



Balancing Independence and Positive Engagement

How Inspectors General Work with Agencies and Congress



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Foreword

On behalf of the IBM Center for The Business of Government, we are pleased to present this report, *Balancing Independence and Positive Engagement: How Inspectors General Work with Agencies and Congress*, by Charles Johnson, Kathryn Newcomer, and Angela Allison.

In the U.S. government, Inspectors General (IGs) are tasked by statute with important roles to promote government efficiency and effectiveness, including assessing and investigating fraud or waste, providing independent advice on agency performance and compliance, reporting to their host agency and Congress on their findings, and doing so in a way that maintains independence. This last role necessitates a careful balance for IGs to perform their work, because they must be independent from agency programs while working collegially with agency colleagues; all while providing key information to congressional oversight committees from which they are similarly independent.

In January 2015, Michael Horowitz, chair of the Council of Inspectors General on Integrity and Efficiency, said that the most-cherished attribute of the IGs is their independence. What can be done by the IGs, agencies, and Congress to maintain positive relations with agencies and Congress, in a way that respects the statutory independence of the IGs? The authors of this report undertook a series of confidential interviews with staff in each of these three institutions to gather candid insights. The report identifies four success factors associated with positive engagement between the IGs, agencies, and Congress:

- Mutually shared views of the role of Inspectors General
- Confidence and trust in the IG
- Reciprocal responsiveness by the IG, the agency, and Congress
- Investments in building and maintaining positive relationships between the IG and the agency



Daniel J. Chenok



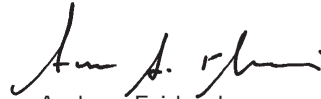
Andrew Fairbanks

The authors then distill a series of promising practices identified by interviewees that could contribute to improved interactions among the three institutions regarding the roles of the IGs and these institutions' collective efforts to improve the management of government.

The role of Inspectors General is an important one in our governmental system. We hope that the IG community, and more broadly stakeholders interested in improving governmental performance, find the insights and recommendations in this report helpful in furthering their joint efforts.



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Executive Summary

Among federal executives, U.S. Inspectors General (IGs) face a unique challenge: maintaining their independence from the agencies they oversee while striving to be positively engaged with agency leadership and fulfilling congressional committees' expectations. This challenge is rooted in the Inspectors General Act of 1978, which created a new entity within executive branch departments whose mission is to:

- Ferret out fraud, waste, and abuse
- Provide leadership and coordination of policies that promote economy, efficiency, and effectiveness of government programs
- Keep agency and congressional leadership informed of their work
- Accomplish their work while remaining independent of agency and congressional influence

This report examines how and under what circumstances IGs balance expectations of independence while being positively engaged with (and perhaps even cooperative toward) their agencies and Congress. This report draws on information from:

- Personal interviews with a subset of current IGs and their staffs
- Personal interviews with agency leadership and congressional staff involved in oversight of IGs
- An examination of existing scholarly research, official documents, IG publications, and publications written by former IGs

The report examines the following issues related to how IGs balance independence and positive engagement with agency leadership:

- OIG independence and the agency
- Relations with the agency leadership team
- Resolving conflicts with the agency
- Initiatives or practices to encourage independence and positive engagement

The report also examines the following issues related to how IGs balance independence and positive engagement with Congress:

- IG interactions with Congress
- Resolving conflicts with Congress
- Congressional views of IGs
- Initiatives or practices to encourage independence and positive engagement

Based on interviews and an examination of relevant research and documentation, the report presents four success factors associated with independence and positive engagement:

- **Success Factor One:** Mutually shared views of the role of Inspectors General
- **Success Factor Two:** Confidence and trust in the Inspectors General
- **Success Factor Three:** Reciprocal responsiveness
- **Success Factor Four:** Investments in building and maintaining positive relationships

Understanding the Office of Inspectors General

Introduction

Among federal executives, U.S. Inspectors General (IGs) face a unique challenge: maintaining their independence from the agencies they oversee while striving to be positively engaged with agency leadership and fulfilling congressional committees' expectations. This challenge is rooted in the Inspectors General Act of 1978, which created a new entity within executive branch departments whose mission is to:

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- Keep agency and congressional leadership informed of their work
- Accomplish their work while remaining independent of agency and congressional influence

IGs are appointed by the president and confirmed by the Senate (or, for certain statutorily designated agencies, appointed by an agency head without Senate confirmation) and report to a department's top leadership. As such, IGs are statutorily granted independence from agency influence regarding matters they decide to audit, investigate, or evaluate. Inspectors General are also statutorily mandated to issue semi-annual reports to Congress about their activities and are granted the authority to inform Congress if their host agencies interfere with their work. Since 1978, Congress has created Offices of Inspector General (OIGs) for virtually all federal departments and agencies and has expanded their statutory authority.

This report examines how and under what circumstances IGs balance expectations of independence while being positively engaged with (and perhaps even cooperative toward) their agencies and Congress. This report draws on information from:

- Personal interviews with a subset of current IGs and their staffs
- Personal interviews with agency leadership and congressional staff involved in oversight of IGs
- An examination of existing scholarly research, official documents, IG publications, and publications written by former IGs

We find considerable variation in perceived levels of independence and positive engagement between IGs, their host agencies, and congressional oversight committees. Our research is designed to identify factors that appear to account for this variation. We offer success factors and recommendations regarding how the relationship between IGs and their constituencies may be improved while maintaining OIGs' independence. The report's research methodology is presented on page 11.

Evolution of the Office of Inspectors General

1960s

Development of federal OIGs began in the aftermath of the Billy Sol Estes scandal involving the U.S. Department of Agriculture (USDA) in the early 1960s.¹ After congressional investigations revealed fraudulent USDA payments to Estes that were not caught by USDA auditors, then-Secretary of Agriculture Orville Freeman used his administrative authority to create an Office of Inspector General (OIG) for the department. Notable features of the newly created office included the requirement that the IG report directly to the secretary and consolidation of audit and investigation activities under the IG's authority. Moreover, the IG had the authority to review virtually any of the Department of Agriculture's activities and engage all parties with whom the department had business relations.

Despite the USDA OIG's considerable success in auditing and investigating fraud in the department, the next Secretary of Agriculture, Earl Butz, eliminated the IG position and reorganized its auditing and investigation divisions soon after taking office in 1969. Secretary Butz clearly had the authority to take this action, since the IG reported to his office, and federal department secretaries had the administrative authority to organize senior offices as they thought appropriate. In his book on IGs, Paul Light's review of this episode concludes that "the Agriculture experiment was critical to the evolution of the IG concept, if only to establish the need to give the office some measure of independence." (Light, 1993: 35)

1970s

In 1976, independence became Congress's key focus of deliberations as it considered legislation to create an Office of Inspector General (OIG) to address perceptions of substantial fraud and respond to widespread mismanagement in the Department of Health, Education, and Welfare (HEW). Learning from both the creation of the USDA's centralized auditing and investigations office by Secretary Freeman and Secretary Butz's subsequent elimination of the administratively-created OIG, Representative Lawrence H. Fountain (D,NC), one of the leading spokesmen for the IG concept, argued that auditing offices were too scattered and understaffed to be effective *and* that they "lacked independence because they reported to and were hired and fired by officials directly responsible for the programs being investigated."² An OIG was authorized by statute for HEW in 1976, and this model set the standard for an OIG in the newly created Department of Energy in 1977. The concept was enshrined in a general statute passed in 1978 that created IG offices in 12 federal departments.

Highlighted at the very beginning of the "Inspector General Act of 1978" (Section 2) is the statement that Offices of Inspectors General were being established "to create independent and objective units that would:

- ... conduct and supervise audits and investigations ...
- ... promote economy, efficiency, and effectiveness in administration ...
- ... prevent and detect fraud and abuse ...
- Keep the head of the agencies and the Congress fully and currently informed about problems and deficiencies ..."

1. See Light (1993) for a discussion of events leading to creation of the IG in the Department of Agriculture and creation previously of a similar OIG in the Department of State; see, also, Schmitz (2013) for a discussion of military inspectors general.

2. Subcommittee of the Committee on Government Operations, House of Representatives (1976), pp. 1-2.

Appendix I presents the responsibilities and authority of IGs, including their complete freedom to conduct and report official audits and investigations as they deem appropriate.

Positive engagement with agency and congressional leadership was also addressed in the 1978 legislation by setting expectations that IGs would offer recommendations to remedy shortcomings identified in audits and investigations. IGs were not, *per se*, directed to cooperate with agency leadership (and agency leaders were not directed to accept all of their recommendations), but the legislation called for IGs to:

- “Provide policy direction”
- “Review existing and proposed legislation and regulations”
- “Recommend policies for ... the purpose of promoting economy and efficiency ... or preventing and detecting fraud and abuse”

The legislation required IGs to make semi-annual reports to the agency head and Congress concerning their findings and “to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action.” (IG Act, 1978)

Recent Developments

Over the past 25 years, Congress has required IGs to perform a variety of additional administrative activities. These responsibilities were included in the following acts of Congress:

- **The Chief Financial Officers Act of 1990 (P.L. 101-576)** and the **Government Management Reform Act of 1994 (P.L. 103-356)** require IGs to oversee audits within their respective agencies for financial statements.
- **The Financial Management Improvement Act of 1996 (P.L. 104-208)** directed IGs (and agency chief financial officers) to assist in determining whether the financial management systems comply with federal laws and regulations.
- **The Reports Consolidation Act of 2000 (P.L. 106-531)** requires IGs to identify the most serious management and performance challenges facing their respective agencies and discuss how the agency is addressing those challenges.
- **The Federal Information Security Management Act of 2002 (P.L. 107-347)** requires IGs to perform independent annual evaluations of their respective agencies IT security.
- **The Whistleblower Protection Act of 2012 (PL 112-199, sec. 117)** instructs IGs to “designate a Whistleblower Protection Ombudsman” to inform agency employees about their rights as whistleblowers and protections against retaliation for acting in this capacity.

