



Oversight Matters: What's Next for Inspectors General

Recommendations from the BPC Task Force on Oversight and Inspectors General

July 2018



BIPARTISAN POLICY CENTER

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ACKNOWLEDGEMENTS

The task force extends their sincere appreciation for the many individuals whose contributions and input made this report possible. A full list of these individuals can be found in Appendix I. The task force and staff also thank Joshua Ferrer, BPC intern, whose work was essential to the completion of this report. This effort is generously funded by the Democracy Fund and the William and Flora Hewlett Foundation.

DISCLAIMER

The findings and recommendations expressed herein do not necessarily represent the views or opinions of the Bipartisan Policy Center's founders or its board of directors.

Executive Summary

This report focuses on four areas where the Bipartisan Policy Center's Task Force on Oversight and Inspectors General identifies recommendations to improve oversight capacity through the work of the inspectors general (IGs):

- Congress and the Inspectors General;
- Independence and the IG-Agency Relationship;
- Evolution of the IG Community; and
- Growing IG Capacity.

The task force makes recommendations to Congress, agency and department heads, the IGs themselves, the Council of the Inspectors General on Integrity and Efficiency (CIGIE), and the president.

The first section centers on ways in which Congress and the IGs can enhance oversight of the executive branch. IGs report to both Congress and their respective agencies. This special relationship empowers IGs to notify Congress when an agency or department attempts to thwart their responsibilities under the law. The task force finds that Congress can better leverage the work of IGs to encourage agency action on IG recommendations. It is also clear that the IGs and Congress do not always understand each other's oversight role and priorities. Both should strive for more consultation and communication. The IG community should also develop protocols for handling congressional requests so that Congress has clear expectations for IG work. A successful relationship between IGs and Congress is found where there is consistent and open communication.

The second section of the report covers the independence of the IGs and their relationship with the agencies they oversee. In a highly charged political environment, the IGs' independent and nonpartisan work is crucial for our democracy. In addition to enforcement and compliance, the task force encourages IGs to focus on enhancing agency management and performance. While strict firewalls remain in place between the IGs and their agencies' leaders, today's complex government requires IGs to interact routinely with agency management to identify risks and head off failures before they occur. The task force also considered the current and future role of IGs with respect to the growing movement to adopt evidence-based policymaking. IGs already contribute to these efforts in a limited way, but need additional resources and training if they are to expand further in this area.

The third section discusses the evolving role of the IGs and CIGIE. The council was formed in 2008 to coordinate and support the work of all IGs across the federal government. The task force is supportive of the growing role of CIGIE, but finds that dedicated funding could allow the council to better fulfill its mission, enhance the work of all IGs, and make the government more accountable and effective. The council should also consider ways to improve its own governance.

The fourth section focuses on expanding the capacity of IGs. Congressionally-mandated reporting consumes a significant portion of IG resources, and current requirements ought to be reviewed and updated. The IG community should explore ways to improve their work products so that they are more accessible to their intended audience. The IG community should also take advantage of opportunities to share services and staff. To be effective, IG offices must be led by permanent and experienced appointees. The task force views current IG vacancies with alarm and urges the president and Senate to move swiftly on nominations and confirmations.

The IGs provide an excellent return on the taxpayers' investment in their work and have become a critical part of the checks and balances in our democratic system. The task force is confident that the recommendations in this report will lead to even better returns in the future.

Recommendations

CONGRESS AND THE INSPECTORS GENERAL

- Committees in the House and Senate should include open recommendations from IGs in their oversight plans for each Congress.
- Committees in the House and Senate should take more opportunities to highlight open recommendations from IGs at hearings and in other public forums.
- When appropriate, Congress can require agencies and departments to report on the status of open recommendations.
- Congress should authorize IGs to forward reports involving alleged employee misconduct to the agency where the individual is currently employed.
- The Council of the Inspectors General on Integrity and Efficiency (CIGIE) should organize regular briefings—at least once or twice per year—to educate members of Congress and their staff on the work of IGs.
- IGs should meet regularly with congressional committees with jurisdiction over their departments or agencies, including appropriations subcommittees.
- Congressional committees should regularly invite IGs from agencies and departments within their jurisdictions to brief them on important matters.
- Every IG should make available to Congress the names and contact information of the individuals in their offices who are responsible for congressional affairs.
- Congress should consult with IGs before requesting or mandating them to engage in investigations, audits, or other lines of work.
- CIGIE should develop an IG community-wide protocol for processing congressional requests.

INDEPENDENCE AND THE IG-AGENCY RELATIONSHIP

- Agency heads are encouraged to include IGs in key agency meetings, as appropriate.
- Agencies should coordinate with IGs to provide timely updates on the implementation status of recommendations.
- IGs should work with management to flag programs and operations at risk and before problems arise.
- IGs should share draft reports with agency heads in advance of their publication to the greatest extent possible.

THE EVOLUTION OF THE IG COMMUNITY

- Congress should work with CIGIE and the Office of Management and Budget (OMB) to develop a dedicated funding stream.
- CIGIE, in coordination with OMB, should develop a legislative request for a dedicated funding stream.
- CIGIE should continue to develop collaboration across agencies to address cross-cutting issues.
- CIGIE should establish a new internal voting structure to account for the different sizes, budgets, and authorities of the IGs.
- CIGIE should grant its chairperson the authority to appoint standing committee chairs.



GROWING IG CAPACITY

- Congress should review all current mandatory reporting requirements across the IG community and determine whether current requirements should be maintained, reformed, or discontinued.
- Congress, in consultation with the IG community, should review and update the current semiannual report requirements in the Inspectors General Act.
- CIGIE should develop standards, best practices, and templates for IG report products, especially semiannual reports.
- CIGIE should develop a shared services strategic plan to support the IG community in carrying out their duties.
- CIGIE should develop a formal pool of qualified IG personnel available to IGs in need of additional support or subject matter experts.
- CIGIE should consider the development of a “constellation” of IGs to take advantage of shared services and other efficiencies.
- The White House must move as quickly as practicable to fill vacant inspector general positions that are appointed by the president (PAS).
- Department and agency leadership should move as quickly as possible to fill vacant Designated Federal Entity (DFE) inspector general positions.
- The White House Office of Presidential Personnel and agency leaders should request from CIGIE lists of qualified potential candidates to fill vacant IG positions.
- During the confirmation process, Senate committees must thoroughly investigate nominees’ qualifications to ensure they meet at least those guidelines outlined in the IG Act.

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Introduction

Oversight and accountability are fundamental to maintaining public trust in our institutions and an effective government. The 73 independent inspectors general (IGs) found throughout the federal government conduct essential oversight and make recommendations for the improvement of government programs and operations.

To examine the role of IGs in the oversight process, the Bipartisan Policy Center (BPC) established the Task Force on Oversight and Inspectors General, comprised of distinguished former government leaders, IGs, public administrators, and senior congressional staff. BPC hosted six task force meetings at which task force members received testimony from a variety of stakeholders from the IG and oversight communities, and deliberated on a range of proposals to enhance oversight capacity. This report contains our unanimous recommendations.

The landmark Inspectors General Act of 1978 (IG Act) established the framework for independent offices of inspectors general throughout the government. The act directs IGs to “promote the economy, efficiency, and effectiveness” of federal programs and operations and to prevent and detect waste, fraud, and abuse. IGs are to keep agency heads and Congress fully informed about problems, deficiencies, and corrective actions.

IGs perform a variety of oversight activities including audits, investigations, evaluations, and inspections. At the end of these activities, they report to agency heads with recommendations for corrective action. Importantly, IGs may not themselves undertake corrective action or operational responsibilities. IGs also submit a semiannual report to Congress on their activities and recommendations, including those unaddressed by the agency, commonly referred to as “open recommendations.”

Each year, IGs identify billions of dollars in potential savings to the government, and thousands of instances of fraud and wrongdoing. Their diligence has paid off. Scandals involving Jack Abramoff, the Navy’s “Fat Leonard” and Tailhook, and Lance Armstrong, among countless others, would not have surfaced without the scrutiny and watchful eye of the IGs.

“The inspectors general are a symbol of a great and confident nation and of an unfolding American revolution dedicated to integrity in carrying out its duties and the continuous improvement of its government.”

—David Williams, task force member

In creating these independent offices, Congress fashioned a unique dual reporting authority for IGs to report to both Congress and their respective agency heads, thereby preserving separation of powers. This structure allows IGs to provide Congress with information that serves its oversight duties and to assist the executive branch with improving agency operations and programs.

This report comes at a pivotal moment in the history of the IG community. 2018 marks the 40th anniversary of the IG Act. IGs across government face increased pressure on their independence and nonpartisan status. In a hyper-partisan environment, Congress and the administration should guard against temptations to “weaponize” the work of IGs for partisan agendas. This moment offers Congress and the IG community an opportunity to reflect on and lay the groundwork for a legislative and organizational infrastructure for IGs that can serve the American people moving forward over the next 40 years.

Congress and the Inspectors General

Oversight of the executive branch is one of the central duties of Congress and arguably as important as lawmaking.¹ Proper checks and balances require Congress to assess the implementation of laws and the performance of federal agencies and departments. While Congress has the ultimate responsibility in this area, the IGs aid Congress in undertaking this monumental task.

IGs are oversight entities in their own right and independent of Congress. But a collaborative approach between Congress and the IGs has the potential to produce even greater returns. Since the IGs were established, their work has been at the foundation of countless examples of congressional oversight. This task force expects that reliance will continue, if not expand, in the future. As observers have noted for more than a decade, oversight conducted by congressional committees has waned.² In the future, it seems possible the IGs will fill in more of the gap. Congress and the IGs can take concrete steps to facilitate and improve oversight going forward.

