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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

JUN 29 1981

B-202571

The Honorable William V. Roth, Jr.
Chairman, Committee on Governmental
Affairs
United States Senate

Dear Mr. Chairman:

This is in response to your February 13, 1981, request for our views and recommendations on S. 381 which would amend title 28 of the United States Code to establish within the Department of Justice an Office of Audit and an Office of Professional Responsibility. We appreciate your giving us the opportunity to review and comment on this proposed legislation.

The General Accounting Office strongly supported the Inspector General Act of 1978 and other legislation which has centralized internal audit and investigative activities in certain Federal agencies under statutory Inspectors General. As we stated in our August 26, 1980, testimony before the Senate Subcommittee on Governmental Efficiency and the District of Columbia, Committee on Governmental Affairs, GAO believes such legislation is beneficial because it:

- Insures that high-level agency attention is given to promoting economy and efficiency and to combating fraud, waste, and abuse.
- Provides better assurance that the work of audit and investigative units in those agencies and throughout the Government is coordinated.
- Insures that both the Congress and agency heads receive information on problems involving economy and efficiency and fraud and abuse.

Although S. 381 attempts to address some of these issues for the Department of Justice, the proposed legislation is inconsistent with existing Inspector General legislation and contains several serious weaknesses. Also, since Justice already has an Office of Audit and an Office of Professional Responsibility, the primary purpose of the bill appears to be to grant

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the Department statutory authority to maintain the status quo of existing auditing and investigative entities in lieu of creating a statutory Inspector General in Justice similar to those in other Federal agencies. Accordingly, we oppose enactment of S. 381. Some of our major concerns with S. 381 follow.

- The proposed legislation would continue to keep Department of Justice audit and investigative functions under separate and distinct organizational entities. The audit function would be vested in an Office of Audit headed by an Assistant Attorney General, while the investigative function would be vested in an Office of Professional Responsibility headed by a Counsel. We believe that splitting the responsibility for audit and investigation in this manner will hamper coordination between these interrelated activities.

- The bill would continue to lodge primary responsibility for conducting investigations in "internal inspection units" within the Department's various bureaus, offices, boards, divisions, commissions, and subdivisions. In addition, it authorizes the continued use of "internal units with audit responsibilities" within these same organizational entities. Thus, S. 381 sanctions continuation of the existing fragmented approach to the Department's internal audit and investigative functions. This approach is contrary to the basic thrust of earlier Inspector General legislation which consolidates agency internal audit and investigative units into a single organizational entity headed by an Inspector General. It also appears that some of the responsibilities of the audit and investigative units within the Department's various bureaus, offices, boards, divisions, commissions, and subdivisions duplicate or overlap those assigned to the proposed Office of Audit and the Office of Professional Responsibility.

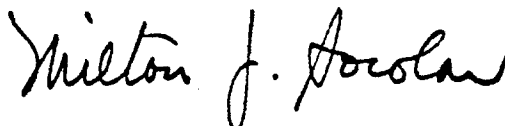
- S. 381 provides that the Counsel, Office of Professional Responsibility, could be under the general supervision and direction of the Attorney General, or when appropriate, the Deputy Attorney General, the Associate Attorney General, or the Solicitor General. We believe that if a separate investigative unit is established by law, the head of that unit should be under the general supervision and direction of and report directly to the Attorney General to help ensure independence in carrying out the investigative functions of the Office. Also, discretion should be exercised regarding the extent of general supervision and direction by the Attorney General so it does not impair the Counsel's independence.

--While the bill makes the Counsel for the Office of Professional Responsibility responsible for conducting or initiating investigations of allegations concerning the conduct of Justice Department personnel, it is silent as to which organizational activity, if any, will be responsible for investigating allegations against other parties participating in various Justice Department programs.

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If you have any questions on our comments or any additional issues involving the proposed legislation, please do not hesitate to contact us.

Sincerely yours,

A handwritten signature in cursive script that reads "Milton J. Socolar". The signature is written in dark ink and is positioned above the typed name.

Milton J. Socolar
Acting Comptroller General
of the United States