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before the

U.S. House of Representatives
Committee on Oversight and Government Reform
Subcommittee on Government Operations

concerning

"Overseeing the Overseers: Council of the Inspectors General
on Integrity and Efficiency @ 10 Years"

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Mr. Chairman, Ranking Member Meadows, and Members of the Subcommittee:

Thank you for inviting me today to discuss the critical role that Offices of the Inspector General (OIG) play in overseeing government operations and ensuring that taxpayer money is used effectively and efficiently, and how the Council of the Inspectors General for Integrity and Efficiency (CIGIE) has assisted OIGs in that effort since CIGIE's creation ten years ago. In addition to serving as the Inspector General of the Department of Justice since 2012, for the past nearly five years I have simultaneously served as Chair of CIGIE. My testimony today will focus on CIGIE's accomplishments over the past ten years, CIGIE's ongoing initiatives to enhance transparency and support IG oversight, and the continuing challenges faced by IGs in our efforts to conduct independent oversight of government agencies and programs.

IGs are uniquely positioned in the federal government to identify waste, fraud, and abuse because of our placement within the agencies we oversee and our statutory authority to independently conduct audits, inspections, and investigations. This independence is essential to IGs' ability to perform non-partisan, objective oversight of federal agencies. We have conducted this crucial oversight work without regard to political parties or ideologies since the Inspector General Act was signed into law 40 years ago.

In fiscal year (FY) 2018, the IG community identified potential savings of tax dollars totaling approximately \$36.2 billion. This total includes \$21.1 billion in potential savings from audit recommendations and \$15.1 billion from investigative receivables and recoveries. Compared to the IG community's aggregate FY 2018 budget of about \$2.5 billion, these potential savings and recoveries represent about a \$14 return on every dollar of taxpayer money invested by the Congress in OIGs.

Additionally, IG investigations of administrative or criminal misconduct by federal employees, grantees, and contractors have significant impacts beyond financial recoveries. In FY 2018, the OIGs' investigative work resulted in 3,971 successful criminal prosecutions; 1,160 successful civil actions; 3,785 suspensions and debarments; and 4,664 personnel actions.

Equally importantly, in FY 2018, the IG community's collective oversight work resulted in nearly 8,000 recommendations to improve government programs on some of the most critical challenges facing the public, including efforts to improve cybersecurity, opioid enforcement, and consumer understanding of drug pricing.

CIGIE's Recent Achievements

By statute, CIGIE's mission is to (1) address integrity, economy, and effectiveness issues that transcend individual federal agencies and (2) develop policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled OIG workforce. CIGIE has fulfilled its mission by creating top-tier training academies; adopting quality standards for each of our professions (Audit, Investigations, and Inspections and Evaluations); performing regular peer reviews

to ensure compliance with those standards; implementing a system of effective oversight of alleged misconduct within the IG community since it assumed management and leadership responsibility from the FBI in 2017 for Integrity Committee operations; conducting cross-cutting reviews on issues that affect multiple federal agencies; and launching Oversight.gov in 2017 to make IG reports more accessible to the public and policymakers. I will briefly mention a few examples of CIGIE's most recent achievements that fulfill this mission and its plans for the future.

First Ever Peer Reviews for Inspections & Evaluations and Adopting Updated Standards for Digital Forensics Investigations

In 2017, CIGIE adopted standards for peer reviews of Inspection and Evaluation organizations in the IG community and, in 2018, we have begun conducting Inspection and Evaluation peer reviews for the first time. CIGIE now ensures that member OIG offices have regular peer reviews of their Audit, Investigations, and Inspection and Evaluation organizations.

Additionally, earlier this year, CIGIE adopted updated Quality Standards for Digital Forensics. This is a critical area of the OIGs' investigative work, and our updated standards recognize the need to take into account the fast changing nature of this work.