This section focuses on the important role independent IGs play in an age of partisanship, steps Congress can take to leverage the work of IGs, and ways to increase communication between Congress and IGs to achieve better oversight.

INDEPENDENCE IN A TIME OF PARTISANSHIP

In a period of hyper-partisanship on Capitol Hill, Congress needs information that it can trust to be unbiased and nonpartisan, especially when it comes to executive branch oversight. Too often, the two political parties seem to have their own facts and conclusions.

The work of the IG community takes place outside the realm of partisan politics. IGs are independent, selected without regard to their political affiliation, and have a reputation for integrity and neutral fact finding.³ When it comes to instances of waste, fraud, and abuse, especially the high-profile instances that might be the subject of congressional hearings, IGs can inform the dialogue with unbiased information, findings, and recommendations. Congress can then decide how to act.

Congress must respect the independence of IGs. IGs are honest brokers. They do not conceal information from one party or the other and are always inclined to operate in a nonpartisan and collaborative way.

Some IGs have raised concerns about pressure from Congress to turn over partial results from audits, evaluations, inspections, or investigations before they are completed. Such requests have the potential to compromise the independence of IGs and the integrity of investigations. Congress should also be circumspect when considering reductions in IG budgets. The task force is aware of situations when it appears IG budgets were reduced for political reasons.



Congress should see IGs not just for their value in investigating the most recent scandal or allegations of waste, fraud, or abuse, but also for their value in identifying long-term issues of concern.

Congress should see IGs not just for their value in investigating the most recent scandal or allegations of waste, fraud, or abuse, but also for their value in identifying long-term issues of concern. Many in Congress already recognize this value added.⁴ IGs can identify risks before they become liabilities. They have consistent information and a street-level understanding of agency operations. IGs also tend to have institutional knowledge built up over extended periods of service at their agencies. More than fodder for partisan bomb-throwing, their work can be used to make the government work better and improve public trust.



HOW CONGRESS CAN LEVERAGE THE WORK OF INSPECTORS GENERAL

Many opportunities exist for Congress to highlight the work of the IG community and, in doing so, improve oversight of the executive branch. A common theme the task force heard from current and former IGs is that agency officials pay more attention to—and work more diligently to address—IG recommendations when Congress expresses interest in them.

Recommendation: Committees in the House and Senate should include open recommendations from IGs in their oversight plans for each Congress.

Committees in the House of Representatives are required to develop formal oversight plans for areas of the government under their jurisdiction at the start of each Congress.⁵ In developing these plans, the task force strongly encourages committees to consult with IGs about major challenges at agencies and departments and to include high-priority open IG recommendations in those oversight plans. Open recommendations are recommendations made by IGs for which corrective actions have not yet been completed by the agency.

The Senate does not require committees to develop oversight plans at the outset of each Congress. Nevertheless, Senate committees should consult with IGs and review open recommendations as they develop their agendas and set priorities.

Including IG recommendations into oversight plans would be mutually beneficial for Congress and the IGs. For Congress, the recommendations are a pre-identified set of areas where committee attention may be needed. For IGs, congressional attention will encourage agencies to address their recommendations. This practice might also draw Congress's attention to situations in which an agency is receptive to an IG recommendation but lacks the resources to implement it.

“The future of inspectors general will rest in their ability to greatly enhance communication with Congress and key staff on the mission and tangible value provided by IGs. Equally important is the need for Congress to provide timely follow-up on recommendations issued by IGs in order to effectuate program savings and root out waste, fraud and abuse.”

—Denise Wilson, task force member

Recommendation: Committees in the House and Senate should take more opportunities to highlight open recommendations from IGs at hearings and in other public forums.

Committees in the House and Senate should make a point of asking agency officials about open recommendations. This goes for the authorizing and appropriations committees, as well as the House Oversight and Government Reform Committee and Senate Homeland Security and Governmental Affairs Committee. IGs told the task force that agencies will often work quickly to address open recommendations before hearings when they expect to be asked about them.

In the Senate, this also applies to the confirmation process. Senate committees should ask nominees how they plan to work with their respective IGs and how they would address high-priority open recommendations. This type of questioning may serve to prepare nominees for constructive working relationships with IGs and convey Congress's expectation for such relationships.

Committees should consider holding hearings dedicated to addressing open recommendations, with agency leaders and IGs present. Some departments have hundreds of open recommendations from their IGs. Hearings would offer opportunities for Congress, the agency heads, and the IGs to prioritize recommendations and identify ways to address them. Appropriations subcommittees should consider inviting IGs to hearings to identify potential savings at agencies.

Recommendation: When appropriate, Congress can require agencies and departments to report on the status of open recommendations.

Congress may find it beneficial to require – in statutes or committee report language – that agencies and departments report to them on the status of open IG recommendations. It would likely be unwieldy and duplicative to require this extra reporting for all open recommendations as IGs already

report on the status of open recommendations in their semiannual report to Congress. But applied in a tailored way, addressing particularly serious deficiencies or patterns of failure, this approach would encourage agencies and departments to take IG recommendations more seriously.

Recommendation: Congress should authorize IGs to forward reports involving alleged employee misconduct to the agency where the individual is currently employed.

At times, the work of IGs involves investigating individual agency employees for potential wrongdoing and transmitting their findings to agency heads. Congress recently identified a loophole whereby an employee might separate from their agency before an IG investigation can be completed or before findings can be acted upon. If an employee transfers to another agency or department, the new employer might be unaware of the investigation and any related findings, as no mechanism exists to share IG findings among agencies.

Congress recently sought to close this loophole by requiring the notation of an ongoing investigation in a separating employee's personnel record file.⁶ This task force believes that IGs should be authorized to forward any resulting report to the employee's new agency. This action will provide the new employing agency with a fuller understanding of the employee's past record.

GETTING ON THE SAME PAGE

One obstacle to improved collaboration on oversight matters is the disconnect that often exists between Congress and the IGs. The two entities sometimes have differing views of what constitutes oversight. In some instances, there is a misunderstanding of the role of IGs versus the role of the Government Accountability Office (GAO) or Congress itself. Worse, the independence of IGs, which is fundamental to their role, can be brushed aside to serve political interests.

Some of this disconnect might be expected, due to the nature of IGs as independent actors who report both to agency leaders and to Congress. Though Congress may request IGs to investigate a matter—whether formally in legislation or through informal channels such as a letter—IGs are primarily responsible for directing their own work. Congress and IGs will need to improve their communication and mutual understanding of one another's priorities to advance oversight collaboratively.



Congress and the IGs will need to improve their communication and mutual understanding of one another's priorities to advance oversight collaboratively.

Recommendation: The Council of the Inspectors General on Integrity and Efficiency (CIGIE) should organize regular briefings—at least once or twice per year—to educate members of Congress and their staff on the work of IGs.

One issue this task force identified is that there is not widespread understanding of the role of IGs on Capitol Hill. This is especially true compared to the role of GAO, which is an arm of Congress. While some staff, such as those serving the House Oversight and Government Reform Committee or the Senate Homeland Security and Government Affairs Committee, generally have a better understanding of the work performed by IGs, it is less consistent among other committee staff and members' personal staff. As a result, congressional staff may not fully utilize IGs as a valuable resource, requests may be made of IGs that would more appropriately be made to GAO, and requests may exceed the resources of IG offices.

The task force believes that the IG community can better engage with Capitol Hill to provide general information about the role of IGs, the types of work they perform, their available resources, and how their work can aid Congress in carrying out its oversight duties. One way to accomplish this would be through regular briefings for members and staff. CIGIE has begun experimenting with these briefings recently, and the task force strongly encourages their continuation. CIGIE might also seek opportunities to brief newly elected members of Congress at the start of each session.



Recommendation: IGs should meet regularly with congressional committees with jurisdiction over their departments or agencies, including appropriations subcommittees.

Under the IG Act, IGs must keep Congress and agency heads “fully and currently informed. . .concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations.”⁷ They must do so twice annually in the form of a semiannual report which summarizes the work completed by their office over the past six months and a dashboard of information about the agency.⁸ IGs are also to report immediately to Congress on serious problems, abuses, or deficiencies through a report which must be submitted within seven days of receipt of information, commonly called a “seven-day letter.”⁹

Some IGs go above and beyond these requirements and are in regular contact with relevant congressional stakeholders. However, this type of contact is inconsistent across the IG community. The task force strongly believes all IGs should better engage Congress by meeting regularly with relevant congressional committees of jurisdiction. These meetings can serve as an opportunity for IGs to brief committee staff on the contents of the most recently submitted semiannual report, express any concerns regarding ongoing matters, and, when appropriate, preview upcoming activities that may be of interest. IGs could also use this as an opportunity to brief staff on their audit work plan for the year. These meetings should be conducted on a bipartisan basis.

IGs can also use these meetings as opportunities to raise concerns regarding their budgets. Interestingly, the task force discovered that while the IGs have some budget autonomy, as outlined in the Inspector General Reform Act of 2008¹⁰, few IGs utilize it fully. IGs can notify Congress if they believe the administration’s budget request is insufficient to carry out their duties. The most sophisticated IGs provide Congress with work plans to demonstrate the need for adequate funding in these circumstances.

“Given the far-reaching economic and social implications of government programs, good stewardship of public funds is critical. Inspectors general can play an important role in informing the congressional appropriations process of where the system is working and where it isn’t. By engaging more closely with IGs, the House and Senate appropriations committees can better ensure that taxpayer money is spent wisely and efficiently.”