Operationally, IGs have recognized that their work also involves some measure of positive engagement, coordination, or cooperation with officials in their host agencies.³ As they conduct audits, investigations, and evaluations, OIGs work on a daily basis with agency leadership and staff. They ask for information and records, share draft reports for comment, and make recommendations for improvements. A survey of OIGs by Kathryn Newcomer and George Grob found that “[h]aving good open lines of communication with department and

3. It should be noted that public policy and public administration literature on cooperation and collaboration focuses almost exclusively on interagency or intergovernmental relationships (e.g., O’Leary and Gerard (2012), O’Leary and Bingham (2009), Crosby and Bryson (2005), and Linden (2002)). The general principles and findings in this work may have application to intra-agency relationships between an OIG and its agency; however, the overall dynamic involving an independent IG reporting to an agency and Congress creates a context that this literature does not address.

management” was the top response (48.9%) to what IGs perceived to be important to the “successful implementation of recommendations” (Newcomer and Grob, 2004: 248). Newcomer and Grob also note that executive branch managers and members of Congress increasingly have involved OIGs in discussions about the “top management challenges they believe confront their agencies” (Newcomer and Grob, 2004: 246).

Quality standards developed by the statutorily created Council of the Inspectors General for Integrity and Efficiency (CIGIE) also address expectations about the relationship between OIGs, their host agencies, Congress, and other stakeholders. As a general rule, these standards mandate that “the IG and OIG staff shall coordinate their activities internally and with other components of government to assure effective and efficient use of available resources” (CIGIE, 2012: 30). More specifically, CIGIE’s Quality Standards hold that “the OIG should coordinate, where applicable, with agency management to ensure that OIG priorities appropriately consider agency needs. The OIG should take into consideration requests from the Congress, the OMB [Office of Management and Budget], other external stakeholders, the CIGIE, complaints from

Research Methodology

Our study of the dynamics involving OIG independence and positive engagement involves case studies of six OIGs. In-person interviews with IGs, OIG staff, agency leadership, and congressional contacts enabled us to learn about varying levels and types of engagement between these offices and various stakeholders for OIGs. Our goal was to identify factors that may account for differing types and levels of conflict and levels of positive engagement. We need to acknowledge that our sample of six OIGs cannot be viewed as “representative” of the entire OIG community and our findings cannot be viewed as generalizable to the all IGs. Nevertheless, we believe that our findings, which are based on our interviews, are enlightening and instructive when combined with information drawn from research, current publicly available information, and public discussions by former IGs.

During the summer of 2014, we conducted structured interviews in six federal agencies with six inspectors general, 21 members of their respective staffs, seven representatives from their respective agencies’ leadership, and two congressional staff contacts with extensive experience with IG activities. The interviews were conducted with the understanding that the interviewees, their host agencies, and congressional positions would be confidential. In agreeing to be interviewed, IGs understood that we would be contacting members of their staffs, agency leaders, and congressional contacts. A total of 10 IGs were contacted via e-mail and six agreed to participate in the study. Once IGs agreed to be interviewed, senior members of their respective OIGs and agencies’ leadership were asked for confidential interviews. Most OIG staff contacted for interviews agreed to participate in the study, as did at least one senior agency official in five of the six agencies.

The six IGs included in the study represent a variety of agencies, including cabinet-level departments and smaller federal agencies. Reflecting the size of their host agencies, the size of the OIGs varied substantially, with the largest having several hundred employees, to a relatively small OIG with fewer than 25 employees. Three of the IGs were appointed by the president and confirmed by the U.S. Senate, and three were appointed by agency heads or governing boards, otherwise known as Designated Federal Entities (DFEs). The sample included IGs who served previously in other OIGs, and those with no OIG experience prior to their current IG appointments. The time they spent in their current positions ranged from less than three years to more than 15 years in the office. Thus, the sample of IGs and their host agencies was broadly inclusive of different sizes, types of organizations, and experience levels of office holders.

Most interviews were 60 to 90 minutes in length. With two exceptions, in which the interview was conducted singly by Charles Johnson, all interviews were conducted by Kathryn Newcomer and Charles Johnson, both of whom took hand-written interview notes. Angela Allison summarized and integrated interview notes.

employees and, as appropriate, private citizens” (CIGIE, 2012: 32). Finally, these standards call on OIGs “to identify the causes of fraud, waste, abuse, and mismanagement in high-risk agency programs, and to help agencies implement a system of management improvements to overcome these problems” (CIGIE, 2012: 34). Thus, CIGIE recognizes that an OIG does not work in isolation; coordination with its host agency and with other stakeholders is expected, and some level of positive engagement may be expected as recommendations for improvements are advanced and implemented.

Expectations of independence and positive engagement can produce crosscutting pressures for OIGs when independence might be compromised. Highly critical OIG reports often make the front page in national news media and, when IG findings become the subject of congressional hearings, they often place agency leadership on the defensive. Understandably, relations between an OIG and the agency’s leadership might be adversely affected by such reports and their public airing. And IGs have been publicly criticized and sometimes forced to resign when their relationships with their agencies appear to have compromised their independence. This perceived lack of independence, in particular, can adversely affect an IG’s relationship with Congress since the IG is expected to make regular reports to Congress that are not filtered by agency leadership and staff.

Issues of independence have also led to tensions over OIGs’ access to information within their host agencies. In the summer of 2014, for example, a letter to Congress signed by 47 Inspectors General highlighted concerns about agencies declining to provide information the IGs needed to pursue on-going inquiries; information to which the IGs believed they are entitled under the 1978 Inspectors General Act. The IGs’ letter also mentions that, although previous access issues are usually resolved, “the process is often lengthy, delays our work, and diverts time and attention from substantive oversight activities.”⁴

Detailed accounts by former IGs regarding relations between their OIGs and their host agencies or Congress have also revealed tensions between IGs, agency leadership, and Congress over issues of independence and expectations of positive engagement. Neil Barofsky, for example, details day-to-day tensions with Treasury officials (including the Inspector General for the Department of the Treasury) in his book about his service as Special Inspector General for the Troubled Asset Relief Program (TARP) (Barofsky, 2012). He reports that conflicts emerged during his tenure over how investigations were to be pursued and whether recommendations to improve programs were adopted as prescribed by TARP legislation. Similarly, Clark Kent Ervin, who served as IG in the Department of State and as acting IG in the newly created Department of Homeland Security (DHS), highlights tensions between his OIG in DHS and the department’s leadership (Ervin, 2006). Ervin’s book on his service in DHS documents frictions between his OIG and DHS leadership, including the DHS secretary’s disinclination to meet with him or members of his office, which raised significant barriers to the pursuit of their inquiries.

4. A copy of the letter has been posted by Senator Chuck Grassley (R, IA) at <http://www.grassley.senate.gov/sites/default/files/issues/upload/IG%20Access%20Letter%20to%20Congress%2008-05-2014.pdf> (March 9, 2015) and by the House Committee on Oversight and Government Reform at <http://oversight.house.gov/wp-content/uploads/2015/01/IG-Access-Letter-to-Congress-08-05-20141.pdf> (March 9, 2015). This House committee also conducted a hearing on February 3, 2015, regarding concerns raised in the August 5, 2014, letter. See <http://oversight.house.gov/release/inspectors-general-horowitz-elkins-buller-testify-house-oversight-committee/> (March 9, 2015).

IGs and Agency Leadership: Balancing Independence and Positive Engagement

Our interviews with all respondents began with questions about perceptions, views, and experiences regarding OIG independence and positive engagement with their respective agencies and with Congress. In this section, we explore the following issues regarding OIGs and their host agencies:

- **Issue One: OIG Independence and the Agency.** We asked whether conversations were conducted about the independence of the OIG when the current IG was appointed or when there was a change in agency/congressional leadership and the IG remained in place.
- **Issue Two: Relations with the Agency Leadership Team.** We probed whether the IG was viewed as a member of the agency's leadership team or in what sense the IG reported to Congress.
- **Issue Three: Resolving Conflicts with the Agency.** We explored how conflicts were addressed.
- **Issue Four: Initiatives or Practices to Encourage Independence and Positive Engagement.** We inquired about what policies, practices, or initiatives were in place to encourage independence and positive engagement between the OIG and the agency.

Issue One: OIG Independence and the Agency

We learned that conversations between an IG and its host agency regarding independence are often framed by previous relationships between their respective offices. If independence was a matter of concern for a previous IG, the agency, or Congress, the issue drew more initial attention than it did in agencies in which a culture (or norm) of independence seemed to be accepted. The IGs of two agencies told us that experience with one or more previous IGs had led to conversations about the expected relationship with the agency. One of those agencies previously experienced friction between the IG and agency leadership, and in the other, the IG was perceived as being too close to the leadership. In both instances, the IGs expressed the view that independence was critically important, that the IG would work to keep the agency informed of the OIG's work, and that there would be no "gotcha games." Each of these IGs reported having conversations with agency leadership about how the IG would approach various tasks.

Another IG reported that a previously written memorandum of understanding regarding the relationship between the OIG and the agency was in place, which seemed to set expectations on items such as the OIG's authority, access, and communications with leadership. In the three agencies that had no indications of previous issues between the OIG and the agency, conversations were reported as being somewhat informal and even brief or superficial. By mutual acknowledgment, the IG's independence was understood to be important.

Among the three IGs whose tenure involved a change in agency leadership, each IG reported undertaking initiatives to inform the new leadership about his or her expectations about the

OIG's mission, working relationships within the agency, and current understandings about independence. IGs reported that such discussions seemed to be well received by agency leadership; an observation that was confirmed in conversations with agency officials in subsequent interviews.

Issue Two: Relations with the Agency Leadership Team

Questions about whether IGs or agency leadership considered the IG to be a member of the agency leadership team yielded responses ranging from “the issue is unresolved” to “does not feel like it” to simply “no,” with the latter response being the most frequent. The prevailing norm was well captured by an IG's quoting the host agency's leadership as saying that the “IG was always invited to the party, but [was] never the special guest.” Four IGs told us that they do not attend leadership-level staff meetings. The two IGs who attend such meetings indicated that they do not participate in policy discussions, but instead, give updates on current initiatives or simply listen to presentations.

