



PEACE CORPS  
Office of  
**INSPECTOR  
GENERAL**



*Council of the*  
**INSPECTORS GENERAL**  
*on INTEGRITY and EFFICIENCY*

# Statement of Kathy A. Buller

Inspector General, Peace Corps  
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Council of the Inspectors General for Integrity and Efficiency

*before the*

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

April 20, 2021

## Introduction

Chairman Connolly, Ranking Member Hice, and distinguished Members of the Subcommittee:

Thank you for the invitation to appear before you today in my role as the Chair of the Legislation Committee of the Council of the Inspectors General on Integrity and Efficiency, known as CIGIE. I will discuss the challenges facing the Inspector General (IG) community and opportunities to address those challenges through the CIGIE Legislation Committee's Legislative Priorities for the 117<sup>th</sup> Congress. The Legislation Committee of CIGIE, established in 2009, has expressed the IG community's common positions on legislative initiatives impacting government oversight for over a decade. I have served as the Chair of that committee since 2015.

In my 35 years in the IG community, I have seen the community evolve from distinctly separate entities with a common authorizing statute into a strong community of practice that coordinates operations, shares resources and guidance, and uses our collective authority to provide effective oversight of the Government. CIGIE makes it possible for the community to conduct more efficient oversight, better train our employees, and provide improved technical assistance to Congress.

Individual IG and CIGIE leadership is particularly important today. At this moment, Inspectors General are operating amid a worldwide pandemic, with several offices fully remote, overseeing some of the most extensive government spending bills in recent history. Despite the 15 vacant Inspector General positions – at some of the largest and most influential agencies within the government – Inspectors General and their staff are working diligently to provide accountability and ensure integrity of government processes. While administrations and agency leadership change, IGs are required to be nonpartisan and objective. The IG community has a proven track record of acting with integrity and functioning fairly and objectively.

The Legislation Committee is doing its part to assist the IG community and more effectively work with Congress. While each IG is expected to maintain its own relationship with congressional stakeholders, we recognize that together, the IG community can more effectively provide technical assistance to Congress on common issues. One aspect of CIGIE's core mission is to "address integrity, economy, and effectiveness issues that transcend individual Government agencies."<sup>1</sup> A key objective of the Legislation Committee is to foster productive and enduring relationships with members of Congress, Committees, and Congressional staff that have an interest in government fraud, waste, abuse, mismanagement, and other issues paramount to the IG community.

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<sup>1</sup> Inspector General Act of 1978, as amended, 5 U.S.C. App. § 11(a)(2).

## Whistleblower Protections

Last year, with support from the leadership of this Committee, multiple members introduced legislation that would bolster and protect the independence and integrity of the IG community. While important reforms on IG vacancies and for cause removal were not enacted, CIGIE was especially pleased to see bipartisan support and passage of legislation in the Consolidated Appropriations Act, 2021, containing additional whistleblower protections. The protections, initially introduced in the Senate by Senators Braun and Hassan and in the House by Chairman Connolly, were, bolstered by bipartisan support, enacted in the last Congress. The legislation closes loopholes to clarify the scope of protections available for employees of Federal subgrantees who provide protected disclosures. Additionally, Congress passed legislation prohibiting the use of appropriated funds to implement or enforce agency policy or legal agreements that do not explicitly contain appropriate whistleblower protections. These new whistleblower protections will make it easier for whistleblowers to come forward without fear of reprisal.

Since the enactment of the Inspector General Act in 1978, the IG community has relied on whistleblowers, and the information they provide, to conduct non-partisan, independent oversight of the Federal Government. In July 2019, CIGIE released a report<sup>2</sup> that highlights the many contributions whistleblowers have made to uncovering waste and abuse in Federal agencies. Whistleblowers are often the first to alert us of a problem and can provide important evidence for IG investigations, audits, and evaluations. Because the effectiveness of our oversight work depends on the willingness of government employees, contractors, and grantees to come forward to us with their concerns about waste, fraud, abuse, and misconduct within government, those individuals must be protected from reprisal.

In 2016, through the hard work of former Chairmen of this Committee, Rep. Chaffetz, the late Rep. Cummings, and other members of this Subcommittee, Committee, and your Senate counterparts, the Inspector General Empowerment Act of 2016 was passed. Through the IG Empowerment Act, CIGIE, the Legislation Committee membership, and the broader IG community came together to provide Congress with technical advice and address wide-spread IG access issues. CIGIE conveyed to Congress the importance of strengthening IG's authority to access all information available to the agencies we oversee. The IG Empowerment Act of 2016 brought important legislative changes that the IG community collectively identified to improve the independence and oversight of IGs.