—Bettilou Taylor, task force member

Recommendation: Congressional committees should regularly invite IGs from agencies and departments within their jurisdictions to brief them on important matters.

The task force also believes it would be good practice for congressional committees to invite relevant IGs to the Hill for meetings on a regular basis. One congressional staff member told the task force that their committee invites different IGs to meet with the staff on a rotating basis. This gives staff better insight into the priorities of the IGs and agency activities. The task force recommends Congress adopt this practice more broadly. Committees should always strive to hold these meetings on a bipartisan basis.

Recommendation: Every IG should make easily available to Congress the names and contact information of the individuals in their offices who are responsible for congressional affairs.

The task force heard some complaints that it can be difficult for congressional staff to contact IG offices. Some IGs make this contact information readily available, while others do not. To promote better lines of communication, IGs should provide this information to Congress and update it on a regular basis. Congress could maintain this information in an internal database available to all staff. Alternatively, CIGIE could be a clearinghouse for this information through its Oversight.gov website and include public affairs contacts for the media as well.

CONGRESSIONAL REQUESTS AND MANDATES

While IGs are independent in determining much of the work they will undertake, some matters, particularly investigations, are referred to them by others. Members of Congress, the president, agency leaders or employees, and even members of the public can request IGs to review a matter, although IGs are not compelled to do so unless directed by statute. IGs do try to act on many such requests, however. Congress may also mandate

in statute that individual IGs or the IG community as a whole perform certain functions. Congress and the IGs can make this relationship more accommodating for all involved.

Recommendation: Congress should consult with IGs before requesting or mandating them to engage in investigations, audits, or other lines of work.

The task force heard from the IG community that congressional requests and mandates have increased in recent years. This development is both positive and a challenge. Congress should make every effort to engage more with IGs on oversight. IGs generally want to be responsive to congressional requests, but increased requests can put pressure on IG office resources and compete with other previously-identified priorities. One IG noted to the task force that at least 60 percent of the work performed by his office was mandated and did not leave sufficient opportunity for independent, discretionary oversight. Another IG questioned whether it was possible to engage in risk-based auditing when 80 percent of his office's audits are a result of congressional requests.

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One IG noted to the task force that at least 60 percent of the work performed by his office was mandated and did not leave sufficient opportunity for independent, discretionary oversight.

The task force recommends that Congress consult with IGs before directing or requesting them to perform investigations, audits, or any other activities. This recommendation is especially important when a new directive will be codified in statute or committee report language. IGs told the task force that they are sometimes caught off guard by requests, or that requests are not crafted in clear and actionable ways. IGs can provide input that will ensure Congress gets what it is seeking and that IGs understand what Congress truly wants. Consultation would allow IGs to notify Congress if they are already engaged in the matter. It would also give IGs an opportunity to redirect activities to GAO when more appropriate.

Recommendation: CIGIE should develop an IG community-wide protocol for processing congressional requests.

Each IG office is responsible for developing and carrying out its own congressional relations policy, including how it responds to requests or inquiries from congressional committees or individual members. To Congress, the varying approaches can appear inconsistent and confusing. This task force believes that CIGIE, working with the IG community and Congress, should develop thorough protocols governing how IGs interact with Congress.

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Currently, CIGIE maintains a *Congressional Relations Handbook* meant to provide guidance to IG offices on a range of topics related to interacting with Congress.¹¹ Its guidance on responding to requests from Congress is helpful, but general in nature and leaves the specifics to each IG. Two other documents provide standards for IGs in this area: the *Generally Accepted Government Auditing Standards* or “Yellow Book” established by GAO,¹² and the “Blue Book” developed by CIGIE for inspections and evaluations.¹³ However, neither of these documents are intended for a congressional or public audience.

Like the IG community, GAO also receives hundreds of requests and mandates from Congress each year. GAO publishes *Congressional Protocols* to guide this work.¹⁴ It clearly outlines how requests should be made, considerations for accepting requests, how audits are designed and conducted,



and all other steps in the process. GAO's approach serves to both guide its own activities and inform Congress about its policies and procedures. IG community protocols should do the same.

Developing protocols that each IG office can adhere to may be challenging. While GAO is one entity, there are 73 IGs across the federal government. They have differing levels of staffing and funding and oversee agencies that vary in size and mission. IGs do not all have the same authorities. Still, the task force believes community-wide protocols have the potential to improve interactions with Congress. They may also serve to bolster the IGs' independence by outlining clearer guidelines and standards regarding their work.

CASE STUDY: THE POWER OF THE PURSE REINFORCES IG ACCESS TO INFORMATION

IGs' access to departmental data and information is essential to the performance of their duties. However, IGs sometimes meet resistance within their agencies when requesting such information. Congress can intervene to support IGs in these situations.

For example, from 2014 through 2017, the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies (CJS) acted to ensure access to information that the Department of Justice (DOJ) and the Department of Commerce (DOC) refused to provide to their respective IGs.

The subcommittee included a provision in the fiscal year (FY) 2015 CJS appropriations bill reinforcing the DOJ IG's authority to access departmental records. The provision stated:

Sec. 218. No funds provided in this Act shall be used to deny the Inspector General of the Department of Justice timely access to all records, documents, and other materials in the custody or possession of the Department or to prevent or impede the Inspector General's access to such records, documents and other materials, unless in accordance with an express limitation of section 6(a) of the Inspector General Act, as amended, consistent with the plain language of the Inspector General Act, as amended. The Inspector General of the Department of Justice shall report to the Committees on Appropriations within five calendar days any failures to comply with this requirement.

Despite this provision, DOJ continued to refuse to provide information to the IG. To support its position, DOJ relied upon a memo from the department's Office of Legal Counsel. This position prompted a letter from the chair and ranking member of the Senate Appropriations Committee pointedly disputing DOJ's interpretation of the FY2015 provision. DOJ continued to deny access to the IG, and as a result, the FY2016 CJS appropriations bill included a provision affirming access to agency records for all departments and agencies within the subcommittee's jurisdiction.

In a similar case, in 2016, the DOC IG notified the Senate Appropriations Committee that the department was refusing to provide access to records from the International Trade Administration, contrary to the provision in the FY2016 CJS appropriations bill. Discussions between the committee and DOC to resolve the situation yielded little result. Subsequently, the subcommittee drafted a provision in the FY2017 CJS appropriations bill restricting funding to the department's general counsel until the department complied with the requirement to provide requested records to IGs. The DOC relented and provided access to the IG. The provision regarding the department's general counsel was removed before the bill's final passage.

These are two specific cases in which the power of the purse was used to support IGs. While appropriators took these actions, authorizing committees have also drafted their own legislation to reinforce the IG's authority. Congress recently enacted the IG Empowerment Act of 2016, which amended the 1978 IG Act to ensure IGs across government have timely access to agency records.¹⁵

These instances demonstrate the necessary role Congress must play in supporting IGs.



Independence and the IG-Agency Relationship

One of the task force's primary findings is that IGs must balance the demands of independence with fostering a working relationship with agency heads. The role of IGs has evolved since their creation, and so too must the way IGs and agency heads approach their interactions. Gone are the days of the "gotcha" enforcement mentality. IGs do not focus solely on rooting out fraud and abuse. They also highlight opportunities to improve agency operations and program performance. The IG-agency relationship is not always constructive, however. Some agency heads are wary of IGs and approach the relationship defensively. A visit from the IG might mean something has gone wrong and the agency head is liable or could be embarrassed.

"Generally, department and agency leaders are wary of hearing from the IG. It feels like 60 Minutes showing up on your doorstep. Government functions could be greatly improved if more was done to encourage agency heads and IGs to work better together."

—John McHugh, task force member

The task force believes there needs to be a culture shift in the IG-agency relationship. The federal community should more readily recognize the value IGs bring to agencies. More attention must be given to their positive impact in supporting agency missions, as well as their ability to recognize agency improvements and accomplishments. While independence is critical for IGs to perform their work, they should be involved in an ongoing way with the management structure of the department or agency.

In some circumstances, a close agency-IG relationship becomes difficult or even impossible to maintain. When the IG is investigating an agency head or senior agency leader, the IG's first duty is to identify and report misconduct and uphold transparency and accountability, even if it endangers the close working relationship.

"When I became Secretary of Agriculture, the first person I met with was the IG. I wanted to establish an open line of communication with him and start building trust right away. I invited the IG into the department's management meetings because he could identify issues before they turned into problems."

—Dan Glickman, task force member

Agency heads and IGs must understand and respect the intent of the IG Act, which is principally to help improve the efficiency and accountability of each federal agency. The act specifies that IGs are to "provide a means for keeping the head of the establishment and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action..." The task force recognizes that the relationship between an agency head and the inspector general can often be strained because of the very nature of what IGs do. However, agency heads should strive to encourage an environment of openness and transparency. Likewise, IGs should strive to be as transparent as reasonably possible, consistent with the act. This section explores the benefits of strengthening agency-IG relationships, the need to balance cooperation and independence, and the expanding focus of IGs to include improving agency outcomes. It also explores the role IGs can play in evidence-based policymaking.

BRINGING INSPECTORS GENERAL TO THE TABLE

Agency heads should consider IGs to be an integral part of their management team given the significant improvements they can bring to agencies. However, IGs are more commonly detached from agency management, operations, and decision making. To better capitalize on the work of IGs, agencies and IGs need to create a culture where IGs are more aware of agency activities in real time.

Recommendation: Agency heads are encouraged to include IGs in key agency meetings, as appropriate.

