

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074

<http://oversight.house.gov>

February 1, 2019

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

I am writing to urge you to immediately reinstate the Department of Education's Deputy Inspector General as its Acting Inspector General (IG). Although the White House and the Department have stated to the press that Ms. Bruce has been reinstated, it is my understanding that Ms. Bruce has received no communication since she was told she was being removed.

Earlier this week, the Department's Acting IG—an award-winning, career employee—was removed suddenly from her position with no explanation. She was replaced by the agency's Deputy General Counsel who, far from being an independent actor, would be investigating his own work.

On Wednesday, the Deputy Secretary of Education called Deputy Inspector General Sandra D. Bruce and informed her that she was being relieved of her duties as Acting Inspector General and that the Deputy General Counsel for the Department, Philip H. Rosenfelt, was replacing her as the Acting IG.

The Oversight Committee has jurisdiction over the Inspector General Act. That Act requires that Inspectors General “be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.”¹

The Council of the Inspectors General on Integrity and Efficiency has clearly stated that “this same standard must apply to any individual appointed to serve as Acting Inspector General.”²

¹ Inspector General Act of 1978 (5 U.S.C. App.)

² Letter from Michael E. Horowitz, Chair, Council of the Inspectors General on Integrity and Efficiency, and Allison C. Lerner, Vice-Chair, Council of the Inspectors General on Integrity and Efficiency, to Ranking Member Raúl Grijalva, Committee on Natural Resources (Nov. 2, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Grijalva%20et%20al%20DOI%20-%20Final.pdf>).

Therefore, any decision to change the Acting Inspector General should have been authorized by the President.

Appointing the Deputy General Counsel as the Acting IG raises serious concerns because of the lack of independence and the inherent conflicts of interest. The Office of General Counsel advises the agency on a wide variety of matters and plays a role in many major policy and procedural decisions of the Department. As the Acting IG, Mr. Rosenfelt would be in the position of auditing, evaluating, and investigating his own work and that of his former colleagues.

It is unclear why Ms. Bruce was removed as the Acting IG and whether you authorized the move. It would be particularly troubling if this action was taken in retaliation for the work Ms. Bruce and the Office of the Inspector General (OIG) have performed seeking to improve accountability and efficiency in the Department.

It is my understanding that the Deputy Secretary recently expressed concern over OIG's ongoing work related to the Accrediting Council for Independent Colleges and Schools (ACICS). In November, Secretary DeVos reinstated ACICS as an accreditor despite evidence that it had failed to adequately oversee for-profit schools. Removing Ms. Bruce as a result of OIG's investigation into this issue, or due to any other official actions from the OIG, would be grossly inappropriate.

Ms. Bruce's removal is reminiscent of the early attack the Trump Administration made on IGs when there were coordinated phone calls to IGs to "inform" them that their positions were "temporary." Exactly two years ago, Representative Gerry Connolly and I wrote to the White House about those phone calls.³

It is critical that we protect the independence of IGs across the government. It would be unacceptable if the Acting Inspector General was replaced to shield the Department from meaningful oversight, and even more egregious to replace that individual with someone who is so obviously not an independent actor.

For these reasons, please respond by February 4, 2019, with answers to the following questions:

1. Did you authorize the decision to replace Acting IG Sandra D. Bruce?
2. Did you appoint Philip Rosenfelt as the Acting IG?
3. What was the basis for the decision to replace Acting IG Bruce?

³ Letter from Ranking Member Elijah E. Cummings and Vice Ranking Member Gerry E. Connolly, Committee on Oversight and Government Reform, to Donald F. McGahn, II, White House Counsel (Jan. 31, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-01-31.EEC%20Connolly%20to%20white%20house%20counsel%20McGahn%20Re.Trump%20Transition%20Team%20threats%20to%20IGs.pdf>).

President Donald J. Trump

Page 3

4. Will you reinstate Ms. Bruce as Acting IG?

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X, including the operation of government activities at all levels, including the Executive Office of the President.

An attachment to this letter provides additional instructions for responding to the Committee’s request. If you have any questions regarding this request, please contact my staff at (202) 225-5051.

Thank you for your prompt attention to this request.

Sincerely,



Elijah E. Cummings
Chairman

cc: The Honorable Jim Jordan, Ranking Member