While the IG Empowerment Act and other reforms in the last decade have ushered progress in the ability and capacity of IGs to perform independent oversight, serious challenges remain. My testimony will focus on areas identified by the Inspector General community to address these challenges and provide the community with additional tools that would significantly enhance our oversight capabilities.

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<sup>2</sup> [https://www.oversight.gov/sites/default/files/oig-reports/Whistleblowing\\_Works.pdf](https://www.oversight.gov/sites/default/files/oig-reports/Whistleblowing_Works.pdf)

## Legislative Priorities

The IG community is ready to work with all members of this Subcommittee, this Committee, and Congress to address oversight challenges. With your assistance, we seek to further improve our ability to perform the important mission that Congress and the American people expect from the IG community. As Chair of the CIGIE Legislation Committee, I work with the Committee's 25 other IGs in determining the Committee's positions and priorities on legislative issues and coordinating our communication with Congress, the IG community, and other stakeholders.

During the beginning of each new Congress, the CIGIE Legislation Committee presents to the Office of Management and Budget and Congress a set of legislative initiatives.<sup>3</sup> If addressed, these initiatives would enhance government oversight and integrity or address legal challenges that the Inspector General community faces.

The CIGIE Legislation Committee is prepared to provide technical assistance on our legislative proposals to enhance the work of IGs and, more generally, improve government oversight. CIGIE welcomes the opportunity to engage on legislation related to our priorities which cover three main areas of emphasis:

- I. Strengthen the Independence of Inspectors General
- II. Develop Stronger Oversight Tools
- III. Enhance Capacity, Integrity, and Reporting

CIGIE's priorities strongly focus on IG independence because it is essential in order for IGs to be a critical, credible source for oversight of agency spending, and provide answers when controversial allegations of mismanagement or wrongdoing arise. Summaries of CIGIE's legislative proposals are provided below.

### I. Strengthen the Independence of Inspectors General

#### A. Enhance the Institutional Independence of OIGs

To ensure the institutional independence of IGs, CIGIE recommends two changes to current law:

1. Enhance the independence of OIGs through Vacancies Act reform, and
2. Require congressional notification when an IG is placed on non-duty status.

First, to be effective, IGs must be independent both in mind and appearance. Being independent is no less important for individuals temporarily serving as head of an OIG. Under the Federal Vacancies Reform Act of 1998 (Vacancies Act), the IG's selected deputy and career oversight official typically assumes leadership of an OIG. However, the Vacancies Act does not limit the selection of an acting IG to that individual or someone in the oversight community. The Vacancies Act allows the President to direct a Presidentially appointed, Senate-confirmed (PAS) appointee or a senior management employee from the same agency overseen by the OIG to temporarily serve as acting IG. Doing so risks both actual and apparent conflicts that affect the

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<sup>3</sup> [https://www.ignet.gov/sites/default/files/untracked/CIGIE\\_Legislative\\_Priorities\\_117th\\_Congress.pdf](https://www.ignet.gov/sites/default/files/untracked/CIGIE_Legislative_Priorities_117th_Congress.pdf)

acting IG's ability to maintain independence. Further, it may erode whistleblowers' trust that their identities will be protected. Accordingly, CIGIE recommends that the Vacancies Act be amended to require the "first assistant" to the IG (i.e., the deputy) assume leadership of an office if the IG position becomes vacant.

In 2020, CIGIE wrote to Congress on two occasions,<sup>4,5</sup> both to ask that Congress take action to legislatively ensure the independence of acting Inspectors General. Of particular concern to CIGIE and the IG community was the selection of an agency or political official as an acting Inspector General. The May 2020 designation of a State Department PAS official and the subsequent September 2020 designation of a Foreign Service officer and appointed Ambassador to serve as the acting IG at the State Department raised independence concerns, as it did in past administrations. In May 2020, the Deputy IG at the U.S. Department of Transportation was replaced as the acting Inspector General with a PAS official who was dual-hatted as the head of the Department's Federal Pipeline and Hazardous Materials Safety Administration. Addressing independence principles for Inspectors General, GAO noted in June 2020 that, "the extended use of temporarily assigned agency management staff to head an OIG can affect the perceived independence of the entire office in its reviews of agency operations....the practice is not consistent with the independence requirements of generally accepted government auditing standards, other professional standards that IGs follow, and the purposes of the IG Act." In the same report, GAO recognized the potential for significant threats to independence posed by IGs with "dual-hatted" roles.