For five of the six IG interviewees, interactions with agency leadership primarily involve regular bi-weekly or monthly meetings with the agency head and/or deputy head. In some instances, the agency's general counsel is also involved in these meetings. IGs reported that, during these meetings, discussions with the agencies' top leadership often involve “hot issues,” concerns about open OIG audit recommendations, difficulties regarding access to information, delayed responses for pending draft reports, or requests the OIG had received from Congress. One IG expressly indicated that the meetings are used to ensure that agency leadership is not caught by surprise by any IG activities and another indicated that agency leadership is given a “head's-up” when there are any “hot seat” items on the horizon.

When asked about processes surrounding the release of audit reports, none of the IGs or agency leadership indicated that drafts of pending reports are discussed in staff leadership meetings or in meetings between the IG and agency leaders. Interviews with IGs or OIG staff did, however, indicate that final reports might be discussed in meetings with agency leaders to inform them of a forthcoming release. Again, the norm among IGs is to keep agency leadership informed and several expressly said that they want to avoid surprises.

At least two IGs specifically mentioned the aim of having “collegial” relationships with agency leadership and similar inferences from comments by the remaining four IGs and their staff suggest that collegial relationships between OIGs and the agency are desired. When asked whether there were conversations about IG independence, responses indicated mutual wariness regarding how agencies and Congress perceive independence and collegiality. One experienced IG commented, for example, “Independence is a challenge: If you remain too aloof, you may not get needed information or become irrelevant, but the closer you get, the greater the chance you'll be perceived as captured.” Addressing the same issue, another IG remarked that the “goal is to improve the agency, not to embarrass the agency; to work in cooperation and [in a] collaborative way; [to] never intentionally sandbag the agency or its leadership.” Both of these IGs consider themselves to be independent and to be positively engaged with their agencies.

Issue Three: Resolving Conflicts with the Agency

While IGs indicated that having good relations with agency leadership is one of their goals, all acknowledged that conflicts or disagreements do emerge in the OIG's day-to-day business. Examples of conflicts include:

- Delayed or blocked access to information

- Delayed responses to audit findings that are critical of the agency
- Differing interpretations of IG authority by the OIG's legal counsel and the agency's general counsel
- Delivery of a critical report or bad news

In the case of a critical report or bad news, OIGs appear usually to provide agency leadership with a “head’s up” and then release the report. Of course, agency leadership can provide a response to a critical report; however, OIG interviewees gave no indication that critical reports were subject to negotiations or dispute resolution processes before being released.

Each IG and its OIG staff indicated that conflicts are handled initially at the lower levels of the bureaucracy and only emerge as discussion items with agency leadership when attempts to resolve the issue are unsuccessful. Each IG indicated that, if the issue is important, the IG will raise the matter informally but in person with agency leadership; often during a one-on-one regular meeting between the IG and the agency’s secretary or director. Three IGs or their OIG staffs reported that conflicts that remain unresolved informally can also move to formal

Strained Relationships Between IGs and Agencies

Each of the IGs in this study expressly indicated a strong sense of independence, and interviews with agency leadership in their corresponding agencies confirmed this. In two agencies, strains between the OIG and agency leadership resulted in higher levels of tension and lower levels of positive engagement between the OIG and the agency compared with the four other agencies in our study. Our observations about the tensions in these two agencies are based on our interviews and reports from various public sources, such as articles in the *Washington Post* and congressional hearings.

In one of the two agencies evidencing higher levels of tension, the IG indicated that participating as a member of the leadership team is a matter that “currently remains unresolved— [it is] a difficult area.” The IG referred to “lots of discussion, [but] unresolved issues” regarding independence of the IG in the agency. An OIG staffer in the same agency expressed the view that agency leadership wants the “OIG to be more accommodating with agency desires” and that agency leadership probably views the OIG as a “necessary evil,” mandated by legislation. An interview with a member of this agency’s leadership confirmed the difficulties by commenting that “IG is a dirty word everywhere in the agency.” And, this interviewee’s response to the question of whether the IG is a member of the agency’s leadership team was simply “it doesn’t feel like it.”

In the second of these two agencies, the IG commented in response to our questions about independence that the agency’s “general counsel has challenged the IG’s authority regularly.” Differences over OIG authority prompted this IG to consider sending a seven-day letter to Congress, but this action was forestalled by a compromise over the immediate issue under discussion with the general counsel. This IG reported that there are continuing tensions about access to information that the OIG deemed important for its work, but that the agency’s leadership feels it is not obligated to provide.

Tensions in these two agencies stood in contrast to comments made by the interviewees in the other four agencies. Interviewees in two of the agencies expressly characterized OIG-agency relations as collegial, even when disagreements arise. IGs reported positive working relationships with agency leadership generally, and OIG staff reported similarly collegial relationships with counterparts within the agency. Agency leadership acknowledged that they have occasional disagreements with their respective OIGs regarding accessing information held by the agency or implementing OIG recommendations, but that such occasions are usually addressed amicably or left unresolved for further discussion if necessary. Additionally, agency leadership in these four agencies view OIGs as positive forces that produce useful findings and information that strengthens the agency. In these agencies, engagements seem to be more positive than in the two agencies with higher levels of strains and tensions.

procedures. Such procedures involve designated steps involving high-level executives in the agency whose assignments include resolution of conflicts involving the OIG work or recommendations.

Our interviewees across the agencies indicated that issues seldom remain unresolved. Sometimes a matter is simply left open and unresolved, with points of view being clearly articulated by the OIG and agency leadership; they agree to disagree and then wait until the issue arises again. IGs were asked whether “seven-day letters” were ever used to inform Congress of an impasse with an agency.⁵ Each IG indicated that they had never used a seven-day letter. One IG reported drafting such a letter, but not sending it and noted an informal consultation with congressional contacts regarding a standoff with an agency. In this instance, the agency changed its view in light of congressional pressure to do so.

Issue Four: Initiatives or Practices to Encourage Independence and Positive Engagement

We asked IGs, OIG staff, and agency leadership about initiatives taken by either the OIG or the agency to “promote cooperation” between these two entities. This question was designed to identify long-term policies or systematic initiatives undertaken by the OIG, the agency, or both, to encourage positive engagement, cooperation, or generally smooth relations. While some responses were particular to specific OIGs or agencies, OIG responses fell into four general categories and agency responses fell into two categories. Appendix II lists these categories and gives examples of responses given during our interviews.

OIG Initiatives

Initiatives discussed by the IG or OIG staff included:

- Communicating with the agency regarding what the IG was doing or about to do
- Encouraging agency leadership to provide feedback or suggestions to the OIG
- Making contact with an agency’s day-to-day operational staff and external agency stakeholders
- Making structural changes in the OIG to accommodate agency functions

Several IGs noted that communication efforts at the agency’s leadership level are important to prevent surprises, which they hoped builds the agency’s trust in the OIG. While all OIGs solicit suggestions from agency leadership for areas in which audits, evaluations, or investigations should be considered, interviews with OIGs and agency leadership indicated that suggestions are typically not forthcoming. Notably, however, every IG expressed a willingness to be responsive to ad hoc agency requests and noted that such requests would be given priority consideration. Every OIG had some mechanism to receive comments through the congressionally mandated hotlines maintained by their offices. One IG in particular also noted that agency staff turnover is high and indicated that it is essential to communicate with staff regularly about what the OIG was, what the office did, and how they could contact the OIG to express relevant concerns.

5. Seven-day letters refer to the statutory authority of IGs to invoke Section 5(d) of the IG Act, which provides that IGs shall report immediately to the head of the host agency matters that are “particularly serious or flagrant problems, abuses, or deficiencies” within the agency. The head of the agency must then forward the report to the appropriate congressional committees within seven calendar days, along with any agency comments.

Respondents in three OIG offices reported efforts to maintain lines of communication with customers or stakeholders relevant to their respective agencies. These lines of contact provide OIGs with additional insights for audits or investigations, and with opportunities to explain audit, investigatory, or evaluation recommendations that might affect the customers' or stakeholders' relationships with the agency. OIG interviewees who serve or served large or geographically dispersed agencies noted that the IG undertook special efforts to reach out to mid- and lower-level management. Three OIGs are organized along functional lines corresponding to the host agency's organization. These organizational efforts are designed to foster relationships among mid- and lower-levels of both the OIG and the agency that may, in turn, encourage communication and positive engagement.

Agency Initiatives

When asked about initiatives undertaken by the agency to promote cooperation with its OIG, agency leaders emphasized their efforts to facilitate the IG's work and acceptance within the agency. Although some initiatives referenced in the remarks pre-dated the appointment of several interviewees, it was clear that agency leadership believes that relations are enhanced when specific offices or personnel are designated to facilitate work with the OIG on audits or evaluations. With one exception noted by an OIG respondent, these "bridging" offices are usually described as units that promote positive relations between OIG and agency offices. These offices or individuals usually have titles that include such words as "audit liaisons" or "compliance," and are supported by and report to agency leadership.

Two agency leaders reported personal initiatives to become involved in systemically following up OIG reports and recommendations on a weekly or bi-weekly basis with the goal of reducing backlogs of open recommendations. Agency leader interviewees also indicated that they deliver formal and informal messages urging cooperation with OIG officials and inquiries. The degree to which those messages flow through the organization could not be determined, but comments from OIG interviewees in those agencies suggest that they feel their agency officials give them a neutral-to-positive reception.