Launch of Oversight.gov and CIGIE's Twitter Account

The IG community's oversight work is more impactful when the public and Congress can easily access IG reports. In October 2017, CIGIE launched Oversight.gov, the "one-stop-shop" where the public can follow the oversight work of all federal IGs that release public reports. There are currently over 12,500 reports on Oversight.gov, with that number growing every day as IGs release new reports. Also in October 2017, CIGIE launched a Twitter account so that, when an IG report is uploaded to [Oversight.gov](https://www.oversight.gov), a tweet is automatically sent to followers with information about the report, bringing the work of IGs straight into the social media feeds of thousands of people. In less than two years of existence, our Twitter feed has been a tremendous success, with over 20,000 followers, more than all but 3 of the 73 federal OIGs. Through Oversight.gov, CIGIE is extending the reach of our work to a larger audience and providing a platform from which the IG community and our stakeholders can review and compare findings from across the federal government.

Additionally, since Oversight.gov's launch, we have been designing and developing new content and features that will further enhance the site's effectiveness as a transparency tool for Congress, the public, and other key stakeholders. For example, we are developing an OIG open recommendations database pilot. When the database is online, Oversight.gov will provide Congress and the public not only with all OIG reports, but also the ability to search and sort through a consolidated listing of participating OIGs' open recommendations to improve the functioning of government. Additionally, we are developing a platform

to host individual OIG websites on Oversight.gov, which would provide IGs with greater control over their webpages and the distribution of information about their offices and oversight work, reduce their costs, and bolster their independence from their agencies.

Further enhancement of Oversight.gov is contingent on CIGIE receiving funding for these efforts through a more predictable funding stream, which I will discuss later in my statement. Subject to the availability of those funds, CIGIE is considering additional enhancements to Oversight.gov in FY 2020, including developing a CIGIE collaboration site to provide OIGs with tools for use in joint reviews, such as file sharing, coauthoring of reports, project calendars, and discussion boards; and improving the presentation of OIG Semiannual Report data on Oversight.gov by capturing the community's semiannual reporting data and presenting it to Congress and the public through multi-agency tables, infographics, and downloadable datasets. Additional information about CIGIE's planned enhancements to Oversight.gov can be found at the following link: https://oversight.gov/sites/default/files/general/Oversight_Enhancements-Spending_Plan-CIGIE_v.3.4.pdf.

Cross-Cutting Reviews of Issues that Transcend Federal Agencies

CIGIE has endeavored to channel the expertise and experience of the IG community to assess issues spanning the federal government. For example, last year CIGIE issued its first-ever report of the top management and performance challenges facing multiple federal agencies to assist policymakers to determine how best to address these challenges in the future by highlighting common issues in order to foster improvements across government. Following the [report's](#) release, this Committee held a hearing to discuss the important issues raised in it and the ways in which the challenges can be addressed. Consistent with this effort, CIGIE, under the leadership of the U.S. Postal Service OIG, is finalizing a multi-OIG report that will assess the challenges faced by the multiple federal agencies that have a role in addressing the opioid epidemic. We look forward to releasing that report in the coming weeks.

CIGIE Efforts to Protect Whistleblowers

In order to encourage whistleblowers to come forward with evidence of wrongdoing, OIGs take proactive steps to educate agency employees about the importance of reporting waste, fraud, abuse, and gross mismanagement, and about laws that protect individuals for doing so. CIGIE has been at the forefront of the community's efforts to educate employees about their right to disclose information and to improve OIG efforts to protect them.

For example, on July 30, 2019, as part of CIGIE's effort to further enhance Oversight.gov, CIGIE launched a new whistleblower protection web page, Oversight.gov/Whistleblowers. As this Committee well knows, the legal landscape for potential whistleblowers can be confusing, and the options available to individuals who believe they have been retaliated against depend on their specific

place of employment. Recognizing this, the [Oversight.gov/Whistleblowers](https://www.oversight.gov/Whistleblowers) page provides an interactive form to allow potential whistleblowers to identify the appropriate OIG, the Office of Special Counsel (OSC), or other entity to make a protected disclosure or file a retaliation claim. The site also provides informational resources for individuals in various sectors, including government employees, government contractors and grantees, the military, and private-sector individuals. CIGIE believes that these education and outreach efforts will help to ensure that whistleblowers are empowered to make lawful disclosures, and that disclosures will continue to contribute to OIG efforts to cut waste and improve government programs.

