



March 2018

INSPECTORS GENERAL

Information on Vacancies and IG Community Views on Their Impact

Accessible Version

GAO Highlights

Highlights of [GAO-18-270](#), a report to congressional addressees

Why GAO Did This Study

The IG Act established OIGs to conduct and supervise audits and investigations; recommend policies to promote economy, efficiency, and effectiveness; and prevent and detect fraud and abuse. The Inspector General Empowerment Act of 2016 included a provision for GAO to review prolonged IG vacancies during which a temporary appointee has served as the head of the office. This report addresses (1) the status of IG vacancies as of the end of fiscal year 2017, and the number and duration of IG vacancies for fiscal years 2007 through 2016, and (2) the IG community's views about how IG vacancies impact the OIGs' ability to carry out their duties effectively, including views on the impact on independence.

GAO analyzed data related to IG vacancies; interviewed officials from the Council of the Inspectors General on Integrity and Efficiency (CIGIE); and conducted a web-based survey to obtain the views of (1) the 52 permanent IGs serving as of August 22, 2017; (2) 9 acting IGs who had served in OIGs that had vacancies of over 365 days during fiscal years 2014 through 2016; and (3) a stratified random sample of employees in OIGs with IG vacancies of over 365 days during fiscal years 2014 through 2016. Survey response rates ranged from 71 percent to 100 percent.

CIGIE and nine OIGs provided technical comments, which were incorporated as appropriate.

View [GAO-18-270](#). For more information, contact Beryl H. Davis at (202) 512-2623 or davisbh@gao.gov.

March 2018

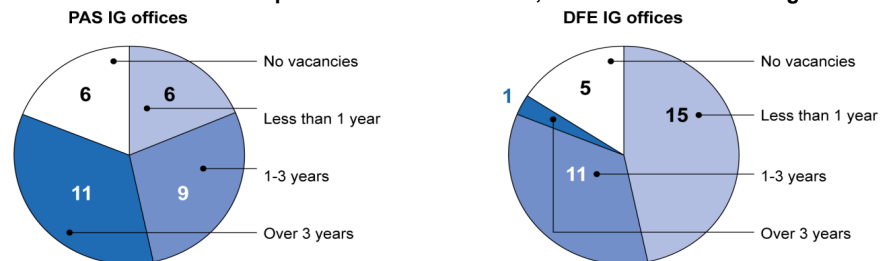
INSPECTORS GENERAL

Information on Vacancies and IG Community Views on Their Impact

What GAO Found

As of September 30, 2017, 12 of the 64 active offices of inspector general (OIG) established by the Inspector General Act of 1978, as amended (IG Act), had IG vacancies. Ten IG vacancies were in OIGs with presidentially appointed, Senate confirmed (PAS) IGs and two were in designated federal entities (DFE) with agency-appointed IGs. For the 10-year period covering fiscal years 2007 through 2016, 53 of the 64 IG Act OIGs experienced one or more periods of IG vacancy with the cumulative durations ranging from about 2 weeks to 6 years.

Cumulative Duration of Inspector General Vacancies, Fiscal Years 2007 through 2016



Legend: DFE = designated federal entity; IG= inspector general; PAS= presidentially appointed, Senate confirmed
Source: GAO analysis of IG vacancy data. | GAO-18-270

GAO's survey of nine acting IGs and a stratified random sample of OIG employees who worked under an acting IG, found both groups indicated that having acting IGs generally did not impact the OIGs' ability to carry out their duties and responsibilities. However, responses varied in the following areas:

- **Plan and conduct work.** Overall, at least eight of the nine acting IGs responded "no impact" for the questions in this area. The estimated percentage of OIG employees who believed that working under an acting IG has "no impact" ranged by question from 49 percent to 69 percent, "negative impact" ranged from about 8 percent to 24 percent, and "positive impact" ranged from 6 percent to 13 percent.
- **Interact with agency management.** The responses of seven of the nine acting IGs and 63 percent to 65 percent of OIG employees indicated that an acting IG position had no impact in this area. Approximately 16 percent of the OIG employees believed that there was a negative impact on timely access to documentation, while 7 percent believed that there was a positive impact.
- **Managing OIG and personnel.** Four of the nine acting IGs and about 36 percent of OIG employees responded that an acting IG position had a negative impact on employee morale. An estimated 44 percent of employees believed that working under an acting IG had no impact on employee morale while about 10 percent believed it had a positive impact. Four acting IGs also responded that it had a negative impact on office restructuring.