This concern is not new, nor is it unique to CIGIE. At a 2015 hearing to discuss OIG vacancies, Chairman Johnson and multiple witnesses discussed the perception that the State Department's acting IG had failed to conduct independent and effective oversight of then-Secretary Hillary Clinton because of the acting IG's temporary appointment and the inherent conflict of interest created when an official serves in both a management and an oversight role simultaneously.<sup>6</sup> Similarly, in a letter to CIGIE and then-Secretary of State Kerry in 2015, Senator Grassley raised specific concerns about the performance of the State Department's acting IG, noting, "As these examples demonstrate, an inspector general must be independent, because agencies cannot be trusted to investigate themselves."<sup>7</sup>

CIGIE recommends that, if there is no "first assistant," the President be allowed to direct another PAS IG or senior official within any OIG to serve as acting IG. We are grateful to the Subcommittee Vice Chair, Representative Porter for introducing an amendment in the House National Defense Authorization Act last year that is consistent with CIGIE's recommendation.

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<sup>4</sup> [https://www.ignet.gov/sites/default/files/files/S3994\\_CIGIE\\_VIEWS\\_letter\\_07082020.pdf](https://www.ignet.gov/sites/default/files/files/S3994_CIGIE_VIEWS_letter_07082020.pdf)

<sup>5</sup> [https://www.ignet.gov/sites/default/files/files/CIGIE-Views-Letter-House-NDAA-HR-6395-Sec1115\\_10082020.pdf](https://www.ignet.gov/sites/default/files/files/CIGIE-Views-Letter-House-NDAA-HR-6395-Sec1115_10082020.pdf)

<sup>6</sup> Watchdogs Needed: Top Government Investigator Positions Left Unfilled for Years: Hearing Before the S. Comm. on Homeland Security and Governmental Affairs (June 3, 2015). <https://www.hsgac.senate.gov/hearings/watchdogs-needed-topgovernment-investigator-positions-left-unfilled-for-years>

<sup>7</sup> Letter from Senator Charles Grassley to the Honorable Michael Horowitz and the Honorable John Kerry (August 27, 2015). <https://www.grassley.senate.gov/sites/default/files/news/upload/2015-08-27%20CEG%20to%20CIGIE%20and%20State%20Dept%20IG%20Vacancy%29.pdf>

Enacting CIGIE's recommended changes to the Vacancies Act would serve as deterrence for politically motivated removals, or removals because the IG was doing their job. Removing an IG in favor of the first assistant or another presidentially appointed IG or senior official in the IG community, arguably in such a scenario would be of no benefit. Moreover, such reforms would ensure that an acting IG is sufficiently independent in mind and appearance and would greatly expand the pool of professional oversight officials eligible to temporarily manage the OIG.

CIGIE also recommends requiring congressional notification when an IG is placed on non-duty status, whether it is paid or unpaid. Sections 3(b) and 8G(e) of the IG Act include language intended to protect the institutional independence of OIGs by requiring congressional notification on the reasons for removal no later than 30 days before the removal or transfer of an IG. These unparalleled safeguards were recently described by the Government Accountability Office as critical components to support IG independence. However, these safeguards are defeated when an IG is placed on "administrative leave" or "suspended without pay." CIGIE recognizes that some very limited circumstance might require placing an IG on paid or unpaid, non-duty status immediately and that prior notification may not be practical. Therefore, CIGIE recommends amending the IG Act to require congressional notification no later than 48 hours after the Inspector General is placed in either a paid or unpaid, non-duty status. We note that last month Senator Grassley, along with Senator Peters and eleven bipartisan cosponsors, introduced the Securing Inspector General Independence Act (S. 587)<sup>8</sup>. The bill would put in place a number of protections which support IG independence including provisions that bolster the congressional notification requirements when removing or transferring an IG and requirements for congressional notification when an IG is placed on non-duty status. The bill would also modify the Vacancies Reform Act so that acting Inspector Generals are either selected from senior-level employees within the IG community or the first assistant (usually the deputy) to the IG.