IGs and Congress: Balancing Independence and Positive Engagement

Congressional staff interviewed for this report suggested that the relationship between IGs and Congress differs in many respects from that between IGs and their host agencies. Unlike the reporting relationship between IGs and agency leadership, the IG-Congress relationship involves multiple members of Congress, congressional staff members, and committees in both houses of Congress. OIGs interact with three types of committees in each house:

- Authorization committees that oversee particular agencies or programs
- Committees that oversee the operations of all OIGs
- Appropriations committees and subcommittees that fund OIGs and the departments and agencies

In contrast to their relationships with agency staff, in dealing with Congress, IGs often work with and respond directly to individual legislators who have episodic, particular, and political interests and turn to IGs for information that will advance those interests. Moreover, congressional staff members play critical roles in filtering information from IGs to committee chairs or other legislators, and from them to IGs. Although the IG-Congress relationship differs from the IG-agency one, IGs recognize that Congress is very important to them because the institution offers critical political and fiscal support for maintaining their independence relative to their agencies.

In this section, we explore the following issues regarding OIGs and Congress and report on interviewee comments regarding relations between OIGs and Congress:

- **Issue One: IG Interactions with Congress.** We asked about interactions between OIGs and Congress, especially conversations regarding independence.
- **Issue Two: Resolving Conflicts with Congress.** We explored the nature of conflicts between OIGs and Congress, and how those conflicts were handled.
- **Issue Three: Congressional Views of IGs.** We inquired about Congressional views of OIGs, and perceptions about those views.
- **Issue Four: Initiatives or Practices to Encourage Independence and Positive Engagement.** We asked about initiatives or practices by the OIGs or Congress to encourage independence and positive engagement.

Issue One: IG Interactions with Congress

We asked IGs and their staff to characterize their initial and subsequent meetings with congressional contacts, including conversations they may have had concerning independence, congressional expectations about their responsibilities, and to what degree they viewed themselves as “reporting” to Congress. Each of the three presidentially appointed and Senate confirmed (“PAS”) IGs reported initial meetings with congressional contacts—usually staff members. No

such meetings occurred for designated federal entities (DFE) IGs since their appointment by agency leaders did not require Senate confirmation, although one such IG reported frequent contacts with Congress after assuming IG responsibilities.⁶

PAS IGs reported that their initial conversations with congressional contacts usually focused on Congress's desire for IGs to be independent of the agency and for them to have a non-political role. Congress paid little if any attention, however, to expectations of how independent the IG should be from Congress. Just as experiences of previous IGs framed IG-agency relations for newly appointed IGs, two of three PAS IG respondents indicated that congressional expectations of newly appointed IGs are influenced by past experience. In one case, congressional contacts reportedly raised concerns that the actions of an agency's previous IG made it appear to be too close to agency management and the message delivered was that the IG needed to be more independent. In another case, the IG reported being told that the OIG in the agency was viewed very positively, that the office was well regarded on the Hill, and that the congressional staff hoped that this would continue under new leadership.

Questions regarding IG relations with Congress resulted in comments about:

- IGs' or OIGs' perceptions regarding the motivations for or intentions of congressional actions
- Reports of how the IG or OIG responded to congressional actions

IGs and their staffs are highly attuned to requests from Congress. Perceptions about congressional motivations include views that some requests are politically driven, that in other instances, congressional contacts are passing along constituency inquiries, and sometimes that the IGs are being asked to provide "cover" for decisions affecting particular constituencies or districts. The number of requests can range from several hundred annually to just a few dozen depending on the size of the agency and the scope of an agency's responsibilities. Legislation with congressional mandates requiring particular inquiries is more prevalent for two OIGs. In these cases, if the OIG knows that mandates are being considered, the IG staff usually attempts to shape congressional thinking about the mandate to create one that they could reasonably fulfill.

Interviewees in two OIGs expressly mentioned Congress's control of the budget and their perception that the institution punishes or rewards OIGs based on congressional views of the offices' work and relations with Congress. Staff members in each OIG believe that their office is perceived positively by congressional contacts, although two offices acknowledge having challenging relations with a few legislators. And, at least one interviewee expressly reported a sense that Congress considers IG independence from the agency to be quite important. This interviewee and other OIG interviewees indicated, however, that they were uneasy about serving in an agent-like role that advances the political interests of individual legislators.

Beyond these perceptions of IG-congressional relations, all IGs interviewed for this project indicated that they are quite attentive to requests from Congress. Staff members in each OIG indicated that they respond quickly to requests for information or inquiries from congressional contacts. As with prospective legislative mandates, OIG interviewees indicated they talk regularly with congressional contacts to understand the context of the request and map out a plan and timetable for what actions are needed to be responsive. In any case, similar to their responses to requests from agency leadership, OIGs report that they find ways to respond to

6. In 1988, the IG Act was amended to create OIGs in what was referred to as "designated federal entities" and DFE became the shorthand reference to these offices. Unlike the PAS IGs, the DFE IGs are appointed by their host agency heads (or governing boards) and do not require Senate approval.

almost every request from Congress. Interviewees from the OIGs also indicated that they make efforts to keep congressional contacts informed of progress on their requests.

While responding to congressional requests, each OIG in the study also tries to keep lines of communication open with congressional contacts. Supplementing the congressionally mandated semi-annual report, OIGs offer periodic, semi-annual, or annual briefings to relevant appropriations, authorizing, or oversight committees. Beyond formal appearances for annual appropriations, interviewees in three large OIGs indicated that their offices proactively engage congressional contacts—“walking the halls of Congress”—offering to brief committees on areas in which the committees are interested and indicating a willingness to testify.

Keeping Congress “currently informed,” as the IG statute requires, is a challenge for OIGs regarding *when* to share information and *what* information to share. Two OIGs regularly give congressional contacts timetables or monthly updates on the status of OIG activities. All OIGs indicated that they do not share reports with Congress before they are shared with their respective agencies. One interviewee indicated that sometimes “findings” are shared before final recommendations are developed. In the normal course of audits and evaluations, this information is also shared preliminarily with the agency.

Regardless of the nature of communications or meetings involving congressional contacts, OIG staff and agency leadership indicated that there is no formal coordination of such activities. OIGs indicated that they may inform agency leadership of congressional interest in a topic. It is clear, however, that OIGs and agency leadership communicate with Congress on two separate but parallel pathways.

Issue Two: Resolving Conflicts with Congress

As with IG-agency relations, we asked about what happens when conflicts emerge between IGs and congressional contacts. There are no particular patterns in responses regarding conflicts, except that IGs work to avoid them; one interviewee simply stated that, “Conflicts with Congress are avoided.” In this case, the IG was cited by an OIG staff member as being more willing than most to talk informally with Congress and to be accommodating, although the nature of those accommodations was unspecified.

Strained Relationships Between IGs and Congress

Strains between OIGs and Congress were reported by two OIGs—one of whom also reported OIG-agency conflicts. In one instance, a member of Congress publicly disagreed with a particular action of an IG. In the other instance, the OIG was specifically criticized by another member of Congress for not identifying what this critical member believed was a serious slip-up by the agency. Interviewees in both of these OIGs mentioned these criticisms during interviews, and characterized these disagreements as exceptions to generally smooth relations with Congress.

Interviewees in these two OIGs indicated that their respective offices are devoting considerable attention to addressing concerns raised by these two members of Congress. As noted previously, congressional staff interviewees expressly indicated that their (and presumably Congress) major concern involved instances in which IGs are not sufficiently independent or aggressive, in which agencies ignore requests for information, or in which agencies consistently do not implement OIG recommendations. Accordingly, relations are positive for OIGs who are viewed as strongly independent of their host agencies, keep their congressional contacts informed, and are responsive to congressional requests.

Other OIGs reported that, when conflicts emerge, they devote much energy to resolving disagreements. In the past, when members of Congress were publicly unhappy with particular OIG offices, two sets of interviewees from the affected OIGs in this study indicated that their offices worked with a member's or a committee's staff to obtain guidance on how best to resolve the conflict. Interviewees in another OIG indicated that they rely on the OIG's legal counsel to help resolve issues. If congressional contacts press on a matter over which the OIG and those contacts disagree, at least two IGs indicate that their strategy would be to carefully outline what the OIG could do legally and responsibly.

Issue Three: Congressional Views of IGs

In addition to interviews with IGs, OIG staff, and agency leadership, we conducted interviews with two senior congressional staff members who work for committees in the House and Senate that work closely with numerous OIGs. These interviewees confirmed comments by IGs that Congress is more concerned about independence involving OIG-agency relationships than about OIGs' relationship with Congress. One staffer expressly indicated that a "major concern of the committee is reaching out to gauge whether the IG is independent [of the agency]." This staff member indicated that the committee is aware that IGs vary in their levels of independence from the agency, and that actions were taken in the past, such as holding committee hearings, if an IG appears to be obstructed in their work by agency leadership. If an IG appeared to be "captured" by or too close to agency leadership, committee actions could also include committee hearings.

One congressional staff member interviewed doubted whether members of Congress or their staffs fully understood the mission and authority of IGs. The staff member stated that this is especially true of oversight committees. Members of oversight committees, for example, may mistakenly assume that IGs are "partners" with the committee, not understanding that IGs report to Congress as independent officials.

Echoing comments from IGs, a congressional staff member also mentioned the issue of when IGs should tell Congress what they are investigating and what is being done. This staff member also acknowledged the difficulty of finding the right balance between not having the OIG report daily and waiting until a report is completed, especially if the matter involves a major issue. This staff member stated that "if the committee is finding out about a major issue or matter when it receives a written report, then there has been a mistake or miscommunication." When asking IGs for information, one of our congressional interviewees indicated that IGs sometimes request a written letter from a committee chair asking for particular documents or data that are the subject of conflict. This approach would likely be used before the OIG replies formally.