With regard to independence, GAO's survey of permanent IGs found that while the majority who responded did not think that acting IGs are inherently less independent, they did indicate by a similar majority that an acting IG is less independent in appearance than a permanent IG, especially when the acting IG is applying for the IG position.

Contents

Letter	1
Background	4
IG Vacancies as of Fiscal Year 2017 and the Number and Duration of IG Vacancies for Fiscal Years 2007 through 2016	8
Acting IG, OIG Employee, and Permanent IG Views on the Impact of IG Vacancies, and Permanent IG Suggestions for Improving the Appointment Process	16
Agency Comments and Our Evaluation	42
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Appendix I: Objectives, Scope, and Methodology	44
Appendix II: Comments from the Council of the Inspectors General on Integrity and Efficiency	48
Appendix III: Comments from the National Credit Union Administration Office of Inspector General	49
Appendix IV: Comments from the U.S. Election Assistance Commission Office of Inspector General	50
Appendix V: GAO Contact and Staff Acknowledgments	51
Appendix VI: Accessible Data	52
Data Tables	52
Agency Comment Letters	57

Tables

Table 1: Presidentially Appointed, Senate Confirmed Inspector General Offices and Designated Federal Entity Inspector General Offices under the Inspector General Act, Active as of September 30, 2017	6
Table 2: Status of Inspector General Vacancies at Active OIGs Established by the IG Act, as of September 30, 2017	9
Table 3: Views of Acting Inspectors General on the Ability to Plan and Conduct Work in Offices with Acting Inspectors General	17
Table 4: Views of Acting Inspectors General on the Ability to Interact with Agency Management in Offices with Acting Inspectors General	20

Table 5: Views of Acting Inspectors General on the Ability to Manage the Office of the Inspector General and Personnel in Offices with Acting Inspectors General	22
Data Table for Highlights Cumulative Duration of Inspector General Vacancies, Fiscal Years 2007 through 2016	52
Data table for Figure 1: Number of IG Act Inspector General Vacancies at Fiscal Year-End for Fiscal Years 2007 through 2016	52
Data table for Figure 2: Cumulative Duration of IG Act Inspector General Vacancies for Fiscal Years 2007 through 2016	52
Data table for Figure 3: Presidentially Appointed, Senate Confirmed Inspector General Cumulative Vacancies of More Than 1 Year during Fiscal Years 2007 through 2016 at Offices of Inspector General Established by the IG Act	53
Data table for Figure 4: Designated Federal Entity Inspector General Cumulative Vacancies of More Than 1 Year during Fiscal Years 2007 through 2016	53
Data table for Figure 5: Views of OIG Employees Who Worked under Acting Inspectors General on the Ability to Plan and Conduct Work in Offices with Acting Inspectors General	55
Data table for Figure 6: Views of Office of Inspector General Employees Who Worked under Acting Inspectors General on the Ability to Interact with Agency Management in Offices with Acting Inspectors General	56
Data table for Figure 7: Views of Office of Inspector General Employees Working under Acting Inspectors General on the Ability to Manage the Office of Inspector General and Personnel	56
Data table for Figure 8: Permanent Inspector General Views on Acting Inspector General Inherent Independence	57
Data table for Figure 9: Permanent Inspectors General Views on Acting Inspectors General Appearance of Independence	57
Data table for Figure 10: Office of Inspector General Employees' Views on Acting Inspector General Inherent Independence	57

Figures

Figure 1: Number of IG Act Inspector General Vacancies at Fiscal Year-End for Fiscal Years 2007 through 2016	11
Figure 2: Cumulative Duration of IG Act Inspector General Vacancies for Fiscal Years 2007 through 2016	12

Figure 3: Presidentially Appointed, Senate Confirmed Inspector General Cumulative Vacancies of More Than 1 Year during Fiscal Years 2007 through 2016 at Offices of Inspector General Established by the IG Act	13
Figure 4: Designated Federal Entity Inspector General Cumulative Vacancies of More Than 1 Year during Fiscal Years 2007 through 2016	15
Figure 5: Views of OIG Employees Who Worked under Acting Inspectors General on the Ability to Plan and Conduct Work in Offices with Acting Inspectors General	18
Figure 6: Views of Office of Inspector General Employees Who Worked under Acting Inspectors General on the Ability to Interact with Agency Management in Offices with Acting Inspectors General	21
Figure 7: Views of Office of Inspector General Employees Working under Acting Inspectors General on the Ability to Manage the Office of Inspector General and Personnel	23
Figure 8: Permanent Inspector General Views on Acting Inspector General Inherent Independence	28
Figure 9: Permanent Inspectors General Views on Acting Inspectors General Appearance of Independence	31
Figure 10: Office of Inspector General Employees' Views on Acting Inspector General Inherent Independence	37