Also on July 30, in connection with National Whistleblower Appreciation Day, CIGIE issued a report: "[Whistleblowing Works: How Inspectors General Respond to and Protect Whistleblowers](#)." To prepare the report, CIGIE utilized [Oversight.gov](https://www.oversight.gov) to identify many examples of OIG investigations, audits, and reviews initiated or advanced because of a whistleblower disclosure. The results demonstrate the important contributions of whistleblowers to OIG efforts to improve government – from ensuring that veterans receive timely access to health care, to protecting the integrity of our financial institutions, to making federal law enforcement operations safer and more accountable.

Finally, CIGIE has established many robust training programs to fulfill our mission to establish and maintain a highly-skilled workforce. One such example aligns with our role of informing and championing whistleblowers. CIGIE recently conducted two training sessions for OIG personnel that focused on best practices for investigating whistleblower retaliation allegations. These trainings complement the work being done by CIGIE's Whistleblower Protection Coordinator Working Group. The working group meets quarterly, and is often joined by congressional and nongovernment stakeholders and OSC, to discuss approaches to education, outreach, and enforcement of whistleblower laws. In conducting these trainings and meetings, CIGIE is working to comply with the letter and spirit of the "Whistleblower Protection Coordination Act," which this Committee passed in 2018, and required CIGIE to work with OSC to develop best practices for handling protected disclosures and enforcing whistleblower protection laws.

Assuming Responsibility for Management of the Integrity Committee and Adopting Revised Integrity Committee Standards

One of CIGIE's more significant accomplishments over the past two years was the successful transition of the management and leadership of the Integrity Committee from the FBI to CIGIE as a result of the passage of the IG Empowerment Act (IGEA) in December 2016. This transition was a challenge due to the fact that CIGIE only has a total of 23 staff, including detailees, to handle all of its many varied responsibilities and the IGEA did not provide CIGIE with funding to assist it in transitioning the Integrity Committee's operations, which had been managed by multiple employees at the FBI. Nevertheless, thanks to the leadership of Integrity Committee Chair Scott Dahl and the other five members of the Integrity Committee, CIGIE has fully assumed responsibility for the operations of the

Integrity Committee, and the Integrity Committee has adopted revised policies and procedures to address many of the concerns that led to the reforms in the IGEA.

This Committee, and Chairman Connolly, have been at the forefront of working with CIGIE to improve the Integrity Committee's operations. We appreciate your support for these efforts and CIGIE is committed to continuing to work with you in our ongoing efforts to make the Integrity's Committee's operations more effective and transparent. IG Dahl will be addressing those issues during his testimony today.

Challenges Facing Offices of the Inspector General

Having highlighted some of the achievements of the IG community and CIGIE, let me briefly discuss some of the issues we are facing going forward.

Funding for CIGIE and Oversight.gov

One of the biggest challenges CIGIE has faced over the past ten years is its funding. CIGIE does not receive a direct appropriation from Congress. Rather, CIGIE is funded through the voluntary contributions of its 73 OIG members. As a result, CIGIE cannot be certain of its annual funding until the funding situation of each of its 73 OIG members is resolved. Further complicating matters, because IG contributions to CIGIE are based on the size of each IG's budget, CIGIE's funding each year is heavily reliant on the appropriations received by a small number of the largest IG offices. For example, 52% of CIGIE's total funding is supported by only 8% of the 73 IG members; and 84% is supported by only 25% of the member IGs. Any negative change in those OIGs budgets would force cuts to CIGIE's operating budget.

This funding mechanism makes it extremely difficult for CIGIE to plan for its future operations, or to hire staff. As a result, roughly half of CIGIE's staff is made up of temporary, reimbursable detailees from member OIGs. Moreover, as I referenced earlier, an interruption to the current funding stream for Oversight.gov would impact our ability to further enhance and even maintain the site. We sincerely appreciate Congress's continued support of Oversight.gov and our efforts to further improve it, including the \$2 million provided in the FY 2019 Financial Services and General Government Appropriations (FSGG) Act. We are also thankful for the additional \$1 million provided in the FY 2020 House FSGG bill. This amount would allow CIGIE to complete the proposed Oversight.gov enhancements, including the Open Recommendations database pilot, and we hope the Senate will continue to prioritize this good government project. We note, however, that the lack of a predictable funding stream for Oversight.gov represents a significant risk to this project.