#### B. Prohibit the Use of Appropriated Funds to Deny IG Access

Despite the IG Act's clear language authorizing IGs to have full and timely access to all agency information, IGs on occasion are denied the access they need to provide robust oversight. On an ad hoc basis, Congress has effectively resolved such denials by including, within subcommittee appropriations acts, a prohibition on an agency's use of appropriated funds to deny full and prompt IG access. Such prohibitions, which effectively freeze agency funds when the agency refuses full and prompt access to the IG or OIG staff, have had great practical effect because the consequences of denying the IG access could lead to an Antideficiency Act violation. However, the existing appropriation prohibitions and associated consequences apply to only those agencies funded under the particular appropriations act containing the language, not the IG community at large. Further, the appropriations prohibitions are often enacted only after the agency, OIG, and Congress have expended considerable time and resources trying to resolve access issues. CIGIE accordingly recommends a government-wide prohibition on the use of appropriated funds to

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<sup>8</sup> <https://www.congress.gov/bill/117th-congress/senate-bill/587?q=%7B%22search%22%3A%5B%22s+587%22%5D%7D&s=1&r=1>

deny an IG access and a requirement of congressional notification when access is denied. Consistent with current law and existing appropriation prohibitions, CIGIE believes the prohibition should recognize existing statutes that limit IG access and those that prevent the IG from further disclosing information protected by law.

## II. Develop Stronger Oversight Tools

### A. Testimonial Subpoena Authority

Inspector General oversight can be substantially hampered by the inability to compel the testimony of witnesses who have information that cannot be obtained by other means. Congress could address this concern by providing IGs with the authority to subpoena the testimony of certain witnesses as necessary in the performance of OIG oversight. For example, this authority is especially important in cases where a Federal employee resigns or retires. Without testimonial subpoena authority, that employee's resignation or retirement can limit an IG audit, investigation, or other review into matters pertaining to that individual's former responsibilities. IGs also face difficulty accessing key information during an inquiry into other individuals or entities with whom the Federal government does business. Examples include contractors, grantees, guarantors, volunteers, and entities that have no contractual relationship with the Federal Government but are suspected of defrauding a federally funded program. In these cases, IGs have limited recourse if these individuals refuse to provide information to the IG during an audit or investigation. CIGIE recommends testimonial subpoena authority for IGs mirror the IGs' current documentary subpoena authority, similar to the testimonial subpoena authority recently granted to the Pandemic Response Accountability Committee of CIGIE.

We want to express our appreciation to you Mr. Chairman, Committee Chairwoman Maloney, and the Vice Chair of the Committee on Oversight and Reform Congressman Gomez for introducing H.R. 2089. Providing Inspectors General with testimonial subpoena authority has been a bipartisan effort in this committee since 2014<sup>9</sup>, culminating in 2018 with passage in the House of H.R. 4917.<sup>10</sup> We are committed to working with you and providing technical assistance, as appropriate, to help ensure the effectiveness of this oversight tool and the judicious exercise of the authority.

### B. Reform the Program Fraud Civil Remedies Act

The Program Fraud Civil Remedies Act (PFCRA), often referred to as the "Mini-False Claims Act," is an underutilized tool to provide administrative civil remedies for false claims of \$150,000 or less and for false statements. Despite inflation and other economic changes, dollar values set in the PFCRA have not changed since 1986. According to a 2012 GAO report, many agencies were not using the PFCRA for reasons that include: a lack of familiarity with the

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<sup>9</sup> Under Chairman Issa's leadership the committee passed the Inspector General Empowerment Act of 2014 (H.R.5492) which included testimonial subpoena authority for Inspectors General and was supported by CIGIE. See [https://www.ignet.gov/sites/default/files/files/CIGIE Views - H R 5492.pdf](https://www.ignet.gov/sites/default/files/files/CIGIE%20Views%20-%20H_R_5492.pdf)

<sup>10</sup> In 2018, the U.S. House of Representatives unanimously passed H.R.4917, the IG Subpoena Authority Act. The Act was strongly supported by CIGIE, see: [https://www.ignet.gov/sites/default/files/files/CIGIE%20Views%20letter HR4917 June7 2018.pdf](https://www.ignet.gov/sites/default/files/files/CIGIE%20Views%20letter%20HR4917%20June7%202018.pdf)

statute, insufficient resources, cumbersome and time-consuming procedures, availability of alternate remedies, and, in many agencies, the absence of administrative law judges to adjudicate PFCRA cases.