Recommendation: Agencies should coordinate with IGs to provide timely updates on the implementation status of recommendations.

The task force recommends that IGs attend regular meetings with agency leaders, which could take a number of forms.

For example, IGs should be invited to attend key management meetings, as appropriate. As part of management meetings, IGs can provide feedback on processes and plans, pointing out where the agency is vulnerable. IG attendance and participation can allow for better coordination and scheduling of audits, inspections, and evaluations. It can also be a venue to address, defuse, and prevent problems from arising during these activities. This type of regular, open communication will encourage catching issues before they escalate.

Former Secretary of Agriculture Dan Glickman, a member of the task force, emphasizes the importance of trust between the agency head and the IG. When Glickman became agriculture secretary, his first meeting was with the IG, and he made clear that his door was always open. Glickman also invited the IG to attend management meetings because he recognized that the IG could identify risks and help the department avoid them. Glickman found that the IG would sometimes be more candid with him than his own staff, who were focused on achieving goals and carrying out his agenda.



Many agency heads only meet with the IG upon request, and even then, it is sometimes delegated to a subordinate or the general counsel. To develop a trusting, constructive relationship, the IG and the agency head need to meet regularly.

Routine, monthly meetings between the IG and agency head are another option. Many agency heads only meet with the IG upon request, and even then, it is sometimes delegated to a subordinate or the general counsel. To develop a trusting, constructive relationship, the IG and the agency head need to meet regularly. The meetings can be used to discuss sensitive topics that might not be appropriate for management meetings; findings and recommendations with which the agency disagrees; or agency progress in addressing open IG recommendations. In turn, the agency should use this forum to provide regular and timely status updates on open recommendations. This information exchange may allow the IG to take the status of open recommendations into account when issuing additional or follow-on audits and reports.

The inclusion of IGs in management meetings is not without drawbacks. For example, an IG might become privy to information that could become the subject of an investigation. Situations will certainly arise in which neither the IG nor the agency head wish to share certain information with one another, such as cases where senior management or the agency head are under investigation. However, the task force believes that the benefits of including IGs in agency meetings allows for course corrections so that small issues do not become large problems. These benefits outweigh the costs and improve agency operations over the long run. IGs need to be proactive in raising concerns regarding risks during these meetings rather than waiting for them to develop.

INDEPENDENCE BUT NOT IRRELEVANCE

Some IGs believe attending management meetings or regularly meeting with agency heads might compromise or appear to compromise their independence. With proper judgment, this can be avoided. An IG who remains distant from agency operations limits his or her ability to identify emerging risks in time for preventive action. The task force heard from current and former IGs that IGs risk irrelevance by maintaining too much distance from agency heads and senior management.



An IG who remains distant from agency operations limits his or her ability to identify emerging risks in time for preventive action.

One former IG used regular meetings with the agency head and senior management as a forum to reinforce his independence. Without these meetings, this IG believes he would have been unaware of some agency operations. Moreover, an IG can miss opportunities to recommend improvements to operations and programs when focusing solely on audits and investigations.



IGs should be cautious about the appearance of having been coopted or influenced by agency management. This concern may be greater for IGs at smaller agencies, where work environments are generally more familiar. IGs in these circumstances may need to exaggerate the lines of independence more so than at larger agencies. IGs also should avoid the appearance that they are taking on responsibilities that are more appropriately the purview of the agency's general counsel.

The IG Act grants IGs substantial independence and authority. Agency heads must endeavor to ensure that IGs are able to freely perform their duties consistent with the act's provisions and intent. Ideally, IGs can maintain boundaries while building a relationship founded on trust, ultimately furthering the agency mission.

SHIFTING FOCUS TO IMPROVING AGENCY OUTCOMES

A large portion of IG functions has been narrow and transactional, responding to particular high-profile cases, such as abuses by federal employees or isolated instances of program failures. These types of narrow cases may deplete resources, exacerbate internal tensions, and fail to address systemic issues. A risk-based, oversight approach – focused on the agencies' economy, efficiency, and effectiveness – will yield solutions with greater returns for the American public.

“Inspectors general play an important—if not pivotal—role in the efficiency of federal agencies; therefore, agency heads and inspectors general should strive to encourage an environment of openness and transparency to the maximum extent possible. The relationship between the agency head and the agency's inspector general should be one of the closest in the organization, not the most adversarial.”

—Arnold Fields, task force member

Constructive improvement of agencies requires a shift in priorities so that IG offices are less concerned with claiming credit for identifying deficiencies and see more value in improving the agency.

Recommendation: IGs should work with management to flag programs and operations at risk and before problems arise.

For IGs to be trusted as a means of improving agency management, they need to be as proactive as possible in identifying risks and deficiencies to agencies. At their best, IGs can identify issues so that preventive measures can be taken. At times, it is appropriate for IGs to delay sharing information to complete an investigation or audit, but in most cases the IGs should strive to identify risks as early as possible. Waiting for problems to materialize is not a good option.

Recommendation: IGs should share draft reports with agency heads in advance of their publication to the greatest extent possible.

Many IGs follow an audit process that involves briefing the agency head on the audit results before making them public. The goal of issuing audit findings should be to address risks, not to blindside the agency. Sharing draft reports and recommendations does not mean agency heads can make alterations. Exceptions to this type of notice may exist in sensitive cases, including those related to the actions of an agency head.

THE ROLE OF INSPECTORS GENERAL IN ADVANCING THE EVIDENCE AGENDA

There is a government-wide movement toward reliance upon evidence and data in policymaking. IGs already assist agency heads with making informed decisions about programs, projects, operations, and allocation of resources within their jurisdiction. The emerging area of evidence-based program evaluation will help to ensure that policymakers make better decisions based on sound evidence.

In 2016, Congress established the Evidence-Based Policymaking Commission. The purpose of the commission was to study and develop a strategy for strengthening the federal government's evidence-building and policymaking efforts. The commission issued its recommendations in a report entitled *The Promise of Evidence-Based Policymaking in September 2017*.^{16,a}

President Trump's Management Agenda also focuses on improving agency decision-making processes:

"Efficient and effective decision-making is fact-based and transparent. However, Government agencies do not consistently apply data-driven decision-making practices. Smarter use of data and evidence is needed to orient decisions and accountability around service and results."¹⁷

As the government moves to adopt more evidence-based policymaking practices, the IGs will be increasingly called upon to assist agencies in this area. Some IGs conduct program evaluations already and see this as a growing area of importance.

One current IG noted that IGs have 40 years of experience in addressing fraud and wrongdoing. While law enforcement skills remain important, it would also be beneficial to expand IGs' focus on the "economy and efficiency" mandate of the IG Act.

The task force believes there is a role for IGs as trusted, independent, third-party validators of data, evaluations, and evidence. IGs have a strong track record of work involving inspections and evaluations. Currently, CIGIE provides a comprehensive manual for guidance on conducting these activities.¹⁸ Should their current role be expanded, IGs would need to be able to base their recommendations on proven and accepted evaluation methodologies.

"Waste, fraud, and abuse beset federal agencies, to be sure. But ultimately, what matters most is whether programs are working. Finding and using more rigorous evidence about program performance in agency management and decision making is critical to government's growing impact. Inspectors general have an important role to play in the expansion of evidence-based policymaking."¹⁹
—Robert J. Shea, task force member

The need for nonpartisan, trusted research and evaluation by the executive branch and Congress will act as a catalyst for greater IG participation in this area. IGs with the proper capacity can greatly assist their agency heads and Congress by providing trusted, third-party verification. IGs could also help to guard against the weaponization of evidence for political or partisan purposes, given their reputation for objectivity.

Many stakeholders who spoke to the task force identified limited IG office budgets as a constraint on oversight activities. One expert told the task force that the **IGs' role in this area is currently limited by a shortage of staff with proper training and tight resources.** Further, IGs would need to have more direct access to agency information to perform data analytics.

As the federal government adopts a more evidence-based policymaking approach, IGs can be expected to provide support and oversight of the approaches agencies take as long as they have the capacity and access to ensure success. **IGs can also assess agency progress on evidence-based policymaking and the quality and performance of evaluations generated by the agencies.**

^a The Bipartisan Policy Center's Evidence-Based Policymaking Initiative supports the implementation of the recommendations of the Commission on Evidence-Based Policymaking. The initiative will provide advice and expertise on implementation options and strategies. It will also expand and extend the work of the commission as Congress develops legislation and as the Executive Branch devises regulations, policies, and standards to improve the generation of high level, quality evidence.



The Evolution of the IG Community

The Council of the Inspectors General on Integrity and Efficiency (CIGIE) was created to support and coordinate the IG community. Its purpose is to address integrity, economy, and effectiveness issues that transcend individual government agencies, and to increase the professionalism and effectiveness of IG personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce.¹⁹ The council's membership is made up of the 73 IGs from across the federal government.

Among the functions CIGIE performs are the establishment of quality standards, best practices, and policies to guide IGs' work; conducting robust training academies for the 14,000 members of the IG community; and providing oversight of the IGs through an integrity committee that investigates alleged IG wrongdoing. CIGIE has achieved considerable success over the last decade, but the task force finds some areas for additional improvement. This section explores the need for increased CIGIE funding, potential expanded use of Oversight.gov, opportunities to identify cross-agency challenges, and reforms to CIGIE governance.