Abbreviations

CIGIE	Council of the Inspectors General on Integrity and Efficiency
DFE	designated federal entity
IG	inspector general
IG Act	Inspector General Act of 1978, as amended
OIG	office of inspector general
OPP	Office of Presidential Personnel
PAS	presidentially appointed, Senate confirmed
SES	Senior Executive Service
USITC	United States International Trade Commission
Vacancies Act	Federal Vacancies Reform Act of 1998

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March 9, 2018

The Honorable Ron Johnson
Chairman
The Honorable Claire McCaskill
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate

The Honorable Trey Gowdy
Chairman
The Honorable Elijah Cummings
Ranking Member
Committee on Oversight and Government Reform
House of Representatives

Inspectors general (IG) play a key role in federal agency oversight by enhancing government accountability and protecting the government's resources. IGs have a unique oversight role under the Inspector General Act of 1978, as amended (IG Act), including identifying areas for improved economy, efficiency, and effectiveness through independent and objective oversight; preventing and detecting fraud, waste, abuse, and mismanagement; and recommending corrective actions.¹ Among other things, each IG provides oversight through audits and investigations of the respective federal agency while maintaining an independent working relationship with the agency head and Congress. However, in recent years the number and length of IG vacancies have raised questions about the effect of these vacancies on the ability of the offices of inspector general (OIG) to carry out their statutory duties and responsibilities.

The Inspector General Empowerment Act of 2016 includes a provision for GAO to review prolonged IG vacancies during which a temporary

¹Pub. L. No. 95-452, 92 Stat. 1101 (Oct. 12, 1978), *codified, as amended*, at 5 U.S.C. App.

appointee has served as the head of the office.² This report addresses (1) the status of IG vacancies as of the end of fiscal year 2017, and the number and duration of IG vacancies from fiscal years 2007 through 2016, and (2) the views of the IG community on the impacts, if any, of IG vacancies on the OIGs' ability to effectively carry out their duties, including views on independence and permanent IG suggestions for improvements in the appointment process.³ To address these objectives we included in our scope the 64 active OIGs that were established under the IG Act.⁴

To determine the status of IG vacancies as of the end of fiscal year 2017 and the number and duration of IG vacancies from fiscal years 2007 through 2016, we obtained vacancy data for fiscal years 2007 through 2017 from the Council of the Inspectors General on Integrity and Efficiency (CIGIE)⁵ and a congressional website,⁶ and we confirmed that information with the respective OIGs. We also interviewed CIGIE officials to obtain an understanding of issues related to IG vacancies and discuss the reliability of IG vacancy data.⁷

²Pub. L. No. 114-317, § 4(a), 130 Stat. 1595, 1599 (Dec. 16, 2016).

³In this report, we refer to the official exercising the authority of an IG in lieu of an officially appointed IG as an "acting IG," regardless of the title used by such official in practice.

⁴We did not include IG positions established by other statutes because of the variations in those authorizing statutes regarding the appointment, authorities, and duties of these IGs. IG positions established by statutes other than the IG Act include the IGs for the Central Intelligence Agency, the Intelligence Community, the Government Printing Office, the Library of Congress, the Architect of the Capitol, the U.S. Capitol Police, and GAO, as well as the Special IGs for Afghanistan Reconstruction and for the Troubled Asset Relief Program. Also, the IG Act includes authorization for some additional OIGs that are not presently active, many because of the termination of their associated agencies or the agencies' integration into larger federal entities.

⁵CIGIE was established as an independent entity in 2008 to address integrity, economy, and effectiveness issues that transcend individual government agencies, and to increase the professionalism and effectiveness of OIG personnel by developing policies, standards, and approaches to aid in the establishment of well trained and highly skilled workforce in the OIGs.

⁶Congress.gov is the official website for U.S. federal legislative information. The site states that it provides access to accurate, timely, and complete legislative information for Members of Congress, legislative agencies, and the public. The website has a presidential nominations database that includes the date each nomination was received from the President, the committee(s) involved for the nomination, and the Senate actions related to the nomination.