Issue Four: Initiatives or Practices to Encourage Independence and Positive Engagement

OIG Initiatives

Just as we asked about initiatives to encourage independence and positive engagement between IGs and agency leadership, we asked similar questions of IGs and OIG staff. OIG responses fell into three general categories:

- Proactive briefing and communicating about OIG activities
- Working with Congress to shape requests or mandates for OIG inquires
- Assigning OIG staff members to work with congressional contacts

Inspectors general and their staffs, as mentioned previously, take great pains to be responsive to Congress. But OIGs work to be more than merely responsive; they appear to make every effort to communicate with congressional contacts, and especially seek to inform staff about what the office is doing, what projects they are pursuing, and the status of specifically requested inquiries. Proactive contacting and briefing activities were expressly mentioned by respondents in four OIGs. Upon learning about requests (or prospective requests) coming from Congress, two IGs expressly indicated that they work to re-shape an overly broad or narrow request from Congress. And their OIGs handle overtly political requests by seeking to understand the political context, sensitizing staff to that context, and occasionally outlining what an IG could (and could not) do relative to the particular request.

Relationships with Congress have been institutionalized in four OIGs by assigning a particular staff member responsibility for congressional relations. In three of these OIGs, congressional relations is the person's sole responsibility: to serve as a liaison between the OIG and congressional contacts. Notably, while these OIGs and their host agencies have individuals or offices with similar responsibilities, they don't appear to coordinate their congressional interactions. Two OIGs also reported arrangements whereby staff members are temporarily "detailed" to congressional committee staff by mutual agreement between the OIG and the committee. These rotations help bring OIG perspectives to the committee and committee views back to the OIG.

Congressional Initiatives

Congressional staff interviewees believe that their committees can support OIGs by encouraging agencies to be responsive to IG recommendations—leverage that several OIG representatives acknowledged in conversations about relations with their agency and congressional contacts. Initiatives included:

- Following up on OIG reports regarding open or unimplemented recommendations
- Maintaining contact with OIG offices

Two congressional staffers reported efforts to engage IGs or OIG staffs annually or every two years in conversations about what their specific offices are doing and whether they encounter obstacles in their work. Both congressional staff members indicated, however, that these conversations primarily involved 20 or so of the larger OIGs. An interesting initiative by one committee involved developing prospective lists of IG candidates for open positions that were forwarded to the Council of the Inspectors General on Integrity and Efficiency (CIGIE) for its consideration. The expressed motivation for this initiative was to identify highly qualified candidates who might optimally fulfill the role of IGs, which, of course, included awareness of the special relationship with Congress that OIGs enjoy.

Appendix III presents examples of responses from our interviews regarding initiatives.

Achieving the Right Balance with Agencies and Congress

All of the IGs interviewed for this project recognize the importance of achieving the right balance with an OIG's host agency and with Congress. "Straddling the barbed wire fence" separating the executive branch and Congress is one metaphor that is often used in the literature to capture the predicament facing IGs who are legally responsible for reporting to two principals. In addition to mentioning the "barbed wire fence," interviewees offered additional new metaphors—"dancing on a tight rope," "walking the line," and "walking through the mine field"—which conveyed the crosscutting pressures of reporting to an agency head and to Congress.

Creating positive relationships in this environment is deemed essential; one IG commented that it is "absolutely critical to maintain the confidence of agency leadership and congressional contacts—[this] speaks to the ability to be effective and to make a difference." Another IG observed that "we need to maintain productive, respectful relations" with the agency and with Congress. The IG also noted that "we think about this [agency/congressional relations] all the time." Finally, another IG remarked that IGs need to develop a balance and maintain cooperation at the working level within an agency and with Congress. The challenge of having two principals is, one OIG staff member reported, "tricky and not well understood."

Several different types of challenges to independence and positive engagement emerged in interviews with IGs and OIG staff. In at least two agencies, IGs faced questions about their legitimate role relative to the agency and to Congress, such as whether the IG was being too aggressive, too expansive, or moving beyond an IG's statutory authority. At least two IGs reported that they experience on-going differences of opinion regarding an IG's authority to access information or interpret statutory language. These differences also involved conflicting interpretations of statutes by an agency's general counsel and the OIG's counsel to the IG. In particular, access to information, timely access to documents, and timely response times are areas mentioned by interviewees in multiple OIGs.

Communications with an IG's agency and with Congress also pose delicate challenges:

- When should an IG inform Congress about an inquiry that is being initiated or is nearly closed?
- What information can be shared with Congress and when?
- How much time (if any) should lapse between informing the agency and Congress of findings?
- Should communications with one principal be shared with the other principal?

As noted previously, interviewees in OIGs reported they sometimes receive requests, especially from Congress, that occasionally appear to be too narrow, overly broad, or motivated by political considerations. An additional challenge involves requests that the OIGs consider to be outside the scope of OIG authority, or difficult to accomplish because sufficient resources for the project are not available.

Two strategies highlighted by IGs and their staff referenced reputational attributes of their office: aiming for fairness and honesty in dealing with the agency and Congress and producing quality work that is well received (if not always accepted) by the agency and Congress. OIG interviewees often emphasized that they provide information to their agency and to Congress but do not become part of the policy making process. IGs who attend their agencies' executive leadership meetings indicated that they did not participate in policy discussions; IGs that did not attend such meetings cited the desire to avoid policy decisions as a reason for avoiding them.

Each OIG holds orientation programs for new staff members regarding the work of Inspectors General. These programs emphasize IG independence and stress the need to maintain an independent stance relative to the agency and to Congress. Interviewees within four OIGs reported they regularly have discussions at staff meetings on these topics. One staff member suggested that staff vigilance helps the IG and the OIG maintain the proper relationships with the agency and with Congress.

OIGs reported a couple of strategies for handling requests from Congress that they viewed as being "out of bounds." One IG indicated that, to demonstrate responsiveness, smaller questions are made into larger questions that subsume the original, narrow request. Another interviewee indicated that the OIG responds to such requests by committing to look into the problem to see whether there might be ways to address the issue within the OIG's authority and resources. An interviewee in another office reported working with the requesting congressional contact to set expectations about resources and the amount of time needed to fulfill a request, and to help the congressional contact make a manageable request in a formal letter.

On some occasions IGs face challenges from one principal or another, but usually not both on the same issues. When a request is viewed as inappropriate or when the IG's authority is challenged, one IG indicated that the office responds forthrightly that pursuing such a request "would put us at risk." Another strategy for responding to potentially inappropriate requests is to ask that a formal letter be sent that includes the signatures from several interested committee members, thus demonstrating broad support for the request. And, when either principal presses for a quick study or report, one IG indicates that the process and time required for a proper study constitutes a critical aspect of independence. Denials of access to agency documents or lack of follow-up action to IG reports may result in OIGs making complaints to an agency's senior leadership or to Congress. When issues emerge with either principal, the IG or the OIG, staff may stress the need for independence by referencing standards for conducting audits as outlined in the GAO's Yellow Book or federal rules covering investigations. IGs or OIG staff also indicated that they may use authority in the 2008 amendment to the IG Act to press for budget increases when needed to accomplish their mission or particular projects.

Appendix IV lists responses to our questions about how IGs and OIG manage the challenges of balancing their relationship between agencies and Congress.

Success Factors Associated with Independence and Positive Engagement between OIGs with Agencies and Congress

Individual bureaucratic styles and personality traits are clearly important in setting the tone for OIG relations with host agencies and with Congress. Our interviews suggest that individual styles did not get in the way of doing business. Virtually all of the officials we interviewed are seasoned professional leaders, dedicated to serving the public good, and seek to minimize personality-based conflicts in providing that service. Our interviews, as well as information contained in public sources, suggest that there are four factors associated with IGs maintaining independence and successful positive engagement with the agency and Congress:

- **Success Factor One:** Mutually shared views of the role of Inspectors General
- **Success Factor Two:** Confidence and trust in the Inspectors General
- **Success Factor Three:** Reciprocal responsiveness
- **Success Factor Four:** Investments in building and maintaining positive relationships

These success factors are consistent with the small number of academic research reports regarding IGs and their relations with agency leadership and Congress (e.g., Light, 1993; Newcomer, 1998; and Newcomer and Grob, 2004), and other references mentioned in previous sections of this report and listed in references on pages 40–41. Additionally, these four success factors are in accord with accounts by former Inspectors General (e.g., Ervin, 2006; Barofsky, 2012; and Schmitz, 2013) that provide vivid accounts of efforts to assure their independence and to engage with agency officials and with Congress.

Success Factor One: Mutually Shared Views on the Role of the Inspectors General

In several important ways, the role of OIGs in the federal government is quite distinct from those of other federal organizations:

- IGs report to an executive agency *and* to Congress.
- IGs perform a “watchdog” role while residing in the agency they oversee.
- IGs are expected to be independent of managerial pressures or political influences from the agency, Congress, or other outside forces.
- IGs have independent administrative resources and legal authority to pursue auditing, law enforcement, and evaluation responsibilities.
- With few exceptions, IGs have open-ended appointments and Congress must be notified of dismissal by the president or agency head.

While the 1978 Inspectors General Act and subsequent amendments establish IG authority and responsibilities, our interviews revealed variations in views about the role of Inspectors

General in specific agencies. Agreement on the role of the IG appears to be a critical success factor in establishing productive relationships between the IG, the agency, and Congress. If the IG, the agency, or Congress view the role of the OIG differently, and these views are in conflict, stresses are almost inevitable. These strains, in turn, reduce positive engagements between the OIG and its two principals. Our interviews suggest two areas in which IGs and agencies or Congress may hold different views about the role of IGs:

- The relationship of the IG to the agency or to Congress
- The authority of the IG to carry out his or her responsibilities

None of the IGs or their staff who were interviewed consider themselves to be fully members of their host agency's leadership team, even if the IG attends agency leadership meetings. In one instance of considerable tension between the agency and the OIG, however, the agency's leadership expects the OIG to have greater loyalty to or closer engagement with the agency than the IG believes is appropriate. Leadership in that agency also appeared to be uncomfortable with the OIG's efforts to expand its role by conducting program performance evaluations and other reviews that previous IGs did not perform in that agency. The agency's IG responded by indicating that the OIG's relationship with agency leadership remains a matter of discussion, as does the degree to which the IG should be a member of the leadership team. A member of this agency's leadership expressed the view during an interview that the IG should be "validating" that the agency is performing well and helping the agency relative to various stakeholders—including Congress.