CIGIE FUNDING

The CIGIE mission requires a robustly staffed and fully functional organization with capacity commensurate with the IG community's \$2.7 billion combined annual budget. Modest funding will yield only modest results. Even though there is general agreement that current CIGIE leadership is making important contributions, the council's current funding is inadequate to meet its full potential. Dedicated funding could be used to enhance the IG community in several ways, and without it, many of the recommendations included in this report will be difficult to enact.

Recommendation: Congress should work with CIGIE and the Office of Management and Budget (OMB) to develop a dedicated funding stream.

CIGIE does not currently have a dedicated appropriation from Congress. The current CIGIE funding stream is inefficient and unsustainable. Each IG essentially pays a "tax" from its own budget to fund CIGIE through a "pass the hat" system. While CIGIE has always had full participation from IG offices, there is no guarantee this will always be the case. In a period of uncertain budget levels, many IGs may face tough decisions about providing funds to CIGIE.

Current funding through the "pass the hat" structure allows for only baseline support. More innovative and impactful initiatives are not feasible with unstable year-to-year funding. If Congress wishes CIGIE to do a better job of identifying systemic issues affecting multiple areas of government, they will need the support to do so.

"OMB and IGs have had a special relationship since the IG Act was passed and signed in 1978. Along with agency heads, OMB often plays a key role in recruiting and vetting potential IG candidates. In addition, OMB provides technical support to the IG community. This report recommends that CIGIE and OMB work to develop a dedicated stream of funding for the council. This could take the form of an appropriated revolving fund using as a revenue offset monies saved by IG offices. The fund could be jointly managed by OMB and CIGIE."

—G. Edward DeSeve, task force member

Recommendation: CIGIE, in coordination with OMB, should develop a legislative request for a dedicated funding stream.

As CIGIE continues to evolve and assume new responsibilities, the task force recommends that it pursue a dedicated funding stream to provide reliable, consistent funding to meet its mission. The task force envisions a dedicated funding stream taking any one of several forms.

For example, the funding source could be a direct appropriation from Congress. Alternatively, CIGIE and OMB could explore the use of a percentage of criminal penalties assessed through IG investigations or asset forfeitures. This funding mechanism would require sufficient controls to minimize incentives for IGs to "bounty hunt" to acquire these funds. A third potential funding stream could be the establishment of a program integrity fund.

Program integrity funds are used in other areas of the government to encourage program innovation and support cost-saving efforts such as the reduction of improper payments. Under this approach, Congress could establish a dedicated appropriations account, with the potential for multi-year funding, to support CIGIE.

BUILDING ON THE PROGRESS OF OVERSIGHT.GOV

CIGIE recently launched *Oversight.gov*, a website that hosts a searchable database of IG reports from across the government, as well as a dashboard of IG-related performance data. The task force finds the establishment of this website particularly impressive given that there was no dedicated funding for it. The website has raised the profile of the work of the IG community with Congress and the public. For the first time, it is possible to search among all IG reports in one place. The website holds considerable promise for expansion to serve the IG community, Congress, and the public, but adequate funding is needed.

The task force envisions *Oversight.gov* becoming a centralized repository for open recommendations. As it stands today, the American public has no simple way to know if government leaders are addressing critical management concerns that threaten agency missions. Highlighting these recommendations publicly encourages agencies to address them. Members of Congress have also requested the capability of viewing all open IG recommendations in one place.²⁰

A more robust *Oversight.gov* could also provide a shared IT infrastructure across all IGs. As it stands now, many IGs rely on their agencies for email, IT support, and IG websites. There are inherent concerns about IGs—charged with oversight—being reliant on the agencies for these services. *Oversight.gov* could become a shared IT host for the IG community to support email, web, and other services.

Additionally, ***Oversight.gov* could be used to identify trends across government that would otherwise be siloed within individual agencies.** Congressional staffers indicated to the task force that there is great value in creating an interagency view of the common issues and recommendations issued by the dozens of IGs.

The task force is encouraged that the FY 2019 Financial Services and General Government appropriations bill, as passed by the Senate Appropriations Committee, includes funding for enhancements to *Oversight.gov*.

CROSS-CUTTING APPROACH TO GOVERNMENT-WIDE RISKS

CIGIE’s mission includes a charge to “address integrity, economy, and effectiveness issues that transcend individual Government agencies.”²¹ The task force believes there is great potential and need for an adequately resourced CIGIE to expand its capacity to produce cross-agency research.



There is great potential and need for an adequately resourced CIGIE to expand its capacity to produce cross-agency research.

One current IG posed health care as a prime example of a government function carried out by multiple agencies where IG functions are siloed. The departments of Health and Human Services, Defense, and Veterans Affairs and the Office of Personnel Management all operate health-related programs. These agencies and their IGs need better ways to communicate about risks and efficiencies in this area. Significant savings could be achieved with proper coordination and sharing of best practices.

Recent examples of CIGIE addressing cross-cutting issues include two reports, *Critical Issues Involving Multiple Offices of Inspector General*²² and *Top Management and Performance Challenges Facing Multiple Federal Agencies*.²³ These reports identify critical areas in need of attention across the government including strengthening cybersecurity, modernizing IT infrastructure, safeguarding national security, managing human capital, and maintaining facilities. The latter report spurred a full House Oversight Committee on Oversight and Government Report hearing.²⁴ Additional funding



could be used to support expansion of these types of efforts.

Recommendation: CIGIE should continue to develop collaboration across agencies to address cross-cutting issues.

The 73 IGs across the federal government commonly identify identical or similar risks and deficiencies in their agencies. Today, there are limited ways to effectively share those findings. CIGIE can increase coordination among IGs by building a learning community of IG best practices. Additionally, CIGIE can continue to develop lists of top issues affecting multiple agencies for increased oversight by all IGs, like the Government Accountability Office's (GAO) list of high-risk considerations across the government.

STRENGTHENING CIGIE GOVERNANCE

CIGIE's decision-making process is governed by a vote of the IGs when consensus cannot be reached.²⁵ The current CIGIE voting model is one vote per IG. The task force does not believe this model is always appropriate given the disparate sizes of the IGs and the agencies in which they are housed, as well as the differences in authorities granted to some IGs.

Decisions requiring financial commitments from IGs can impact offices differently depending on their size and budget. The result can be an imbalance between the amount an IG must contribute and the potential benefit to the office. The current voting model also does not serve the IG community well for decisions involving law enforcement matters. Only some IGs are granted law enforcement authority, yet all IGs have the same influence over any decisions made by CIGIE on the subject.

Recommendation: CIGIE should establish a new internal voting structure to account for the different sizes, budgets, and authorities of the IGs.

Imbalances and differing priorities often exist between those IGs appointed by the president and confirmed by the Senate (PAS) and those appointed by the head of the agency overseen (designated federal entity, or DFE). A new voting structure would take this into account. Consideration should be given to either subdividing votes by subject matter or adopting a weighted vote system whereby some IGs would have proportionally greater influence on certain matters, commensurate with their size, budget, and authorities. For example, only IGs with law enforcement authorities might be allowed to vote on those matters. Another area, shared services, might be subdivided such that only IGs wishing to participate in such a system would have a vote. For matters involving financial commitments from IGs, votes might be weighted in proportion to office budgets.

There are certain matters for which the one-vote-per-IG mode can still work. One example is the adoption of standards for IG activities, such as the conduct of evaluations and inspections.

“One challenge for CIGIE is the diversity of IG offices based on size, resources, staff, and authorities. It is difficult to make decisions in the interest of the entire IG community given the differing priorities and needs among CIGIE members. CIGIE should consider ways to adapt its governing structure to overcome this challenge.”

—James Huse, task force member

Recommendation: CIGIE should grant its chairperson the authority to appoint standing committee chairs.

CIGIE currently has seven standing committees: audit, budget, professional development, information technology, inspection and evaluation, investigations, and legislation. The committees exist to provide leadership and develop guidance and policy in their respective areas. They are essential to the development of policy for the council.

Presently, standing committee chairs are elected by the council after the chairperson and vice chairperson are elected. This delay can be significant and has prevented incoming chairpersons and vice chairpersons from moving quickly in pursuit of an agenda and accomplishing their goals. To strengthen the council, CIGIE should change the current procedure to allow the chairperson, in consultation with the vice chairperson, to appoint all standing committee chairs.

Growing IG Capacity

The ability of IGs to perform their oversight functions well depends on several factors. IGs must have the bandwidth to engage in self-directed, independent oversight in addition to carrying out the extensive amount of activities and reporting mandated by Congress. Resources are a constraint for all IG offices, and the IG community must be innovative in meeting this challenge together. IG offices must also be led by individuals with the requisite experience and integrity. This requires the president and agency leaders to recruit and nominate appropriate and qualified candidates. This section explores how to expand the capacity of IGs by streamlining reporting requirements, expanding shared services, filling current vacancies, and recruiting top-tier candidates.

REPORTING REQUIREMENTS

Statutory reporting requirements for IGs have grown significantly since IGs were established 40 years ago. Some reporting requirements apply to every IG, and some apply to individual IGs.²⁶ All IGs must submit to Congress twice per year a semiannual report that summarizes the activities of their office over the previous six months. IGs also must audit the financial statements of their agencies every year. The Federal Information Security Management Act (FISMA) requires IGs to complete an IT security review for their agency. On an annual basis, IGs must identify the top management and performance challenges of their agency and assess agency progress on addressing those challenges. Additional reporting requirements exist for improper payments, agency spending data, purchase and travel card programs, and cyber threats.

Recommendation: Congress should review all current mandatory reporting requirements across the IG community and determine whether current requirements should be maintained, reformed, or discontinued.