⁷We interviewed the CIGIE Executive Director, the current and former CIGIE Chair, and the current CIGIE Vice-Chair.

To obtain the views of the IG community—specifically, permanent IGs, acting IGs, and employees working under an acting IG—we conducted a web-based survey on the impact that a prolonged vacancy could have on the OIG’s ability to carry out its duties, including any impact on independence. These surveys included both multiple choice questions and open-ended questions for written responses to obtain the views of the IG community on the impacts of vacancies, if any, and views on independence, challenges, and positive outcomes. We surveyed (1) permanent IGs serving as of August 22, 2017, to obtain their views on the impact that an IG vacancy could have on an OIG’s ability to conduct its oversight, including any independence issues presented by acting IGs;⁸ (2) acting IGs who had served in OIGs that had vacancies of over 365 days during fiscal years 2014 through 2016 to obtain their views on the impact that a prolonged vacancy could have on an acting IG’s ability to carry out his or her duties, including any impact on independence;⁹ and (3) employees of OIGs headed by acting IGs. For our survey of OIG employees, we surveyed a stratified random sample of Senior Executive Service (SES) and non-SES employees working in offices with an IG vacancy that lasted over 365 consecutive days during fiscal years 2014 through 2016. Views expressed in the open-ended questions may not be representative of all acting IGs, permanent IGs, or employees on given topics. We did not assess the merits of the individual comments or suggestions provided in response to the open-ended survey questions. See appendix I for further details on the survey and our scope and methodology.¹⁰

We conducted this performance audit from February 2017 to March 2018 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our

⁸We provided our survey to 52 IGs who met our selection criteria, and 50 of them responded to the survey.

⁹While 14 acting IGs met our selection criteria, 4 had either retired or left the government and were not surveyed. The National Reconnaissance Office acting IG was excluded because we did not survey the OIG personnel independently because of concerns regarding sensitive personally identifiable information. For the 9 remaining acting IGs, 2 are now permanent IGs, but provided responses for their acting IG tenure, which we included with the acting IG responses.

¹⁰The National Reconnaissance Office was included in the IG vacancy status information but was excluded from our second objective about the impact of vacancies because of concerns regarding sensitive personally identifiable information.

findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

The IG Act establishes OIGs both at select major federal agencies, called establishments, and at some smaller agencies, called designated federal entities (DFE), to conduct oversight of their programs and operations.¹¹

The IG Act also sets out, among other things, (1) the duties and responsibilities of each IG with respect to the entity within which its office is established; (2) how IGs are appointed, whether by the President with the advice and consent of the Senate, or by the head of the DFE; and (3) the processes for removing an IG.

Duties, Responsibilities, and Authorities under the IG Act

The IG Act established OIGs to be independent and objective units to (1) conduct and supervise audits and investigations relating to the programs and operations of government establishments; (2) provide leadership and coordination and recommend policies for activities designed to promote economy, efficiency, and effectiveness in the administration of and to prevent and detect fraud and abuse in such programs and operations; and (3) provide a means for keeping the head of the agency and Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

IGs covered by the IG Act have been granted broad oversight authority, including to

- conduct, supervise, and coordinate audits and investigations;
- directly access the records and information related to the applicable agency's programs and operations;

¹¹As originally enacted in 1978, the IG Act applied to 12 "establishments." Other IGs were added over time. In particular, the Inspector General Act Amendments of 1988, Pub. L. No. 100-504, title I, 102 Stat. 2515 (Oct. 18, 1988), expanded the scope of the IG Act, providing, among other things, for agency-head-appointed IGs in DFEs. Section 12 of the IG Act includes the current list of establishments, and section 8G of the IG Act includes the current list of DFEs.

-
- request assistance from other federal, state, and local government agencies;
 - subpoena information and documents;
 - administer oaths when conducting interviews;
 - hire staff and manage their own resources; and
 - receive and respond to complaints from agency employees, whose identities are to be protected.

In addition to their duties, responsibilities, and authorities in conducting their oversight work, IGs derive independence through numerous provisions in the IG Act. These provisions include the following:

- the requirement that IGs be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability;
- the authority to select, appoint, and employ OIG officers and employees, as noted above;
- the authority of IGs to report violations of law directly to the Department of Justice;
- the requirement for agency heads to transmit the IGs' semiannual reports of their activities to Congress without alteration;
- the authority of IGs to perform any audit or investigation without interference from the agency head or others except under certain conditions specified by the act; and
- the requirement for the President or the agency head to communicate to Congress the reasons for removing an IG.