Nine years after GAO's findings, these problems persist. CIGIE recommends related statutory changes to improve and enhance the use and effectiveness of PFCRA. PFCRA's authorities have not been amended since 2008.<sup>11</sup> CIGIE's recommended improvements include updating and raising the decades-old dollar threshold for claims subject to PFCRA, allowing PFCRA decisions to be delegated within the Department of Justice, allowing agencies to be made whole from PFCRA recoveries, better aligning PFCRA with the False Claims Act, and expanding who can serve as a hearing official. Collectively implementing CIGIE's recommendations could transform PFCRA into a significant tool to recover fraudulent expenditures for the benefit of taxpayers, as well as deter individuals from committing small-dollar fraud.

What we have found is that often Federal prosecutors will decline to pursue fraud for cases that exceed the current PFCRA threshold of \$150,000. This reform would permit Federal agencies to pursue smaller-dollar fraud, resulting in substantial aggregate recoveries. There would be significant gains if the amount were raised. For context, between August 1, 2017, and July 31, 2018, the Federal Government made 177,469 payments between the amounts of \$150,000 and \$500,000, totaling over \$47 billion.<sup>12</sup> Furthermore, small dollar payments under multiple COVID relief packages totaling more than \$4 trillion would easily dwarf this amount several times over.

### III. Enhance Capacity, Integrity, and Reporting

#### A. Improve CIGIE Transparency and Accountability through a Single Appropriation

Acting as the collective body of IGs, CIGIE fulfills its twin mission to (1) address integrity, economy, and effectiveness issues that transcend individual Government agencies and (2) increase the professionalism and effectiveness of IG community employees. While CIGIE has steadily increased the amount and scope of its work over its 10 years of existence, this independent agency is still primarily funded through an inefficient and complicated process of interagency collections individually deposited into a revolving fund. OIGs make these individual deposits without clear congressional direction regarding how much funding CIGIE should receive or how much any individual OIG should provide.

We appreciate the support that Congress and this Subcommittee and Committee have provided to Oversight.gov, which was launched by CIGIE in October 2017 and provides a publicly

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<sup>11</sup> In the Inspector General Reform Act of 2008, Congress amended the PFCRA to expand the scope of entities permitted to bring claims under the statute to "a designated Federal entity (as such term is defined under section 8G(a)(2) of the Inspector General Act of 1978)".

<sup>12</sup> These figures were provided by the U.S. Department of the Treasury's Bureau of Fiscal Service. The data is limited to two payment types: "vendor," a payment by a federal agency for goods or services rendered; and "miscellaneous," a payment by a federal agency supporting a specific program(s) sponsored by the agency and/or any other payment which cannot be categorized by any other specific payment type (e.g., benefit, refund, salary, child support, annuity, etc.).



accessible, searchable website containing the latest public reports from the IG community. Last year, Congress appropriated \$850,000 for Oversight.gov and mandated that CIGIE maintain the site and that OIGs post their reports on a timely basis to the website. This requirement is now included in Section 11 of the Inspector General Act. The authorization provided by Congress further authorized an appropriation for CIGIE as an agency to carry out its mission under section 11 of the Inspector General Act of 1978. Committing to a direct, annual appropriation will streamline and make more transparent the process by which CIGIE is funded. Moreover, with a direct, annual appropriation, Congress and the President can better align funding with CIGIE's responsibilities, and the work congressional stakeholders frequently ask of it.

#### B. Authorize IGs to Provide Continuous Oversight During a Lapse in Appropriations

CIGIE proposes giving IGs specific authority to continue oversight of agency operations during lapses in appropriations. Lapses in appropriations generally require government agencies, including OIGs, to shut down and furlough employees. However, many agencies, contractors, grantees, and other program participants continue certain operations even during such lapses. As a result, critical government activities, such as law enforcement operations and awards of billions of dollars in contracts and grants, continue to operate under limited oversight. CIGIE recommends authorizing OIGs to continue operations during a lapse in appropriations as if they were operating under a continuing resolution to the extent necessary to oversee the programs and operations of their agency that also continue during a lapse in appropriations.