No other agencies in this study evidenced this level of dispute regarding the role of an IG. Similar concerns are, however, discussed in books by former IGs Neal Barofsky and Clark Ervin as noted earlier in this report. For example, discussing his service as acting IG for DHS, Ervin reports about a meeting he had with then-Secretary of Homeland Security, Tom Ridge. Ridge met with Ervin after a difficult congressional hearing. By Ervin's account, Secretary Ridge said, "I got my head handed to me over this new report of yours." Ridge followed up with a pointed question: "Look, Clark, Are you *my* Inspector General? When I was Governor of Pennsylvania, I had an Inspector General, but he wasn't out there like you, constantly criticizing and embarrassing us." Clark's response was "Well, sir, you've put your finger on the problem we're having here" (Ervin, 2006: 39).

Another source of strains identified by OIG interviewees involves agency leadership who viewed IGs through a private sector lens. OIG interviewees noted that this is especially likely if the agency head, deputy head, or general counsel come from the private sector, or if that is the leadership's orientation. Since private sector organizations have nothing comparable to federal Inspectors General, OIG interviewees report that these leaders often have difficulty understanding that, while the IGs report to agency heads, they are largely independent actors and that the IGs also report directly to Congress.

Different expectations about the role of IGs were referenced more often when interviewees discussed interpretations of federal law about IG authority. Limitations set by agency officials that deny access to information and data (or delay its provision) were cited by OIG interviewees in both agencies where we found higher levels of tension. In the view of these OIG interviewees, limited access to agency information violates the 1978 IG Act and limits their role as Inspectors General. Discussions about access were mentioned by OIG staff or agency leadership in the other four agencies, but informal discussions and remedies appear to have resolved these issues, at least temporarily. Notably, the previously mentioned letter to Congress signed by 47 IGs highlighted access issues and the implications for restricted views of IG authority. For two of the OIGs in this study, the matter remains a source of tension that appears to adversely affect the level of positive engagement with the agency.

RECOMMENDATIONS

Success Factor One

Mutually Shared Views on the Role of the Inspectors General

To Agency Leaders:

- Hold initial, candid and extended conversations with an Inspector General about the role of the OIG vis-a-vis the agency and Congress. Topics meriting attention include:
 - Loyalties and independence
 - Differences between managing in the federal government workplace and the private sector (if an issue)
 - OIG access to agency documents, data bases, etc.
 - The role of OIGs in independent agencies and government corporations (if appropriate)
- Establish and maintain clear lines of communication between the appropriate OIG officials and corresponding officials in the agency, including the general counsel, the chief financial officer, and the chief information officer.

To Congress:

- Respect boundaries for appropriate requests and expectations relative to IG law and resources (time, staff, budget, etc.).

To Inspectors General:

- Ensure that all new-hire orientations for OIG staff include a clear explication of the role of the OIG within the agency, including processes used to ensure the independence of the OIG.
- Communicate regularly with all OIG staff regarding expectations about the role of the OIG vis-a-vis the agency and Congress.
- Communicate clearly with both the agency and Congress regarding boundaries for appropriate requests and expectations relative to IG law and resources, (time, staff, budget, etc.).

Success Factor Two: Confidence and Trust in the Inspectors General

According to several OIG interviewees, maintaining the agency's and Congress's confidence and trust in the IG is critically important for the IG to be effective. One OIG staff member indicated that what OIGs do is dependent on what agency leadership and Congress think of the office. Another OIG interviewee commented that the "key to success is instilling trust and building relationships." All OIGs in the study reported that they devoted time and energy to developing positive, functional relationships to build confidence and trust, and to lay critical groundwork for positive engagements with their agencies and with Congress. The degree to which the OIGs are successful in building confidence and trust correlates with the extent of positive engagement of the OIG with the agency and Congress.

Relations between the IG and Congress have overarching influence on their ability to establish confidence and trust. One congressional staff member indicated that a successful IG:

- Has good relations with the agency to know what efficiencies might be obtained
- Maintains good relations with Congress to get changes made to address problems

Another congressional staff member remarked that the committee "watches for 'capture' of an OIG by the agency" and commented that it is "hard to distinguish between capture and incompetence." An agency leadership interviewee underscored the importance of congressional confidence and trust by commenting that "IGs are in a precarious position because Congress can go after IGs easily."

As noted previously, OIGs are generally quite diligent in communicating with and responding to Congress. These communications in all OIGs are usually conducted directly, rather than being coordinated with agency leadership. That is, communications from the agency or from

the OIG to Congress are on separate tracks. Perceptions of OIG responsiveness and separate communications tracks can lower an agency's confidence and trust in the OIG. In an agency in which tensions are high, an agency leadership interviewee noted, for example, that the agency's communications office does not fully share information with the OIG's communications staff, and that there are some concerns about requests made of the OIG by Congress that remain hidden from the agency. As is the case with other OIGs in this study, the OIG in this particular agency communicates with Congress on a separate track, although staff in the office reported that they also work to keep the agency informed of OIG work. OIG staff or agency leadership interviewees in other agencies reported that agency leadership is informed about conversations between the OIG and Congress, and that agencies consequently work separately to prepare responses to congressional reactions to an unfavorable report.

Perceived OIG receptiveness and responsiveness to communications from the agency also affect the confidence and trust agency leaders have in the OIG, and in turn, can affect the extent to which the agency has positive engagements involving the OIG. In three offices evidencing higher levels of confidence and trust, agency officials and staff are quite willing to approach the OIG. One OIG staff member mentioned that, in contrast to a previous IG in the agency, IG staff make multiple visits to field offices, which they believe enhances the OIG's reputation. And, this interviewee reported that, as a result of this reputational shift, "others now come to OIG to talk about stuff because they know that we will treat the issue fairly." In another agency, a leadership interviewee expressed confidence in the OIG and said that the IG is seen "as a useful, trustworthy tool to help leadership by looking into complaints against the agency." Relative to Congress, an OIG interviewee in another agency remarked that the IG appears to be trusted by committees and that congressional requests of that OIG "reflect their confidence in the independence and integrity of their work."

Lower levels of trust and confidence marked the two agencies that evidenced higher levels of strained relationships. In one of the two, an agency leadership interviewee characterized agency staff as having an "us-versus-them" view of the agency's relationship with OIG representatives. In the other agency, lower levels of confidence and trust appear to be partly the result of considerable turnover in the agency's offices and lower levels of understanding of the OIG's role by agency staff and field personnel. These two OIGs have lower levels of positive engagement with their agencies than do the other four OIGs.

RECOMMENDATIONS

Success Factor Two

Confidence and Trust in the Inspectors General

To Agency Leaders:

- Meet regularly with the IG to maintain open communications and build trust.
- Respond to OIG requests for suggestions on audits, investigations, and evaluations in a timely fashion.

To Congress:

- Fully explore allegations regarding OIG work before holding a public hearing.

To Inspectors General:

- Strive to ensure that the agency and Congress are informed to avoid surprises with OIG findings and reports.
- Discuss with agency and/or Congress the scope and context of requests to avoid misunderstandings.
- Routinely request suggestions from the agency for topics and foci for audits, investigations, or evaluations in sync with the OIG's planning schedule.
- Establish links among lower levels of the OIG with corresponding agency and congressional staff to encourage informal communications.

Success Factor Three: Reciprocal Responsiveness

Establishing communication routines and taking actions that respond to OIGs' needs, requests, or inquiries to the agency or to Congress—and vice versa—appear to advance positive engagement between these parties. A lack of responsiveness—perceived or real—may, however, result in tensions or strains that impede positive engagement. While levels of reciprocal responsiveness can be difficult to assess precisely, there are variations in levels of reciprocity across the six agencies we examined and these differing levels correspond roughly to differing levels of positive engagement. Reciprocal responsiveness between OIGs and Congress appear mostly to involve heightened attentiveness by OIGs to congressional requests and inquiries. Congress is, however, responsive to occasional requests by OIGs for support in their negotiations with their agency.

As previously noted, IGs reported that they are open to and would alter OIG working agendas to respond to agency requests for inquiries. They would also actively seek to inform Congress about relevant activities and quickly respond to congressional requests—short of sharing reports and information before they are shared with agency leadership. Each OIG office solicits suggestions from both Congress and their agency leadership about areas that need examination when planning future audits or evaluations. OIGs and their respective agency leadership indicated that such requests for input often do not generate numerous responses. One criticism raised by leadership in an agency with low levels of positive engagement with its OIG is that, when drafts of reports are circulated for review and comment, the drafts are typically presented as final reports and do not appear to be negotiable. It was unclear to the interviewee and to us whether, as usually occurs in the auditing process, those drafts had been previously submitted to officials who are responsible for the program being audited for comment during earlier stages of the audit. By contrast, another OIG representative in an agency with more positive engagement reported that this OIG makes efforts to discuss impending reports with agency staff “to ensure [the OIG] develops feasible recommendations.”

Requests from OIGs to which agencies do not provide timely replies include responses to OIG audit reports prior to their final release, OIG requests for information, follow-through on OIG recommendations, and actions to close open OIG recommendations. This lack of timely responses is a source of consternation for OIGs and increases the potential for strains or conflicts between an OIG and an agency. A leadership interviewee in an agency evidencing high levels of positive engagement with the OIG acknowledged concern that the “agency needs to be more responsive to IG requests.” This official went on to say that such responsiveness is “simply part of good leadership and high level management.”

OIG requests for information occasionally evoke, as previously mentioned, assertions from agency leadership that the information can be withheld under its interpretations of other federal statutes or policies. When these and other questions about timely responses were mentioned by OIG interviewees, they often qualified their comments by stating that such matters are usually handled at the lower levels of the OIG and the agency, but that, on occasion, the IG goes directly to the agency head, after which, the agency usually becomes responsive. Such occasions, however, raise tensions between the OIG and the agency, and lower the potential for positive engagement.

