

May 16, 2019

The Honorable Ron Johnson  
Chairman  
Senate Homeland Security and  
Governmental Affairs Committee  
340 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Elijah Cummings  
Chairman  
House Oversight and Reform Committee  
2157 Rayburn House Office Building  
Washington, DC 20515

The Honorable Gary Peters  
Ranking Member  
Senate Homeland Security and  
Governmental Affairs Committee  
442 Hart Senate Office Building  
Washington, DC 20510

The Honorable Jim Jordan  
Ranking Member  
House Oversight and Reform Committee  
2105 Rayburn House Office Building  
Washington, DC 20515

Re: Support for the Crucial Work of Federal Inspectors General and for the Next Round of Reforms

Dear Chairmen Johnson and Cummings and Ranking Members Peters and Jordan:

We write to express our ongoing support for the work of the federal inspectors general (IGs), and to ask you to prioritize passing the next round of bipartisan reforms to preserve and revitalize the work of these essential watchdogs.

We represent organizations that fall on a wide spectrum of values and priorities. Despite the differences in our work, our organizations have a deep and practical understanding of the essential role independent, transparent oversight plays in federal work and spending. As you know, federal inspectors general, and the whistleblowers who often inform them, are the eyes and ears of Congress. Inspectors general keep Congress, the public, and organizations like ours apprised of abuses that would otherwise go unseen and uncorrected. They conduct audits and investigations and work with whistleblowers to ensure that the federal agencies they oversee are operating properly. They also issue comprehensive recommendations to correct or improve agency practices. Because of the indispensable nature of their work, IGs have consistently had bipartisan support since the passage of the original Inspector General Act in 1978.

We're thankful for your work and urge you to continue to build your committees' bipartisan track records by prioritizing reforms to ensure that the work of IGs is purposeful, accessible, and effective. We suggest that Congress review and amend semiannual reporting requirements for IGs to ensure that they are focusing on work that has qualitative and not just quantitative impacts; that Congress consider whether the Federal Vacancies Reform Act as it applies to certain IGs encourages swift presidential nomination and Senate confirmation of qualified, permanent IGs; and that Congress review the Inspector General Act, as amended, to ensure that IGs are making their reports accessible to the public.

The evolving work of IGs, and their steadfast dedication to ensuring that federal agencies are operating accountably, efficiently, and effectively, has saved vast amounts of taxpayer dollars

over the past 40 years. According to the Council of the Inspectors General on Integrity and Efficiency, IGs return, on average, \$17 for every \$1 invested in their work.<sup>1</sup>

But there is much more to the work of these watchdogs that is often hard to measure. IGs certainly save money through essential auditing, but they also conduct investigations that safeguard constitutional rights and save lives through their recommendations. This isn't necessarily quantifiable, but it is crucially important. Yet the reporting requirements of the Inspector General Act, as amended, prioritizes quantitative results rather than qualitative work. Because of this prioritization, IGs may be inclined to focus on metrics that may not accurately reflect the most pressing matters at the agency they oversee at the expense of investigations that could have a stronger qualitative result. We recommend that Congress review the outdated semiannual reporting requirements for IGs to ensure that the reports remain useful and that IGs aren't being forced to spend time on largely quantitative work at the expense of taxpayer dollars and more impactful investigations.

In addition, it is essential that those IG offices requiring presidential nomination and Senate confirmation actually be led by leaders who have gone through that process, as opposed to being led by temporary or "acting" IGs. Senate-confirmed leaders have been vetted for conflicts of interest and ethical concerns. Further, acting IGs work in a caretaker role. They may be hesitant to make waves in their position with the idea that they could get the nomination themselves, or they may simply be hesitant to make big but necessary decisions for fear of later tying the hands of whomever lands in the role permanently.

Despite the need for permanent leaders, IG offices are too often led by temporary or acting leaders—a problem that has plagued IGs for years.<sup>2</sup> Currently, 12 IG offices lack permanent leadership, including IGs at agencies with massive federal budgets such as the Departments of Defense, Homeland Security, and the Interior.<sup>3</sup> Some of these IG offices have been vacant for years. In the absence of a permanent IG, the president can appoint a temporary IG who is not subject to the constitutional requirement of Senate vetting to perform the work of an IG. Further, a carve-out in the Federal Vacancies Reform Act allows a temporary IG to perform the work of that office seemingly in perpetuity or until removed from office.<sup>4</sup> We believe this process of temporarily filling an IG vacancy creates little incentive to nominate permanent IGs. We recommend that you review the Federal Vacancies Reform Act to ensure it incentivizes swift nomination and confirmation of qualified candidates for inspector general offices.

Finally, the work of IGs should be increasingly accessible to Congress and to the American public. Given the vast technological developments in the last 40 years, Congress should continue

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<sup>1</sup> Michael Horowitz, Chair, Council of the Inspectors General on Integrity and Efficiency, and Inspector General of the U.S. Department of Justice before the U.S. House of Representatives Committee on Oversight and Government Reform, "Top Management and Performance Challenges Identified Government-wide by the Inspector General Community," April 18, 2018, p. 2.

[https://www.ignet.gov/sites/default/files/files/Horowitz\\_and\\_Lerner\\_Testimony\\_04-18-18.pdf](https://www.ignet.gov/sites/default/files/files/Horowitz_and_Lerner_Testimony_04-18-18.pdf)

<sup>2</sup> Joseph E. Schmitz, "Obama's Inspector General Negligence," *The Wall Street Journal*, June 4, 2013.

<https://www.wsj.com/articles/SB10001424127887324063304578520952503319368>

<sup>3</sup> Project On Government Oversight, "Inspector General Vacancy Tracker."

<https://www.pogo.org/database/inspector-general-vacancy-tracker/>

<sup>4</sup> 5 U.S.C. § 3348(e)(3) Unlike other positions subject to the "acting" time constraints in the Federal Vacancies Reform Act, a federal employee can continue to perform the functions and duties of an inspector general office without violating the Act.

to modernize IG reporting statutes to reflect the needs of a modern audience and the unique access to IG work that the internet enables. Report publication not only ensures that Congress and the public know what taxpayer dollars are funding, but it also helps pressure agencies to implement IG recommendations more quickly. Each IG should be required to, at a minimum, publish basic information (title of report, subject, date, and report number) for reports not made fully available to the public.

As a former long-time investigative counsel for Senator Chuck Grassley explained in a recent piece on IG vacancies in the *Wall Street Journal*, “The system uniquely positions [inspectors general] to be neutral arbiters who remain accountable to elected leaders. Inspectors general can access all of their agencies’ information but independently report to the president and Congress.”<sup>5</sup>

Your committees have demonstrated a laudable commitment to government transparency and accountability. As a result, federal inspectors general have been direct beneficiaries of that commitment. The American public has benefitted in turn. We ask now that you demonstrate your continued support for the critical work of IGs by working together, across party and chamber lines, on the next round of reforms to support and bolster the work of these indispensable watchdogs.

Sincerely,

ACORN8

Government Accountability Project

National Taxpayers Union

Project On Government Oversight

Public Citizen

R Street Institute

Taxpayers Protection Alliance

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<sup>5</sup> Jason Foster, “The Inspector-General Shortage,” *The Wall Street Journal*, May 6, 2019. <https://www.wsj.com/articles/the-inspector-general-shortage-11557182478>