



**Testimony of Rebecca Jones, Policy Counsel  
Project On Government Oversight  
before the House Committee on Appropriations, Subcommittee on the Legislative Branch**

April 2, 2019

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee:

Thank you for the opportunity to testify on improving access to the work of the inspectors general (IGs) of the legislative branch. Public access to the work of IGs is a critical facet of government transparency, and publication of this work results in both more accountability and more effective oversight. I am here to ask the Subcommittee to adopt report language that requires the Inspectors General of the House of Representatives and the U.S. Capitol Police to publish their reports online.

Before I begin, I would like to quickly underscore a topic described in the testimony of Samantha Feinstein of the Government Accountability Project, regarding the House Office of the Whistleblower Ombudsman. The Project On Government Oversight (POGO) agrees wholeheartedly with her testimony and echoes her call for funding for this important office.

As policy counsel at POGO, I focus my efforts on a range of government accountability initiatives. Founded in 1981, POGO is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles. POGO has long worked to strengthen the effectiveness and accountability of the federal government through fact-based policy analysis. Funding and publicizing the work of IGs is paramount to achieving these goals.

Federal IGs have played an important role since the passage of the Inspector General Act, four decades ago. IGs conduct independent inspections, audits, and investigations into waste, fraud, and abuse, and provide recommendations to improve federal programs and the work of federal agencies. As a result of this work, IGs claim an average return on investment of approximately \$17 for every dollar invested in their work.<sup>1</sup> In accordance with the Inspector General Act, most

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<sup>1</sup> Testimony of Michael E. Horowitz, Chair, Council of the Inspectors General on Integrity and Efficiency, Inspector General, U.S. Department of Justice, and Allison C. Lerner, Vice Chair, Council of the Inspectors General on Integrity and Efficiency, Inspector General, National Science Foundation, before the U.S. House of Representatives Committee on Oversight and Government Reform, April 18, 2018, p. 2.

[https://ignet.gov/sites/default/files/files/Horowitz\\_and\\_Lerner\\_Testimony\\_04-18-18.pdf](https://ignet.gov/sites/default/files/files/Horowitz_and_Lerner_Testimony_04-18-18.pdf) (Downloaded March 22, 2019)

do this while also keeping Congress and the public apprised of their work and the problems they uncover.

Under the Inspector General Empowerment Act of 2016, most IGs are required to publish on their website any audit, inspection, or evaluation report they create within three days of sending it to the head of the agency involved.<sup>2</sup> By publishing these reports, IGs keep the public, including groups like POGO, informed of waste, fraud, and abuse within an agency. This allows the public to call out wasteful or illegal practices and to increase pressure for swift change. In effect, publication greatly increases the influence of IGs' work.

But not all IGs are subject to these reporting requirements. Two such IGs are those of the House of Representatives and the Capitol Police. While these watchdogs provide independent, nonpartisan oversight of the operations of both entities, they do not make their reports, findings, and recommendations readily available for public consumption. In fact, hardly any of their reports are available on their websites, and therefore are not easily available even to Congressional staff who could find themselves looking for information ultimately contained in these reports years after publication with no idea that the reports even exist.

Currently, the only documents available on the House IG's website are recent annual financial audits.<sup>3</sup> According to a study conducted by Demand Progress, the House IG stopped publishing any new reports on its website in 2007, and all archived reports were pulled off of its website after a redesign in 2014.<sup>4</sup> Similarly, the Capitol Police IG's website lacks any reports, only linking to three "external peer reviews," from 2010, 2013, and 2016.<sup>5</sup>

While the House and Capitol Police IGs are not subject to the public reporting requirements in the Inspector General Empowerment Act, they should follow its best practice of posting reports publicly within three days of sending them to the head of the agency involved. Unlike executive branch IG reports, which can be requested under the Freedom of Information Act (FOIA), there is no comparable request mechanism for House and Capitol Police IG reports—in other words, the public has no way to access them unless the IGs post them.

In addition to posting reports on their websites, the House and Capitol Police IGs should post their reports to the federal government-wide website, Oversight.gov, which is managed by the Council of the Inspectors General on Integrity and Efficiency (CIGIE), an independent entity comprised of

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<sup>2</sup> The Inspector General Act, As Amended. 5 U.S.C. App. § 8M(b)(1)(A) requires all Establishment and Designated Federal Entity inspectors general to adhere with these public posting requirements.

<sup>3</sup> U.S. House of Representatives, "Inspector General of the House." <https://www.house.gov/the-house-explained/officers-and-organizations/inspector-general> (Downloaded March 21, 2019)

<sup>4</sup> Daniel Schuman, "The House Office of Inspector General Should Publish Information About Its Reports," December 10, 2018.