Government Shutdowns

Another area of concern to the IG community is the impact of prolonged and increasingly frequent interruptions of OIG oversight due to a lapse in

appropriations. The importance of our mission to detect and deter waste, fraud, and abuse does not stop in the event of a government shutdown. For example, tens of billions of dollars in federal grants and contracts already awarded for programs, services, and construction frequently continue without interruption during a shutdown; yet the OIG auditors who oversee those grants and contracts are likely to have been furloughed. Similarly, agency programs involving law enforcement and national security that continue unabated are likely to have far more limited oversight during a shutdown due to furloughs in OIG offices. It makes little sense during a shutdown that these programs are able to continue in their operations without the usual OIG oversight.

To illustrate the concern: In early January 2019, questions grew about electrical and heating issues impacting the conditions of confinement at the Federal Bureau of Prisons Detention Center in Brooklyn, New York. These issues began one day before OIG staff fully returned from the most recent government shutdown. In response to these concerns, we initiated an inspection of the facility and were able to gather evidence, take temperature readings, and interview inmates and BOP staff. Had the government remained shut down, this effort would not have been possible, and the complete accounting of BOP's management of the situation (which we expect to release this month) also would not have been possible.

Put simply, we cannot conduct effective oversight during a shutdown if OIGs are facing furloughs while agencies are continuing certain operations, and this concern is shared by the IG community as a whole. We look forward to continuing to work with Congress to pursue options to ensure we can perform our important oversight work during a lapse in appropriations.

IG Vacancies

As this Committee has long recognized, prolonged vacancies within OIGs undermine the critical oversight work being done within that office. During the period of an IG vacancy, acting IGs and career staff carry on the work of their offices, and they do it with the utmost professionalism. However, a sustained absence of permanent leadership is not healthy for any office, particularly one entrusted with the important and challenging mission of an IG. Under the IG Act, one of CIGIE's responsibilities is to recommend candidates with exemplary qualifications for vacant IG positions to the President for Presidentially-nominated IGs and to agencies for agency-appointed IGs.

To better track the status of vacant IG positions, CIGIE is building a dashboard on Oversight.gov that will have information about which IG positions are vacant, how long they have been vacant, the status of the nomination and confirmation process for each, and other, similar information. By publicly sharing this information in one place, we hope to bring awareness to these vacancies and improve transparency with the public. There are currently 12 vacant IG positions—10 for Presidentially-appointed, Senate-confirmed IG positions and 2 for agency-appointed IG positions.

Legislative Recommendations

We sincerely appreciate the steadfast bipartisan support Congress, and this Committee in particular, has shown to the IG community, including its effort in passing the *Inspector General Empowerment Act* almost three years ago. We believe that some additional authorities are necessary for us to be able to fully carry out our mission. My colleague, IG Kathy Buller, will address those authorities in her testimony. One example, which IG Buller will discuss in more detail, is testimonial subpoena authority. My office continues to encounter situations where the absence of such authority results in our inability to obtain important and relevant information from former DOJ employees in connection with our investigations, audits, and reviews, including in recent matters involving allegations of whistleblower retaliation and sexual harassment.

Challenges Facing the Department of Justice OIG

Finally, I want to thank this Committee for its support of an issue that only affects the DOJ OIG. My office does not have jurisdiction to investigate alleged misconduct by Department attorneys when they act in their capacity as lawyers—namely, when they are litigating, investigating, or providing legal advice. In those instances, the IG Act grants exclusive investigative authority to the DOJ's Office of Professional Responsibility, a DOJ component that lacks the same statutory independence and protections the OIG is provided by the IG Act. Earlier this year, due in large part to the support of the Committee, the House passed the bipartisan Inspector General Access Act, H.R. 202, sponsored by Chairman Cummings and Cong. Richmond, Cong. Hice, and Cong. Lynch, which would grant the DOJ OIG the authority to conduct oversight of all of DOJ employees. I hope that it will be given swift consideration and passage in the Senate.

Thank you again for your strong support for our work, and we look forward to working with the Congress and the Administration as the IG community continues its crucial oversight mission. This concludes my prepared statement, and I would be pleased to answer any questions that you may have.