IGs Established by the IG Act and the Appointment Process

The IG Act establishes the basis on which an IG is to be appointed; which OIGs are required to have presidentially appointed, Senate confirmed (PAS) IGs; and which are DFE OIGs, with IGs appointed by the heads of the agencies. For the purposes of the IG Act, subject to some specifically enumerated exceptions, the head of the DFE is the DFE's board or commission, or if an entity does not have a board or commission, any person or persons designated by statute as the head of the DFE.

Of the 64 active IG offices established under the IG Act, 32 have PAS IGs and 32 have DFE IGs. Both PAS and DFE IGs are required to be

appointed 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. See table 1 for a list of PAS and DFE agencies as designated by the IG Act.

Table 1: Presidentially Appointed, Senate Confirmed Inspector General Offices and Designated Federal Entity Inspector General Offices under the Inspector General Act, Active as of September 30, 2017

Presidentially appointed, Senate confirmed	Designated federal entity (agency appointed)
• Corporation for National and Community Service	• Amtrak
• Department of Agriculture	• Appalachian Regional Commission
• Department of Commerce	• Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection ^b
• Department of Defense	• Committee for Purchase From People Who Are Blind or Severely Disabled (AbilityOne Program)
• Department of Education	• Commodity Futures Trading Commission
• Department of Energy	• Consumer Product Safety Commission
• Department of Health and Human Services	• Corporation for Public Broadcasting
• Department of Homeland Security	• Defense Intelligence Agency
• Department of Housing and Urban Development	• Denali Commission
• Department of the Interior	• Equal Employment Opportunity Commission
• Department of Justice	• Farm Credit Administration
• Department of Labor	• Federal Communications Commission
• Department of State	• Federal Election Commission
• Department of Transportation	• Federal Labor Relations Authority
• Department of the Treasury	• Federal Maritime Commission
• Department of Veterans Affairs	• Federal Trade Commission
• Environmental Protection Agency	• Legal Services Corporation
• Export-Import Bank	• National Archives and Records Administration
• Federal Deposit Insurance Corporation	• National Credit Union Administration
• Federal Housing Finance Agency	• National Endowment for the Arts
• General Services Administration	• National Endowment for the Humanities
• National Aeronautics and Space Administration	• National Geospatial-Intelligence Agency
• National Reconnaissance Office ^a	• National Labor Relations Board
• National Security Agency ^a	• National Science Foundation
• Nuclear Regulatory Commission	• Peace Corps
• Office of Personnel Management	• Pension Benefit Guaranty Corporation
• Railroad Retirement Board	• Postal Regulatory Commission
• Small Business Administration	• Securities and Exchange Commission
• Social Security Administration	• Smithsonian Institution
• Tennessee Valley Authority	• U.S. Election Assistance Commission
• Treasury Inspector General for Tax Administration	• U.S. International Trade Commission
• U.S. Agency for International Development	• U.S. Postal Service

Source: GAO analysis of the Inspector General Act of 1978, as amended, and related statutes. | GAO-18-270.

^aIn 2014, the inspector general (IG) appointment structure for the IGs of the National Security Agency and National Reconnaissance Office was changed from agency appointed to presidentially appointed, Senate confirmed.

^bIn 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act established the Bureau of Consumer Financial Protection within the Federal Reserve System, subject to the oversight of the IG for the Board of Governors of the Federal Reserve System. To reflect this expanded scope, the IG was retitled the IG of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection.

The process for appointing PAS IGs generally has three main steps: (1) President's selection and nomination, (2) Senate's evaluation and confirmation, and (3) President's official appointment. CIGIE assists the White House Office of Presidential Personnel (OPP) in the vetting of candidates for the IG nomination process. According to CIGIE officials, CIGIE's Candidate Recommendations Panel receives résumés for potential candidates in various ways, including submissions from interested candidates through a link on the CIGIE website. The CIGIE panel also proactively reaches out to potential candidates who members of this panel believe would be good choices for IG positions.

According to a CIGIE official, during the prior administration, the panel reviewed résumés from potential IG candidates and sent the résumés of those most qualified to the White House OPP for its process. Under the current administration, the CIGIE panel conducts interviews of potential IG candidates in addition to reviewing résumés, and then refers those candidates that the panel deems the most qualified to the White House OPP. CIGIE's panel assesses potential candidates' leadership philosophy and skills, as well as their understanding of the independent, non-partisan role of an IG.