Congressional responses to OIG requests were also discussed in our interviews. Two IGs reported approaching congressional contacts about the slowness of agency responses; congressional responses included language in an appropriations bill encouraging agencies to be responsive to OIG requests. In another instance, one congressional response involved intervention by a member of Congress to halt legislative actions for an agency until the agency was more responsive to the OIG.

OIG interviewees also noted that, at the request of a congressional committee, they report current open recommendations, which are then compiled and circulated by the committee to urge responsive actions by the agencies. One difficulty in working with Congress is illustrated by two agencies' experiences in seeking legislation to resolve particular issues in their respective OIGs. In both instances, multiple meetings with several members of Congress and with staff on several committees were required over an extended period of time to secure passage of the legislation. By all accounts, securing Congressional involvement requires considerable investments of time and effort by an IG.

RECOMMENDATIONS

Success Factor Three

Reciprocal Responsiveness

To Agency Leaders:

- Ensure that follow-up to OIG reports is a high priority, a topic of frequent periodic discussions, and the subject of follow-up actions.
- Resolve conflicts between the OIG and the agency at the lowest levels possible in the OIG and the agency.

To Congress:

- Be timely in responding to requests from OIGs for requests for support or clarification of legal authority, responsibilities, and resources.

To Inspectors General:

- Resolve conflicts between the OIG and the agency at the lowest levels possible in the OIG and the agency.
- Clarify expectations and timing for submissions of comments and suggestions by agency officials on OIG draft and final reports.

Success Factor Four: Investments in Building and Maintaining Positive Relationships

OIGs, agencies, and congressional offices have invested resources—time, energy, and money—to develop on-going mechanisms to maintain mutually positive relationships. Some of these initiatives are listed in Appendixes II, III, and IV. Here we report specifically about programmatic efforts or organizational units that have fostered positive engagement between OIGs and agency representatives or OIGs and congressional contacts.

For the most part, OIGs rely on personal relationships at the leadership levels and at operational levels to foster positive engagement. These relationships are “institutionalized” through weekly, bi-weekly, or monthly meetings between the IG and the agency head. These meetings are usually one-on-one meetings attended only by the IG and the agency head, although some meetings include either the agency’s deputy head or general counsel. These regularly scheduled meetings provide opportunities for exchanges of information, although at least one IG characterized the meeting as being mostly a one-way conversation, with the agency head saying very little. Corresponding meetings between officials at lower levels of the OIG and the agency were also reported for all agencies. These meetings were aided in larger OIGs and their host agencies when the OIG was structured functionally or regionally to mirror the agency’s organization.

On the critical issue of following up on recommendations, four OIGs have monitoring mechanisms that periodically trigger the OIG to inquire whether the agency has made changes consistent with audit recommendations. These triggers are usually databases with recommendations,

dates, and timed messages. Which staff member is responsible for follow-ups varies across the six OIGs in this study, ranging from a deputy or assistant IG in smaller OIGs, for which this is one of several responsibilities, to a dedicated office in a larger agency that maintains the database and contacts agency officials about implementation of open recommendations.

Three agencies, including the two with lower levels of positive engagement, reported that they have formal dispute resolution mechanisms, such as a written policy or designated process, to resolve open recommendations or resolve access questions. Interviewees in the OIGs and their host agencies reported that these mechanisms are rarely used or are viewed as being largely ineffective. Where positive personal relationships are in place, OIGs and agency leadership prefer to work through issues informally or to decide that the matter could be set aside until a later time.

External to IGs' offices, every agency in our study has an office devoted primarily to following up on audit recommendations. These "compliance" or "internal control" offices are charged with facilitating and ensuring acceptance and closure of recommendations that have been accepted by agency leadership. These offices work with auditing teams in the OIG who are usually responsible for confirming that a recommendation has been implemented and with agency program officers charged with implementing the recommendations. At least three agencies also employ individuals who are specifically designated as "audit liaisons" with whom the auditing team in an OIG works; often throughout the entire auditing process. These OIGs rely on audit liaisons to:

- Explain audit processes to agency personnel
- Assist auditors in obtaining information needed for the audits
- Explain to agency personnel findings and recommendations to be reported in the audit
- Assist agency personnel in responding to audit recommendations, including any continuing open recommendations stemming from an audit

One OIG interviewee indicated that audit liaisons in the agency "put pressure on program managers" to facilitate an audit and implement recommendations. Another OIG interviewee highlighted the facilitating role of audit liaisons by commenting that they "need to be a window, not a door" in the process.

Agency leadership in four of the agencies that demonstrated higher levels of positive engagement reported holding weekly, bi-weekly, or periodic meetings with agency officials—not including OIG officers—to assess the status of open recommendations. These meetings are initiated by the current office holders, often in response to what they characterized as large numbers of open recommendations. Personal and frequent involvement appears to increase the responsiveness of agency offices to OIG recommendations. Another initiative in one of these four agencies, which may have been a singular event, was a joint meeting held by the IG and the deputy head and involving individuals from their respective offices to iron out an issue that was not being resolved at lower levels of the organization. That meeting reportedly was successful in resolving the issue and demonstrated a high level of positive engagement.

As reported in earlier sections, OIGs pay particular attention to Congress. Correspondingly, some members of Congress or their staffs pay particular attention to IGs. Four of the OIGs in this study have individuals who are dedicated to interacting with congressional contacts. In the larger agencies, this is at least a half-time responsibility for the individual, and in smaller agencies, the responsibility rests with either a deputy IG or an assistant IG, in addition to their other responsibilities. Two agencies have also "detailed" OIG staff to congressional committees through programs in which the OIG continues to pay the staff member's salary although other

expenses are covered by the congressional committee. Interviewees in both of these agencies believe that this exchange is useful in bringing that OIG's message to Congress, and messages from Congress back to the OIG. We could not determine whether this arrangement facilitated positive engagements between the OIG and congressional contacts, but OIG interviewees in both low and high positive engagement agencies reported that they find these operations as useful.

The two congressional staff members we interviewed reported that their respective offices hold annual meetings with larger OIGs to discuss what they are doing, hear about any problems, and ask whether Congress could help with such issues as access or open recommendations. These staff members reported that these meetings help congressional staff to foster communications and gain a sense of what might be happening in the IG community.

RECOMMENDATIONS

Success Factor Four

Investments in Building and Maintaining Positive Relationships

To Agency Leaders:

- Designate or create an audit liaison or compliance office to work with the OIG during audits and to follow up on open recommendations.

To Congress:

- Maintain open lines of communication with presidential appointees who are subject to Senate confirmation (PAS) IGs, and DFE IGs regarding on-going OIG work and challenges (e.g., resource needs and any OIG/agency conflicts).
- Conduct periodic meetings with PAS and DEF IGs to discuss major projects and on-going challenges.

To Inspectors General:

- Establish on-going links between OIGs and Congress with an OIG official dedicated to congressional relations and, when appropriate, "detail" OIG staff to congressional committees.
- Dedicate time and resources for visits with field offices or mid-level agency officials to discuss the role of the OIG and solicit suggestions regarding OIG activities.
- Make requests to Congress, when needed, for support or clarification of legal authority, responsibilities, and resources.

Appendix I: Key Statutory Responsibilities and Authorities of U.S. Inspectors General

Responsibilities:

- Provide policy direction for and to conduct, supervise, and coordinate audits and investigations relating to the programs and operations
- Review existing and proposed legislation and regulations relating to programs and operations of such establishment
- Make recommendations in the semi-annual reports required by [this legislation] concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by [the host agency] for the prevention and detection of fraud and abuse in such programs and operations
- Recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by [the agency] for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in its programs and operations
- Recommend policies for, and to conduct, supervise, or coordinate relationships between such establishment and other federal agencies, state and local governmental agencies, and nongovernmental entities with respect to (A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by such establishment, or (B) the identification and prosecution of participants in such fraud or abuse
- Keep the head of such establishment and the Congress fully and currently informed, by means of the reports required by [this legislation] and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by [the host agency], to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action

Authorities:

- Have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to [the host agency] which relate to programs and operations with respect to which that Inspector General has responsibilities under this [legislation]
- Make such investigations and reports relating to the administration of the programs and operations of {the host agency} as are, in the judgment of the Inspector General, necessary or desirable
- Request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this Act from any federal, state, or local governmental agency or unit thereof

- Require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evidence necessary in the performance of the functions assigned by this [legislation]
- Administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this [legislation]
- Have direct and prompt access to the head of the establishment involved when necessary for any purpose pertaining to the performance of functions and responsibilities under this [legislation]
- Select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office
- Upon request of an Inspector General for information or assistance ... the head of any federal agency involved shall insofar as is practicable and not in contravention of any existing statutory restrictions or regulations, ... furnish to such Inspector General such information or assistance; ... Whenever information or assistance requested [under this legislation] is, in the judgment of an Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of [the host agency] involved without delay
- Each Inspector General, any Assistant Inspector General for Investigations under such an Inspector General, and any special agent supervised by such an Assistant Inspector General may be authorized by the Attorney General to ... carry a firearm while engaged in official duties ... ; make an arrest without a warrant while engaged in official duties ... ; [and] seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed

Source: Inspector General Act of 1978, Amended; items quoted directly from sections 4 and 6

Appendix II: Interviewee Comments on Initiatives or Practices to Promote Independence and Positive Engagement between OIGs and Agencies

