

FEBRUARY 24, 2021

Durbin, Lee Introduce Bipartisan Inspector General Access Act

Last year, the legislation passed the Senate Judiciary Committee by a vote of 21-1

WASHINGTON – U.S. Senate Democratic Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee, and U.S. Senator Mike Lee (R-UT) today introduced bipartisan legislation to expand the jurisdiction of the Department of Justice’s (DOJ) Office of the Inspector General to include alleged DOJ attorney misconduct. Currently, the DOJ Inspector General (IG) has no authority to investigate professional misconduct by DOJ lawyers. DOJ is the only agency whose IG has such a jurisdictional carve-out. The *Inspector General Access Act* would simply strike this loophole, which leads to an unfair double standard where every DOJ employee – including FBI and DEA agents, U.S. Marshals, and federal prison guards – can be investigated by the DOJ IG except DOJ lawyers. Last Congress, the legislation was reported out of the Senate Judiciary Committee on a 21-1 vote. Companion legislation passed the House of Representatives unanimously in 2019.

“This is a simple, bipartisan bill that would close a glaring loophole in the law,” Durbin said. **“This is not a partisan issue. We should all agree that whoever the Attorney General is, he or she should be subject to independent oversight. I’m thankful to Senator Lee for his leadership and partnership on this important bill.”**

“Our federal government inspectors general do a valuable job providing the

information voters and lawmakers need to hold federal government agencies accountable,” Lee said. “Unfortunately, the Department of Justice OIG currently does not have the power to review the conduct of DOJ attorneys, an oversight that this legislation corrects.”

The *Inspector General Access Act* solves the problems that have long prevented independent oversight of DOJ prosecutors by simply striking the jurisdictional carve out in § 8E of the Inspector General Act. As a result, DOJ’s Inspector General would be fully empowered to investigate allegations of professional misconduct against Department lawyers. In addition to enhancing oversight and public accountability at DOJ, this simple, common sense reform will bring DOJ in line with the practices in other federal agencies where allegations of attorney professional misconduct are already subject to investigation by Inspectors General.

Along with Durbin and Lee, the bill is cosponsored by Senators Patrick Leahy (D-VT), Chuck Grassley (R-IA), Dianne Feinstein (D-CA), Marco Rubio (R-FL), Amy Klobuchar (D-MN), Ted Cruz (R-TX), Chris Coons (D-DE), Marsha Blackburn (R-TN), Richard Blumenthal (D-CT), and Mazie Hirono (D-HI).

The bill is supported by a broad coalition of advocates from across the political spectrum, including American Civil Liberties Union, American Conservative Union, Americans for Prosperity, Brennan Center for Justice at NYU School of Law, Demand Progress, Due Process Institute, FreedomWorks, Government Accountability Project, Government Information Watch, Innocence Project, Justice Action Network, The Leadership Conference on Civil and Human Rights, National Association of Criminal Defense Lawyers, National Taxpayers Union, Open the Government, Protect Democracy, Project on Government Oversight (POGO), Public Citizen, R Street Institute, Right on Crime, and The Sentencing Project.