Mandatory reporting requirements occupy a significant amount of time and resources for IG offices. IGs reported to the task force that these requirements account for upwards of 60 to 80 percent of their total workload. These mandatory reporting requirements do not leave much bandwidth for IGs to engage in self-directed, risk-based oversight.



Mandatory reporting requirements do not leave much bandwidth for IGs to engage in self-directed, risk-based oversight.

Reporting requirements can be particularly burdensome for IG offices with fewer staff and resources. The task force also heard skepticism from congressional staff, the IG community, and others about the value of certain reports. One IG bluntly questioned whether anyone was reading some of the reports the IG community is required to produce. Another noted a case where an IG missed submitting its semiannual report for several periods and it went unnoticed.

Congress, through the House Oversight and Government Reform Committees and the Senate Homeland Security and Government Affairs Committee, should review all current reporting requirements in statutes applicable to IGs. Congress must weigh the value and usefulness of the information collected and analyzed against the amount of time and resources necessary to produce the reports. Congress should consult with the IG community in identifying reports that can be reconsidered. Congress should then decide whether requirements should be eliminated, changed, or maintained.

Recommendation: Congress, in consultation with the IG community, should review and update the current semiannual report requirements in the Inspectors General Act.

The task force heard broad support for the concept of updating the semiannual report. The reports provide valuable information to Congress, the agency, and the public. For some committees, like appropriations subcommittees, which have extensive jurisdictions and cannot meet regularly with all relevant IGs, the reports are a helpful dashboard of challenges and risks. At the same time, the task force heard that the semiannual report is outdated and often contains more information than is digestible by Congress.



The IG Act outlines extensively the information that is to be included in each semiannual report.²⁷ Congressional staff, IGs, and others raised questions about whether all the information is necessary and useful. Some speakers suggested it could move to an annual report, which would reduce the amount of time IGs devote to its production. Ultimately, Congress, as the primary consumer, must determine what information should be included and how often the reports should be produced. The task force does not believe the current semiannual reporting requirements are serving Congress well in its intended goal of providing effective oversight of executive agencies.

Recommendation: The Council of the Inspectors General on Integrity and Efficiency (CIGIE) should develop standards, best practices, and templates for IG report products, especially semiannual reports.

The quality, usefulness, and length of IG reports, particularly semiannual reports, varies widely across the IG community. Some reports are concise and basic. Others are overly-extensive, which makes it challenging for readers to determine which information is most important. The task force heard from congressional staff that they value IG reports but wish they were more consistent and concise and that they prioritized content better. They also expressed that reports should include more high-level analysis with the goal of educating congressional staff who have wide-ranging responsibilities and may not be subject matter experts in any given area.

There are many ways to improve IG report products. CIGIE should consult with Congress and agencies on what would be beneficial to them. CIGIE should also survey the current report products produced by the IG community to identify best practices. The goal of this effort should be to make the work of IGs more accessible and useful. Reports should be issued in a format that is easily understandable by the agency heads, Congress, and the public. CIGIE should establish a system of rating recommendations so that Congress, agencies, and the public can determine which are of the highest importance.

CIGIE should also explore opportunities for Oversight.gov to facilitate the production and publication of semiannual reports. The website has already greatly improved the accessibility of the IG community's work by creating a single, searchable database of reports and other information from almost the entire IG community.²⁸

The production of semiannual reports consumes a significant amount of IG resources. Rather than IGs compiling the required information and producing the report, Oversight.gov could be used as a portal to enter the appropriate information and produce most of the report automatically. This would eliminate the need for IGs to upload the reports after they have been produced and potentially offer the information in real time, rather than six to nine months from the time of the initial IG audit or report.

SHARED SERVICES

IG offices vary widely in size, personnel, and resources. Some IG offices have budget authority of \$100 million or more. Others work with less than \$1 million. There are larger IG offices with more than 1,000 employees and there are smaller ones with fewer than five. The different sizes and resources of IG offices usually reflect the size of the department or agency each oversees. No matter the size of an IG office, they still must perform certain basic functions that can consume significant portions of their financial and human capital.



Limited resources constrain the potential quality and quantity of IG work, but more troublingly, it risks compromising IG independence

Limited resources constrain the potential quality and quantity of IG work, but more troublingly, it risks compromising IG independence. Some operational infrastructure such as websites and email services, purchasing and contracting, and personnel and compensation are sensitive in nature and should be maintained separately from that of the agency being overseen. Yet IGs often must rely on agencies for these functions. IGs should not have to simply trust that their emails are secure when discussing an investigation of the agency. A potential conflict exists when IG offices must go through agency contracting officers to secure an outside contractor for an audit or other function. Many IGs, particularly smaller offices, would benefit from a shared services approach.

Recommendation: CIGIE should develop a shared services strategic plan to support the IG community in carrying out their duties.

The task force believes IG offices would benefit from shared services in many areas. Some IG offices already share services, but there is an opportunity for CIGIE to coordinate a community-wide approach to this effort. Shared services would allow IGs to take advantage of economies of scale and potentially free up resources. Some shared services could be housed at CIGIE itself. For instance, a dedicated contracting officer available to the IG community would allow IGs to avoid going through their agency. Shared access to human resources is another example. Other opportunities exist for shared services in software development, particularly for use in data analytics and fraud detection.

Oversight.gov also carries much potential to coordinate and offer shared services and lighten burdens on IG offices. For example, CIGIE should consider offering email services to IG offices who currently must rely on their agency or department. IGs might also migrate their current websites to Oversight.gov-based ones, again eliminating the need for IGs to rely on their agency or department. These types of services would require additional, dedicated funding for Oversight.gov.

Recommendation: CIGIE should develop a formal pool of qualified IG personnel available to IGs in need of additional support or subject matter experts.

The task force also believes there is a benefit to developing a formalized pool of staff—especially for audits and investigations—from which IG offices could draw when necessary. IG offices already enter into agreements to assist one another in this way on an as-needed basis. The task force believes that this could be institutionalized to make the process more efficient. A formal staff pool could be particularly beneficial when it comes to staff capable of conducting cyber security and IT-related audits and investigations. Recruiting and retaining staff with these skills is a challenge across the IG community.²⁹ Retired IG staff might also be allowed to re-enter the workforce on a temporary basis to supplement the staff pool.

Recommendation: CIGIE should consider the development of a “constellation” of IGs to take advantage of shared services and other efficiencies.

Not all IGs will be interested in or have a need for shared services or access to additional staff capacity, particularly larger IGs. However, there are many smaller IGs across the government that could benefit from such a system. These tend to be offices where IGs are appointed by the agency head (DFE). While larger IGs can achieve economies of scale in areas like procurement and contracting, smaller IGs are less well-positioned to do so. The task force believes it is worth exploring whether a constellation of similarly-situated IGs would be more efficient.

The constellation of IGs could be organized to take advantage of shared services or other activities according to agency subject matter or IG size. For instance, IGs overseeing regulatory agencies might have similar needs, but different from those overseeing grant-making agencies. IGs overseeing agencies with jurisdiction over financial services matters seem ideally situated to band together as well. This would provide smaller IGs more budget-friendly access to resources and increase their overall effectiveness.

IG VACANCIES AND NOMINATIONS

A high number of vacancies in IG positions—both those appointed by the president (PAS) and by agency heads (DFE)—has threatened the ability of IG offices to conduct thorough oversight. While acting IGs often are capable and perform well, a permanent IG is better positioned to carry out the duties of the office.³⁰ CIGIE recently wrote to Senate leadership that “no matter how able or experienced an acting Inspector General may be, a permanent IG has the ability to exercise more authority in setting new policies and procedures and, by virtue of the authority provided for in the IG Act, inevitably will be seen as having greater independence.”³¹

The number of IG vacancies has fluctuated in the recent past, but the task force believes the current high number is a cause for serious concern. As of June 1, 2018, there are 13 vacant IG positions.³² Among them is the Department of Interior, which has been vacant since 2011. It is unacceptable that a department should go that long without a nominated and confirmed IG. Also without IGs are the departments of Defense, Energy, Homeland





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Security, and the Social Security Administration. Of the 13 vacant positions, 10 require a nomination by the president and three are appointed by the agency. There are nominees for just four of the 10 presidentially-appointed vacancies.

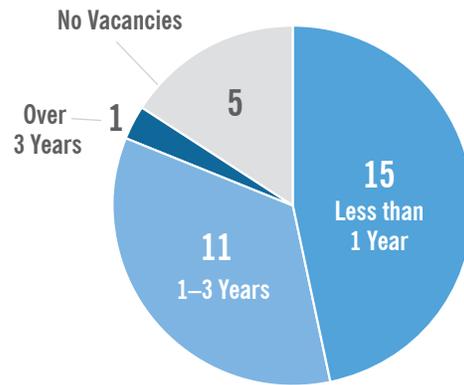
The GAO reviewed the issue of IG vacancies and released a report in September 2017 looking at trends over a ten-year period. It found that, “For the 10-year period covering fiscal years 2007 through 2016, 53 of the 64 IG Act OIGs experienced one or more periods of IG vacancy with the cumulative durations ranging from about 2 weeks to 6 years.”^{33,b}

Cumulative Duration of Inspector General Vacancies, Fiscal Years 2007 through 2016

Presidentially Appointed, Senate Confirmed
Inspector General Offices



Designated Federal Entity
Inspector General Offices



Source: GAO analysis of IG vacancy data, GAO-18-270

Recommendation: The White House must move as quickly as practicable to fill vacant inspector general positions that are appointed by the president (PAS).

Recommendation: Department and agency leadership should move as quickly as possible to fill vacant Designated Federal Entity (DFE) inspector general positions.