#### C. Reform OIG Semiannual Reports

Since the IG Act was enacted in 1978, IGs have been required to report semiannually on the major activities of their offices. The original IG Act semiannual requirements were just six broad reporting requirements calling for descriptions or summaries of major activities or findings, and a list of all audits. While the speed and methods by which information is shared has evolved in the intervening decades, the semiannual reporting requirements have not kept pace. To the contrary, over the years, many more requirements have been incorporated into the relevant legislation, and substantial IG resources that could be applied elsewhere are devoted to preparation of the semiannual report. CIGIE recommends reforming OIG semiannual reports to allow OIGs to focus on the most significant activities of the OIG and the most critical issues facing the agencies they oversee. The Committee's legislative proposal would streamline and enhance the semiannual reporting requirements. Improving the content, clarity, and relevance of information reported in the semiannual report will increase transparency. IGs will also have more flexibility to use the semiannual report as a conduit for already public information and leverage existing resources such as Oversight.gov.

### Additional Recommendations for Improving Government Oversight

The CIGIE Legislative Priorities are not an exhaustive list of legislative reforms. While issues arise during the course of a Congress that may result in additional proposals, below are three CIGIE-recommended reforms that are worthy of consideration.

## Protecting Cybersecurity Vulnerability Information

For years, Offices of Inspector General (OIGs) across the Federal Government have raised serious concerns that information related to Federal agencies' information security may be unprotected from disclosure under the Freedom of Information Act (FOIA). Although other FOIA exemptions apply to classified information and documents compiled for law enforcement purposes, no single exemption covers the varied area of documents that analyze, audit, and discuss in detail the information security vulnerabilities of the Federal Government. Accordingly, CIGIE believes that FOIA's Exemption 3 (which incorporates other statutes prohibiting disclosure) would be an appropriate vehicle to address CIGIE's concerns.

CIGIE is aware of the requirements under the FOIA to take reasonable steps necessary to segregate and release nonexempt information. Here, CIGIE is proposing a narrow protection covering information that "could reasonably be expected to lead to or result in unauthorized access, use, disclosure, disruption, modification, or destruction of an agency's information system or the information that system controls, processes, stores, or transmits". This language emulates existing FISMA language found in 44 USC § 3552(b)(3), and CIGIE suggests that this intention be included in any legislative history that may be developed.

## Statutory Exclusion for Felony Fraud Convicts to Protect Federal Funds

CIGIE recommends enhancing existing law by making exclusion actions automatic for those convicted of violating certain felony fraud statutes involving any agency contract, grant, cooperative agreement, loan, or other financial assistance. Under current law, there is no mandatory exclusion for individuals convicted of, or who plead guilty to felony fraud against the government. Instead, both the Federal Acquisition Regulation and the Non-Procurement Common Rule allow agencies to take discretionary, time-limited actions to exclude felony fraud convicts from receiving Federal grants and contracts through government-wide suspensions or debarments.

Many felony fraud convictions involving Federal program funds do not result in suspension or debarment action against the felon. An internal CIGIE analysis of 250 felony fraud convictions involving Federal program funds over a 4-year period found that over 70 percent of those convicted were not suspended or debarred from doing business with the government. While a lack of resources or information may also be to blame, the current law has allowed many felony fraud convicts to remain eligible to receive Federal funds after their criminal activities involving Federal funds.

CIGIE recommends establishing a floor by which such individuals are automatically prohibited from receiving additional Federal program funds for 3 years. Further, applying the mandatory exclusion to a limited number of felony convictions involving Government programs ensures that (1) the individual has already been provided due process for the underlying misconduct in the Federal criminal justice system and (2) the misconduct involved a question of integrity with respect to Federal programs.

## Enhancing CIGIE's Role in Recommending IG Candidates.

Over a decade ago, the Inspector General Reform Act of 2008 required the then newly created CIGIE to “submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General”. In January 2009, CIGIE established the Inspector General Candidate Recommendations Panel (Panel), which began considering and recommending candidates for both Inspectors General that are appointed by the President and confirmed by the Senate and those who are appointed by the head of their respective agency. After a decade of experience, CIGIE recommends further statutory enhancements to better help those who appoint IGs, and those who confirm them, to quickly identify and consider IG candidates “without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations” .<sup>13</sup>

CIGIE recommends codifying the best-practices the Panel has identified or developed. The Panel has worked with Presidential administrations and agency heads since its inception, including meeting with senior officials in recent administrations to discuss IG vacancies. However, the process by which CIGIE's input is given has been dependent upon particular individuals within the various administrations with whom CIGIE has worked. This can cause confusion for the appointing authority, Senators who expect CIGIE's involvement, the Panel, and the IG candidates themselves.

