIE Integrity Committee.

1. Who is responsible for processing FOIA requests made to the CIGIE Integrity Committee?
2. How many FOIA requests has the Integrity Committee received? How many have been granted and how many have been denied? For those that were denied, what was the basis for each denial?
3. Has the Integrity Committee received a FOIA request for the DOI-OIG report regarding the VA Deputy IG? If so, when was it received, and how was it processed?
4. The 2009 Policy and Procedures document does not address FOIA responsibilities of OIGs that the Integrity Committee Chairperson selects to conduct an investigation. How will the revised Integrity Committee Policy and Procedures ensure that agency OIGs produce records originating from their offices pursuant to FOIA, such as a report of investigation produced for the Integrity Committee?

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<sup>2</sup> Council of the Inspectors General on Integrity and Efficiency, *Integrity Committee Policy and Procedures* (2009), at 12.

Please provide your response no later than February 15, 2016. Please contact Jay Lim of my Committee staff at (202) 224-5225 should you have any questions. Thank you for your cooperation in this important matter.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Committee on the Judiciary

cc:

The Honorable Patrick Leahy  
Ranking Member  
Senate Committee on the Judiciary

The Honorable Ron Johnson  
Chairman  
Senate Committee on Homeland Security and Government Affairs

The Honorable Thomas Carper  
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