The task force is gravely concerned with the high number of vacancies in IG positions. The White House and agency leaders must make every effort practical to resolve the current backlog in nominating qualified individuals and be vigilant to avoid a similar situation in the future.

The task force also recognizes that in the case of those IGs appointed by the president, the White House is not solely responsible for delays in filling vacancies. The Senate confirmation process has also slowed the filling of vacant IG positions. Even so, the executive branch must move expeditiously to do its part in addressing this problem.

^b There are 73 inspectors general in the federal government. Sixty-four were established under the Inspector General Act of 1978 (as amended), and nine others were created through other authorizing legislation. See: https://www.ignet.gov/sites/default/files/files/Presidential_Transition_Handbook_Web.pdf



IG RECRUITMENT

Leadership starts at the top, and IGs are no exception. The ability of an IG to conduct thorough oversight, provide constructive recommendations to agency management, and keep Congress fully informed depends largely on the qualifications of the individual selected to serve as the IG.



Individuals in these positions must be willing to withstand pressure from agency employees and leadership, members of Congress and their staff, and even the White House.

There are few specific federal requirements placed on the position of IG. The only guidance provided in the IG Act regarding the qualifications for IGs is that they be individuals selected without regard to political affiliation and solely based on integrity and demonstrated ability in accounting, auditing, financial and management analysis, law, public administration, or investigations.³⁴ The task force recognizes that mastery of any one of these areas is not by itself a sufficient qualification for an IG.

The IG role inherently involves risk and requires fortitude and prudence in its execution. Individuals in these positions must be willing to withstand pressure from agency employees and leadership, members of Congress and their staff, and even the White House. The role has evolved to require a broader set of skills than just those related to investigations and audits. It is not just a “cop on the beat” catching bad actors. As one IG told the task force, law enforcement and anti-fraud capabilities are important, but IGs now need the type of expertise that allows them to understand the function and structure of government and how to direct their office’s resources to promote economy, efficiency, and effectiveness of programs. The position also requires the ability to lead staff and an understanding of the mission of the agency.

Recommendation: The White House Office of Presidential Personnel and agency leaders should request from CIGIE lists of qualified potential candidates to fill vacant IG positions.

It is difficult to recruit high-quality candidates who possess the professional qualifications and experience necessary for the role, the strength of character to withstand the inherent pressures of the position, and the judgment to remain independent. The highly politicized nature of the Senate confirmation process can also make it a challenge to find qualified candidates who are willing to be nominated.

The task force encourages the White House and agency leadership to draw from the broadest pool of qualified candidates possible when selecting potential IGs. The IG community has valuable knowledge of the individuals who would be most qualified for this unique role. The White House Office of Presidential Personnel—consistent with the president’s appointment authority—and agency leaders should take advantage of this knowledge. While the task force believes a CIGIE-provided list would improve the recruitment of qualified candidates, it does not believe that the president should be limited to selecting only from such a list.

Recommendation: During the confirmation process, Senate committees must thoroughly investigate nominees’ qualifications to ensure they meet at least those guidelines outlined in the IG Act.

The Senate also must take seriously its duty to vet IG nominees to ensure the individual possesses the necessary qualifications and experience for the position. Nominees should be asked how they would approach the relationship with their agency or department head and to commit to consistent and open communication with their agency and Congress. The Senate should also investigate IG nominees’ experience leading and managing staff, and subject matter expertise relevant to the agency they will oversee.



Conclusion

The federal inspectors general have provided indispensable oversight of government programs and operations in their 40-year existence. The work of IGs has returned or identified billions of dollars in savings and brought to light some of the most egregious cases of abuse and malfeasance in our government's history. IGs have and will continue to provide the kind of accountability in government that is necessary to ensure public trust in our institutions. At this milestone anniversary, Congress, the executive branch, and the IG community should reflect on how this role has evolved and consider meaningful improvements to ensure that IGs continue to benefit the federal government and, ultimately, the public.

The task force recommends these improvements focus on the four overarching topics identified in this report: Congress and the IGs working together to enhance oversight; a more constructive approach to the agency-IG relationship; efforts to strengthen the IG community through CIGIE; and building the capacity IGs need to carry out their duties as effectively and efficiently as possible. Some of the recommendations in this report will require legislative action by Congress. Others require cultural and normative shifts by those entrusted with carrying out the work of our government. Many will require additional resources for the IG community.

This task force is optimistic that all the preceding recommendations are achievable and will lead to more accountable and transparent government in the future.

Appendices and Resources

APPENDIX I – TASK FORCE MEETINGS AND SPEAKERS

October 20, 2017

- Panel I: Dustin Brown - Acting Deputy Director for Management, Office of Management and Budget; Acting Executive Chair, Council of the Inspectors General on Integrity and Efficiency
- Panel II: Glenn A. Fine - Acting Inspector General, U.S. Department of Defense
Daniel R. Levinson - Inspector General, U.S. Department of Health and Human Services
Steve A. Linick - Inspector General, U.S. Department of State
- Panel III: Michael E. Horowitz - Inspector General, U.S. Department of Justice; Chair, Council of the Inspectors General on Integrity and Efficiency

November 30, 2017

- Panel I: Gene L. Dodaro - Comptroller General of the United States
- Panel II: Donald F. Kettl - Ph.D., Professor and former Dean, University of Maryland School of Public Policy
Kathryn Newcomer - Ph.D., Director, Trachtenberg School of Public Policy and Public Administration at the George Washington University

January 23, 2018

- Panel: Mark Epley - General Counsel, Office of Speaker Paul Ryan
Charles A. Moskowitz - Senior Policy Counsel, Minority Staff, U.S. Senate Committee on Homeland Security and Governmental Affairs
Beth Stein - Chief Oversight and Investigative Counsel, Minority Staff, U.S. Senate Committee on Health, Education, Labor and Pensions
Jeremy Weirich - Majority Clerk and Subcommittee Staff Director, Subcommittee on Commerce, Justice, Science and Related Agencies, U.S. Senate Committee on Appropriations
Mark Stephenson - Legislative Director, Minority Staff, U.S. House of Representatives Committee on Oversight

February 27, 2018

Internal meeting with task force members

April 13, 2018

- Panel I: Allison C. Lerner - Inspector General, National Science Foundation; Vice Chair, Council of the Inspectors General on Integrity and Efficiency
Robert A. Westbrook - Inspector General, Pension Benefit Guaranty Corporation



Philip M. Heneghan - Inspector General, U.S. International Trade Commission

Panel II: Peter Tyler - Senior Policy Analyst, Project On Government Oversight

Linda J. Gustitus - Washington Co-Director, Levin Center at Wayne Law

Charles S. Clark - Senior Correspondent, Government Executive Media Group

May 9, 2018

Internal meeting and conference call with task force members

May 16, 2018

Internal meeting with task force members

Other Individuals Interviewed and Consulted:

Dr. Brett M. Baker – Assistant Inspector General for Audit, U.S. Nuclear Regulatory Commission; Chair of the Federal Audit Executive Council, Council of the Inspectors General on Integrity and Efficiency

Earl E. Devaney - former Inspector General, United States Department of the Interior; former Chairman, Recovery Accountability and Transparency Board

Emilia DiSanto – Deputy Inspector General, Office of Inspector General, U.S. Department of State

Mark D. Jones – Executive Director, Council of the Inspectors General on Integrity and Efficiency

Shelley H. Metzenbaum – former President, The Volcker Alliance; Associate Director for Performance and Personnel Management, White House Office of Management and Budget

Francis Rose – Host, Government Matters, WJLA/ABC7 and NewsChannel 8

APPENDIX II – LINKS TO KEY LEGISLATION

Inspector General Act of 1978 and subsequent amendments,
[https://www.ignet.gov/sites/default/files/files/jgactasof1010\(1\).pdf](https://www.ignet.gov/sites/default/files/files/jgactasof1010(1).pdf)

Inspector General Reform Act of 2008,
<https://www.gpo.gov/fdsys/pkg/PLAW-110publ409/pdf/PLAW-110publ409.pdf>

Inspector General Empowerment Act of 2016,
<https://www.congress.gov/114/plaws/publ317/PLAW-114publ317.pdf>

APPENDIX III - KEY GAO REPORTS INVOLVING INSPECTORS GENERAL

[GAO-18-270](#): *Inspectors General: Information on Vacancies and IG Community Views on Their Impact* (Issued: March 2018)

[GAO-18-6](#): *Inspectors General: Documented Agreement of Certain Roles and Responsibilities Could Further Enhance Coordination in Afghanistan* (Issued: Nov 2017)

[GAO-17-484](#): *Improper Payments: Additional Guidance Could Provide More Consistent Compliance Determinations and Reporting by Inspectors General* (Issued: June 2017)

[GAO-17-460](#): *DATA Act: Office of Inspector General Reports Help Identify Agencies' Implementation Challenges* (Issued: Apr 2017)

[GAO-17-25](#): *Inspectors General: Improvements to IG Oversight Needed for Architect of the Capitol Operations* (Issued: Nov 2016) Subsequent related testimony: [GAO-17-666T](#) (Issued: May 2017)

[GAO-16-554](#): *Improper Payments: CFO Act Agencies Need to Improve Efforts to Address Compliance Issues* (Issued: Jul 2016)

[GAO-15-814](#): *Federal Spending Accountability: Preserving Capabilities of Recovery Operations Center Could Help Sustain Oversight of Federal Expenditures* (Issued: Sep 2015)