To clarify CIGIE's role for all involved, CIGIE recommends codifying the CIGIE-identified best practice of interviewing potential IG candidates for Establishment and Title 50 OIGs<sup>14</sup>. CIGIE also recommends that designated Federal Entities be required to consult with the Panel so that it can effectively assist the appointing authority to select a qualified candidate without restricting the appointing authority's discretion. Additionally, designated Federal entities, which ordinarily fill vacant IG positions through a competitive process, have often sought CIGIE's expertise or participation in deciding which candidate is right for its designated Federal entity. In the past, the Panel has supported such hiring actions by reviewing and sharing feedback on applications, providing questions to be used in applications or interviews, and serving on interview panels. Accordingly, CIGIE recommends providing additional flexibility for the Panel to “provide support” to designated Federal entities. Finally, to ensure transparency CIGIE recommends that Congress require that it be informed when an IG nomination or appointment is made without the Panel having interviewed the candidate to assess the individual's ability to meet the statutory basis upon which such nomination must be made or been consulted by the appointing authority prior to the initiation of a hiring action to fill a vacant IG position.

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<sup>13</sup> E.g., 5 U.S.C. App. 3, §§ 3(a), 8G(c).

<sup>14</sup> From time to time, Congress creates a “Special Inspector General” to oversee discreet matters (*e.g.*, Pandemic Recovery) that are not limited to the programs and operations of a particular agency. While CIGIE has not identified a need to address Special Inspectors General in this recommendation Congress is encouraged to consider this resource when drafting legislation creating a Special Inspector General.

CIGIE also recommends that the composition of the Panel be statutorily defined. The Panel, currently led by CIGIE's Vice Chair, includes both Presidentially appointed and agency head-appointed IGs. Codifying the composition of the Panel will ensure the Panel includes members with backgrounds that equip them to consider both the qualifications of the candidate and the context of the OIG and agency in which the candidate would serve. Further, designating the CIGIE Vice Chair as the leader of the Panel ensures a proper flow of communication between the Panel and the appointing authorities. Through the proposed statutory enhancements, CIGIE's Candidate Panel will be able to better fulfill its mandate to find qualified IG candidates and support the President or other appointing authority.

## Conclusion

Since its establishment, CIGIE's mission has included helping IGs to address issues of the integrity, economy, and effectiveness that transcend individual Government agencies. CIGIE continues to increase its role in helping IGs identify and recommend ways to address those transcendent issues. Like CIGIE, the Legislation Committee has strived to help the IG community formulate and express our collective views on the most pressing legislative issues affecting oversight and the common issues in the programs we oversee. Towards that aim, we continue to look forward to engaging with any member of Congress on ways to further enhance IG oversight.

## Kathy A. Buller

Inspector General

Peace Corps

Ms. Kathy A. Buller was named Inspector General of the Peace Corps by the Peace Corps Director on May 25, 2008. Ms. Buller has over 38 years of experience in the Federal government, 35 of those in the Inspector General community. She began her career as a civil servant with the U.S. Agency for International Development as an attorney advisor in the Office of General Counsel in 1983. Ms. Buller later became a project officer with the Office of Administration of Justice and Democratic Development working to improve the justice systems of countries in Latin America and the Caribbean. In 1986, Ms. Buller transferred to the Office of Inspector General where she became the Deputy Legal Counsel and ultimately the Assistant Inspector General for Resource Management. In August 1998, Ms. Buller served as the Chief Counsel to the Inspector General for the Social Security Administration where she remained until accepting the position of Inspector General. As Chief Counsel, she served as the Vice Chair and Chair of the Council of Counsels to the Inspectors General.

Ms. Buller serves on the Executive Council of the Council of Inspectors General on Integrity and Efficiency and is currently the Chair of the Legislation Committee. Prior to assuming the Chair role, she was the Co-Chair of the Inspections and Evaluations Committee. In 2009, Ms. Buller was appointed to the Advisory Council for Government Accounting Standards. During her career in the Inspector General community, she received numerous awards including the 2004 Glenn/Roth Exemplary Service Award given jointly by the President's Council on Efficiency and Integrity and the Executive Council on Integrity and Efficiency and a President's Council on Efficiency and Integrity award for Excellence.

Ms. Buller attended Creighton University in Omaha, Nebraska, where she received a Bachelor of Arts degree in 1977 with majors in Political Science and Philosophy and a Juris Doctor degree in 1981. She continued her legal education and received an LLM in International and Comparative Law from Georgetown University in 1985.