<https://medium.com/demand-progress/the-house-office-of-inspector-general-should-publish-information-about-its-reports-d55b83de6043> (Downloaded March 21, 2019)

<sup>5</sup> United States Capitol Police, "Audits." <https://www.uscp.gov/the-department/office-inspector-general/audits-investigations> (Downloaded March 28, 2019)

all IGs that were established under the Inspector General Act.<sup>6</sup> The vast majority of IGs publish their reports here, including four of the legislative branch IGs.<sup>7</sup> Posting on Oversight.gov aids public access by presenting a centralized, easily searchable location for all reports.

**To rectify this lack of transparency, we ask that the Appropriations Committee adopt report language addressing the need for regular report publication by the IGs of the House of Representatives and the U.S. Capitol Police. We request inclusion of language that specifically requires that these IGs follow the Inspector General Act’s requirements for posting reports to their own websites, and that they post reports to Oversight.gov.**

POGO recognizes that due to classification, national security, or privacy concerns, not all IG reports can be fully released to the public. However, several executive branch IGs and other oversight institutions have found ways to restrict access to sensitive reports without keeping the public in the dark about the reports’ existence. For example, the Government Accountability Office<sup>8</sup> and the Department of Defense Inspector General<sup>9</sup> currently provide basic information, such as a report title or report number, in cases when some or all of a report’s content must remain nonpublic. By providing this information, the public can request the report through FOIA.

While this is not yet an IG-wide practice, if the Department of Defense—which produces a large number of classified and sensitive reports—can provide this level of transparency, arguably any IG should be able to. The House and Capitol Police IGs are no exception.

When the House and Capitol Police IGs must restrict the public’s access to a report, basic information on the report should still be listed on the publicly accessible websites of the individual IG, and on Oversight.gov. Websites should list the title or an identification number, date of publication, the details of the Congressional request, a description of the subject, and a general reason for its redaction.

The work of these IGs should not be done in secret. IGs are the eyes and ears of lawmakers and the public, ensuring that taxpayer-funded programs are being run properly and efficiently. It’s crucial that lawmakers and the public know about IGs’ work in order to correct wasteful or abusive practices. Further, because legislative branch staff do not benefit from the whistleblower protections that executive branch staff do, and because the House of Representatives and the Capitol Police are not subject to FOIA requests from the public, these IGs are really the public’s

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<sup>6</sup> Oversight.gov is a “publicly accessible, searchable website containing the latest public reports from the Federal Inspectors General who are members of the Council of the Inspectors General on Integrity and Efficiency (CIGIE).” Oversight.gov, “What is Oversight.gov?” [www.oversight.gov](http://www.oversight.gov) (Downloaded March 26, 2019)

<sup>7</sup> The Inspectors General for the Government Accountability Office, Library of Congress, Government Publishing Office, and Architect of the Capitol post their reports on Oversight.gov. Oversight.gov “About Oversight.gov.” <https://oversight.gov/about> (Downloaded March 26, 2019)

<sup>8</sup> Government Accountability Office, “Restricted Reports.” <https://www.gao.gov/reports-testimonies/restricted/> (Downloaded March 21, 2019)

<sup>9</sup> For example: Department of Defense Office of Inspector General, “Evaluation of Integrated Joint Special Technical Operations DODIG-2019-005,” February 11, 2019. <https://www.dodig.mil/reports.html/Article/1771720/evaluation-of-integrated-joint-special-technical-operations-dodig-2019-055/> (Downloaded March 28, 2019)

only option to measure the accountability of these legislative-branch entities. POGO therefore asks that the Subcommittee consider including report language requiring these IGs to publish their work.

We have prepared suggested report language to accomplish these goals, which is attached to my written testimony.

Thank you for the opportunity to testify. I look forward to answering any questions.

### **Suggested Report Language:**

The legislative branch inspectors general perform important oversight work. However, two of the legislative branch inspectors general do not make readily available their reports, findings, and recommendations. By contrast, most executive branch agency inspectors general post the majority of their reports on their publicly accessible websites. The Committee believes that all legislative branch inspectors general should make their reports publicly available through their websites. The Committee expects that within 90 days of passage, the inspectors general of the House of Representatives and the U.S. Capitol Police implement a policy to make available to both Congress and the general public any new audit, inspection, or evaluation reports in their entirety by posting them as part of their publicly accessible websites within three days of completion, as well as through the federal-wide website maintained by the Council of the Inspectors General on Integrity and Efficiency, known as Oversight.gov. The committee also expects the inspectors general to post all reports already in existence within 180 days of passage. The Committee expects all posted reports to be easily accessible, to include a summary of the findings of the inspector general, and to be in a searchable, downloadable, and printable format.

The Committee understands that the Government Accountability Office, and many inspectors general, including the Department of Defense Inspector General, currently include as part of their websites a listing of information about a report when some or all of the content must remain non-public because that information is classified or sensitive. In these extraordinary situations, the Committee expects, at a minimum, inclusion on the publicly accessible websites of the individual legislative branch inspectors general, and on Oversight.gov, of the following information regarding the report: the title, or, if the title is restricted, some identification number, the date of publication, the details of the Congressional request, a description of the subject, and a general reason for its redaction.