[GAO-15-260](#): *Inspectors General: Additional Efforts Needed by the Department of Commerce OIG to Address Audit Coverage, Hotline Operations, and Employee Concerns* (Issued: Jun 2015)

[GAO-14-726](#): *Inspectors General: DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (Issued: Sep 2014)

[GAO-14-320](#): *Inspectors General: Improvements Needed in the Office of Inspector General's Oversight of the Denali Commission* (Issued: Sep 2014)

[GAO-14-503T](#): *Inspectors General: Oversight of Small Federal Agencies and the Role of the Inspectors General* (Issued: Apr 2014)

[GAO-14-70](#): *Inspectors General: A Sample of the Treasury IG for Tax Administration's Audits Were Generally Consistent with Standards, but Additional Review Could Address Exceptions* (Issued: May 2014)

[GAO-13-245](#): *Inspectors General: USDA Office of Inspector General Resources, Accomplishments, Coverage, and Quality* (Issued: Mar 2013)

[GAO-12-618](#): *Inspectors General: HUD Office of Inspector General Resources and Results* (Issued: May 2012)

[GAO-12-275R](#): *Program Fraud Civil Remedies Act: Observations on Implementation* (Issued: Jan 2012)

[GAO-11-770](#): *Inspectors General: Reporting on Independence, Effectiveness, and Expertise* (Issued: Sep 2011)

[GAO-11-5](#): *Inspectors General: Continued Actions Needed to Strengthen IG Oversight of the United States International Trade Commission* (Issued: Oct 2010)

[GAO-10-63R](#): *Integrity Committee's Process to Address Allegations of Wrongdoing by Inspectors General* (Issued: Oct 2009)

[GAO-09-660R](#): *Statutory Authorities to Prohibit Inspector General Activities* (Issued: May 2009)

[GAO-09-270](#): *Designated Federal Entities: Survey of Governance Practices and the Inspector General Role* (Issued: Apr 2009)

[GAO-09-524T](#): *Inspectors General: Independent Oversight of Financial Regulatory Agencies* (Issued: Mar 2009)

[GAO-09-88](#): *Inspectors General: Actions Needed to Improve Audit Coverage of NASA* (Issued: Dec 2008)

[GAO-07-138](#): *Inspectors General: Activities of the Department of State Office of Inspector General* (Issued: Mar 2007) Subsequent related testimonies: [GAO-08-135T](#) (Issued: Oct 2007); [GAO-11-382T](#) (Issued: Apr 2011)

[GAO-06-931SP](#): *Highlights of the Comptroller General's Panel on Federal Oversight and the Inspectors General* (Issued: Sep 2006) Subsequent related testimonies: [GAO-07-1021T](#) (Issued: Jun 2007); [GAO-07-1089T](#) (Issued: Jul 2007)



APPENDIX IV – SELECT OTHER RESOURCES

General

Council of the Inspectors General on Integrity and Efficiency See <https://www.ignet.gov/>

All Inspector General Reports in One Place. See <https://www.oversight.gov/>

Critical Issues Involving Multiple Offices of Inspector General. Issued December 2017. See https://www.ignet.gov/sites/default/files/files/Critical_Issues_Report-December-2017.pdf

Top Management and Performance Challenges Facing Multiple Federal Agencies. Issued April 2018. See <https://www.oversight.gov/report/cigie/top-management-and-performance-challenges-facing-multiple-federal-agencies>

Congressional Research Service Reports on IGs

Federal Inspectors General: History, Characteristics, and Recent Congressional Actions. Wendy Ginsberg and Michael Greene. Issued June 2, 2016. See <https://fas.org/sgp/crs/misc/R43814.pdf>

Inspectors General in and Beyond the Presidential Transition Period. Wendy Ginsberg. Issued January 3, 2017. See <https://fas.org/sgp/crs/misc/IN10630.pdf>

Offices of Inspectors General and Law Enforcement Authority: In Brief. Wendy Ginsberg. Issued September 8, 2014. See <https://fas.org/sgp/crs/misc/R43722.pdf>

The Levin Center at Wayne Law

The Role of Inspectors General in Congressional Oversight. Two panel symposium conducted June 13, 2018. See <https://events.wayne.edu/2018/06/13/the-role-of-inspectors-general-in-congressional-oversight-77040/>

Partnership for Public Service

The Forward-Looking Inspector General. Issued November 2017. See <https://ourpublicservice.org/publications/download.php?id=2104>

Walking the Line: Inspectors General Balancing Independence and Impact. Issued September 2016. See <https://ourpublicservice.org/publications/download.php?id=1287>

Project on Government Oversight

Inspectors General: Accountability is a Balancing Act. See <http://www.pogoarchives.org/m/go/ig/accountability/ig-accountability-20090320.pdf>

Inspectors General: Many Lack Essential Tools for Independence. See <http://www.pogo.org/our-work/reports/2008/go-ig-20080226.html>

“Where are all the Watchdogs?” See <http://www.pogo.org/tools-and-data/ig-watchdogs/go-igi-20120208-where-are-all-the-watchdogs-inspector-general-vacancies1.html>

Books

Hilliard, Nadia. *The Accountability State: US Federal Inspectors General and the Pursuit of Democratic Integrity*. Lawrence: University Press of Kansas, 2017.

Light, Paul C. *Monitoring Government: Inspectors General and the Search for Accountability*. Washington, D.C.: The Brookings Institution, 1993.

Endnotes

- 1 Woodrow Wilson, *Congressional Government: A Study in American Politics*, 15th ed. (Boston: Riverside Press, 1900), 298.
- 2 Thomas E. Mann and Norman J. Ornstein, *The Broken Branch: How Congress Is Failing America and How to Get Back on Track*, 2nd ed. (New York: OUP), 157-158.
- 3 *Inspector General Act of 1978, As Amended* (2014), §3(a).
- 4 Paul Ryan, *A Better Way*. Available at: <https://abetterway.speaker.gov/> (accessed June 8, 2018).
- 5 U.S. Congress, *House, Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States One Hundred Fifteenth Congress*, by Thomas J. Wickham, 2017, H. Doc. 114-192, Washington, DC: U.S. Publishing Office, §742. General oversight.
- 6 *National Defense Authorization Act for Fiscal Year 2017* (2017), §1140.
- 7 *Inspector General Act of 1978, As Amended*, §4(a)(5).
- 8 *Inspector General Act of 1978, As Amended*, §5.
- 9 *Inspector General Act of 1978, As Amended*, §5(d).
- 10 *Inspector General Reform Act of 2008* (2008), §8.
- 11 Council of the Inspectors General on Integrity and Efficiency, *Congressional Relations Handbook*, 2015. Available at: <https://www.ignet.gov/sites/default/files/CIGIE%20Congressional%20Relations%20Handbook%20January%202015.pdf> (accessed June 8, 2018).
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- 17 The President's Management Council and the Executive Office of the President, *The President's Management Agenda*, 2018. Available at: <https://www.whitehouse.gov/wp-content/uploads/2018/03/The-President%E2%80%99s-Management-Agenda.pdf> (accessed June 8, 2018).
- 18 Council for Inspectors General on Integrity and Efficiency, *Quality Standards for Evaluations and Inspections*.
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- 20 Joni Ernst, "Senators Seek Fuller Attention to Open IG Recommendations," *Joni Ernst for Iowa*, Dec 5, 2017. Available at: <https://www.ernst.senate.gov/public/index.cfm/2017/12/senators-seek-fuller-attention-to-open-ig-recommendations> (accessed June 8, 2018).
- 21 *Inspector General Act of 1978, As Amended*, §11(2)(A).
- 22 Council of the Inspectors General on Integrity and Efficiency, *Critical Issues Involving Multiple Offices of Inspector General*, 2017. Available at: https://www.ignet.gov/sites/default/files/files/Critical_Issues_Report-December-2017.pdf (accessed June 8, 2018).
- 23 Council of the Inspectors General on Integrity and Efficiency, *Top Management and Performance Challenges Facing Multiple Federal Agencies*, 2018. Available at: https://www.oversight.gov/sites/default/files/oig-reports/CIGIE_Top_Challenges_Report_April_2018.pdf (accessed June 8, 2018).
- 24 U.S. Congress, House, Committee on Oversight and Government Reform, *Top Management and Performance Challenges Identified Government-Wide by the Inspector General Community*, 105th Congress. Available at: <https://oversight.house.gov/hearing/top-management-and-performance-challenges-identified-government-wide-by-the-inspector-general-community/> (accessed June 8, 2018).



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- 31 Michael E. Horowitz and Allison C. Lerner, *CIGIE Senate Letter IG Vacancies*. Available at: [https://www.ignet.gov/sites/default/files/files/CIGIE_Senate_Letter_IG_Vacancies_07Nov16%20\(1\).pdf](https://www.ignet.gov/sites/default/files/files/CIGIE_Senate_Letter_IG_Vacancies_07Nov16%20(1).pdf) (accessed June 8, 2018).
- 32 Project on Government Oversight, “Where Are All the Watchdogs?” Available at: <http://www.pogo.org/tools-and-data/ig-watchdogs/go-igi-20120208-where-are-all-the-watchdogs-inspector-general-vacancies1.html> (accessed June 8, 2018).
- 33 U.S. Government Accountability Office, *Inspectors General: Information on Vacancies and IG Community Views on Their Impact*, 2018, GAO-18-270, Washington, DC: Government Printing Office. Available at: <https://www.gao.gov/products/GAO-18-270> (accessed June 8, 2018).
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Notes





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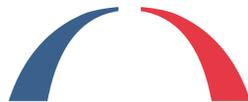
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