OIG Initiatives to Promote Independence and Positive Engagement with Agencies

- I. Communicating Regarding Mission and Actions of OIG
 - Meet with mid-level staff of agency
 - Arrange quarterly meetings between OIG staff and program offices or counterparts in agency to review on-going projects
 - Ensure that there are no surprises for management by sharing report with agency before forwarding report to Congress or posting on web
 - Work to ensure no surprises to agency leadership from OIG activities
 - Arrange OIG leadership meetings with agency's regional leadership and staff annually
- II. Soliciting and Considering Requests from Agency
 - Invite recommendations from agency leadership for annual audit plans
 - Give priority to requests from agency leadership
 - Solicit ideas from agency leadership regarding annual statement of congressionally-mandated "Major Challenges" statement
- III. Reaching Out to Working-Level Agency Staff and Agency Stakeholders
 - Explain mission and processes to working-level agency staff
 - Establish contact with major agency customers and stakeholders
 - Conduct regular meetings around the country with agency staff at the second or third levels down where work gets done
- IV. Making Structural Changes in the OIG to Accommodate Agency Functions
 - Organize OIG offices functionally, in parallel with agency
 - Establish process and expectations for review and comment on audit reports

Agency Leadership Initiatives to Promote Independence and Positive Engagement with OIGs

- I. Assigning of Specific Staff or Offices to Coordinate with OIG
 - Assign lead staff person in agency to work with OIG at beginning of inquiries to facilitate audit or investigation
 - Establish coordination offices within agency to facilitate audits and follow-up on audit recommendations
- II. Encouraging Cooperation with OIG Inquiries through Leadership Directives
 - Establish targets by agency leadership for response times and for closing recommendations, including periodic reviews on status of IG reports
 - Issue widely distributed memoranda from agency leadership encouraging contact and cooperation with OIG

Appendix III: Interviewee Comments on Initiatives or Practices to Promote Independence and Positive Engagement Between OIGs and Congress

OIG Initiatives or Practices to Promote Independence and Positive Engagement with Congress

- I. Proactive Briefing and Communicating about OIG Activities
 - Meet with appropriations and oversight committee leadership semi-annually
 - Express willingness to meet informally with congressional contacts and to be available for hearings
 - Respond to requests with timely reports or updates
 - Meet frequently with congressional contacts when responding to specific requests
 - Solicit suggestions for areas in which congressional representatives or staff are interested
 - Have GS-15 civil service personnel among OIG staff regularly brief congressional staff on authorizing and appropriations committees
 - Share lists of current projects periodically with agency and congressional contacts
 - Produce good work and communicate that work to congressional contacts
- II. Working with Congress to Shape Requests or Mandates for OIG Inquiries
 - Outline authority and resources the OIG has to respond to congressional requests
 - Work to broaden congressional requests that are viewed as too narrow, too broad, or too partisan
 - Avoid exercising political filter in responding to congressional requests
 - Work with congressional contact to understand basis and context of request
 - Work with OIG staff to ensure they understand the political context of a request if applicable
 - Request formal letter outlining request for OIG to inquire into a matter—may assist in drafting letter
- III. Dedicating OIG Staff Members to Work with Congressional Contacts
 - Funnel most contacts with Congress through office dedicated to external relations
 - Encourage and support temporary assignment of OIG staff member to congressional office
 - Assign deputy IG or assistant IG responsibility for contacts with Congress

Congressional Initiatives or Practices to Promote Independence and Positive Engagement with OIGs

- I. Following-up on OIG Reports Regarding Open or Unimplemented Recommendations
 - Collect, publicize, and (possibly) hold hearings about open recommendations with an agency
 - Ask agency for information about responses to OIG reports and recommendations
- II. Maintaining Contact with OIG Offices
 - Invite IGs from large OIGs for discussions with congressional committee staff regarding topics being worked on and any obstructions to inquiries

- Invite individual IG (and possibly staff) from large OIG to join congressional staff every two years for informal relaxed conversations regarding major projects or on-going difficulties
- Offer suggestions regarding IG appointments

Appendix IV: Interviewee Comments on OIG Initiatives, Practices, and Strategies Aimed at Balancing Agency and Congressional Relations

- I. Working Toward Fairness and Honesty in All Relations
 - Work to drive right down the middle on reports
 - Work hard to speak truth on what needs to be done and how
 - Be an honest broker
 - Deal with problematic issues, not personalities
 - Be fair but firm
 - Be reassured when it seems you are being criticized from both sides
- II. Producing Quality Work
 - Focus on what the job is: detecting fraud, waste and abuse, and doing it in a timely manner
 - Look at important things for the agency; provide a product that the agency can use
 - Rush a report if it is needed by the agency, but maintain quality
 - Document reports; this is especially critical for acceptance of audits and investigations
 - Detail scope and methods used in reports; why topic is being audited, reviewed, investigated, etc.
- III. Avoid Engaging in Policy Discussions and Decisions
 - Just report outcomes of inquiries; do not recommend policies
 - Shut down political discussions in OIG meetings with staff
 - Draw the line at not participating in drafting policy when the OIG participates in agency working groups
 - Defer to policy makers, give facts and audit recommendations, but not policy
- V. Maintaining Internal Vigilance Related to Issues of Independence
 - Emphasize OIG independence in new-employee training and in-service training
 - Address matters of independence in the department from the bottom up
 - Ensure that everyone knows that skepticism is important
 - Be alert to conflicts of interest
 - Be clear that the OIG is a different kind of government agency since it does not have program responsibilities
 - Safeguard independence by acting carefully
 - Encourage discussions in the OIG about walking the line between Congress and agency
- IV. Respond Creatively to Requests that Uncomfortably Stretch Legal Authority and Available Resources
 - Help the requester to re-frame the question or request
 - Help write the letter to focus request and avoid answering too broad a question
 - Add item to OIG's agenda if requested by agency director if at all possible
 - Work proactively to create a reservoir of good will with Congress to be able to work through difficult requests
- VI. Push Back on Inappropriate Requests or Challenges to Authority
 - Go to the agency head or to Congress to complain about slowness of agency response
 - Perform the work if the law says to do it; if not, then do not do it
 - Protect the process; do not overly rush the process

- Use authority under the 2008 law giving IGs the authority to state when funding is insufficient to support OIG work
- Use and reference GAO's Federal Yellow Book as a strong basis for insisting on independence
- Require more signatures on letters of request in sensitive matters if the letter does not come from chair or ranking member of Congress
- Plan what you want to do and call on supportive federal legislators to help get resources to execute your plan

References and Additional Reading

- Adair, J., and Adair, R. (1988). "From voucher auditing to junkyard dogs: The evolution of federal inspectors general," *Public Budgeting and Finance* 8(2), pp. 91–100.
- Barofsky, N. M. (2012). *Bailout: An inside account of how Washington abandoned Main Street while rescuing Wall Street*. New York: Free Press.
- CIGIE [Council of the Inspectors General on Integrity and Efficiency] (2010). "Quality Standards for Inspection and Evaluation, January, 2012." Washington, D.C.
- Crosby, B. C., and Bryson, J. B. (2005). *Leadership for the common good: Tackling public problems in a shared-power world*. San Francisco: Jossey-Bass.
- Ervin, C. K. (2006). *Open Target: Where America is Vulnerable to Attack*. 1st ed. New York: Palgrave Macmillan.
- Fong, P. K. (2008–2009). "The IG reform act and the new IG council: Dawn of a new era," *The Journal of Public Integrity* (Fall/Winter), pp. 1–6.
- Gianni, G. L. (2013). "Inspectors General" in *Getting It Done: A Guide for Government Executives*. Abramson, M. A., Breul, J. D., Chenok, D. J., Kamensky, J. M., and Wagner, G. M., eds., revised edition. Washington, D.C.: IBM Center for The Business of Government, pp. 113–117.
- GAO (September 2011). "Inspectors General: Reporting on Independence, Effectiveness, and Expertise." Washington, D.C.
- IG Act (1978). Inspector General Act of 1978, Pub. L. 95-452.
- Light, P. (1993). *Monitoring government: Inspectors general and the search for accountability*. Washington: The Brookings Institute.
- Linden, R. M. (2002). *Working across boundaries: Making collaboration work in government and nonprofit organizations*. San Francisco: Jossey-Bass.
- Moore, M. H. (1986). *Inspectors General: Junkyard Dogs Or Man's Best Friend*. *Social Research Perspectives : Occasional Reports on Current Topics*, Gates, M. J., ed. New York: Russell Sage Foundation.
- Newcomer, K. E. (1998). "The Changing Nature of Accountability: The Role of the Inspector General in Federal Agencies," *Public Administration Review* 58 (2): pp. 129–136.

Newcomer, K. E., and Grob, G. (2004). "Federal Offices of the Inspector General: Thriving on Chaos?" *American Review of Public Administration* 34 (3): pp. 235–251.

O'Leary, R., and Blomgren Bingham, L., eds. (2009). *The collaborative public manager: New ideas for the twenty-first century*. Washington, D.C.: Georgetown University Press.

O'Leary, R., and Gerard, C. (2012). "Collaboration Across Boundaries: Insights and Tips from Federal Senior Executives," Washington, D.C.: IBM Center for the Business of Government.

Schmitz, J. E. (2013). *The Inspector General handbook: Fraud, waste, abuse, and other constitutional 'enemies, foreign and domestic.'* Washington, D.C.: Center for Security Policy Press.

Subcommittee of the Committee on Government Operations, House of Representatives, 94th Congress (1976). Hearing on H.R. 5302, et. al., May 25, 1976.

Additional Resources

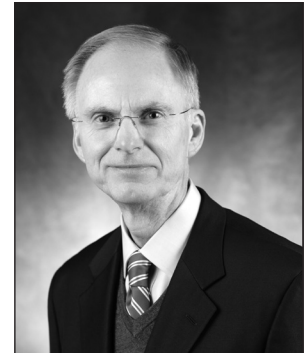
Official documents and additional information about federal Offices of Inspector General are available at the Council of the Inspectors General on Integrity and Efficiency (CIGIE) website (<https://www.ignet.gov/>). This official website provides a listing of the 1978 IG Act, including all subsequent amendments; regulations and standards developed by CIGIE; reports by CIGIE to Congress; and a current directory of all IG offices, when the offices were created, contact information for individual offices, and the IGs (permanent and acting).

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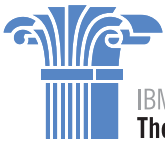
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