PAS IGs may be removed from office by the President, who must communicate the reasons for removal in writing to both Houses of Congress not later than 30 days before the removal.

A DFE IG is appointed by the head of the entity in accordance with the applicable laws and regulations governing appointments within that entity. DFE IGs do not require presidential appointment or Senate confirmation. DFE IGs may be removed from office by the agency heads, or for an entity led by a board or a commission, removal requires written concurrence of a two-thirds majority of the board or commission. Similar to the President removing a PAS IG, the head of the entity must communicate the reasons for removal in writing to both Houses of Congress not later than 30 days before the removal.

After a PAS IG retires or otherwise leaves office, the Federal Vacancies Reform Act of 1998 (Vacancies Act) instructs the official previously

serving as first assistant to the vacant position to perform the duties of that position in an acting capacity, absent other action by the President.¹² For DFE OIGs, acting IGs may be appointed according to laws, regulations, and policies governing appointments for each agency. Neither the IG Act nor the Vacancies Act places limits on the authority of acting IGs (relative to that of officially appointed IGs) to carry out the statutory responsibilities of the IG.¹³ However, the IG Act's requirement for congressional notification prior to removal of a permanent IG does not apply to an acting IG.

IG Vacancies as of Fiscal Year 2017 and the Number and Duration of IG Vacancies for Fiscal Years 2007 through 2016

As of September 30, 2017, there were 12 IG vacancies in the 64 IG Act offices. Over the 10-year period covering fiscal years 2007 through 2016, the total number of IG vacancies varied with a low of 6 total vacancies as of the end of fiscal year 2007 to a high of 11 vacancies as of the end of fiscal years 2009, 2014, and 2016. In addition, some OIGs experienced prolonged continuous vacancies ranging from over 1 year to approximately 6 years.

Twelve IG Positions Were Vacant as of September 30, 2017

As of September 30, 2017, there were 12 IG vacancies consisting of 10 vacancies in PAS IGs and 2 in DFE IGs, as shown in table 2. Two of these vacancies had presidential nominations that were awaiting Senate evaluation as of September 30, 2017. During fiscal year 2017, four OIGs

¹²Pub. L. No. 105-277, div. C, title I, §151, 112 Stat. 2681-611 (Oct. 21, 1998), *codified at* 5 U.S.C. §§ 3345-3349d. The President has the option of filling a vacancy either with a different officer or employee of the agency involved or with a person currently serving in a different office; such appointment requires presidential appointment and Senate confirmation.

¹³Although the Vacancies Act sets a time limit on the service of acting officials, the provision affecting the exercise of authority beyond that time limit explicitly exempts IGs. Thus, an official whose service exceeds the applicable time limit may continue to carry out the statutory responsibilities of the IG, even if he or she no longer uses the "acting IG" title. As mentioned above, this report uses "acting IG" to refer to all such officials, regardless of the Vacancies Act time limit or actual title used.

had an IG position that became vacant: Small Business Administration, Federal Election Commission, Department of Housing and Urban Development, and Tennessee Valley Authority.

Table 2: Status of Inspector General Vacancies at Active OIGs Established by the IG Act, as of September 30, 2017

Federal entity	PAS or DFE	Vacancy start date	Duration of vacancy	Nomination status as of 9/30/2017
Department of the Interior	PAS	1/1/2012	5 years 273 days	None
Export-Import Bank	PAS	6/29/2014	3 years 94 days	Nomination made on 9/5/2017
Department of Energy	PAS	10/4/2015	1 year 362 days	None
Department of Defense	PAS	1/10/2016	1 year 264 days	None
Office of Personnel Management	PAS	2/19/2016	1 year 224 days	None ^a
United States Postal Service	DFE	2/27/2016	1 year 216 days	N/A
Social Security Administration	PAS	5/29/2016	1 year 124 days	None ^a
National Security Agency ^b	PAS	6/24/2016	1 year 98 days	Nomination made on 6/19/2017
Small Business Administration	PAS	1/9/2017	264 days	None ^a
Federal Election Commission	DFE	3/3/2017	211 days	N/A
Department of Housing and Urban Development	PAS	6/10/2017	112 days	None
Tennessee Valley Authority	PAS	9/21/2017	9 days	None

Legend:

DFE = designated federal entity

IG = inspector general

IG Act = Inspector General Act of 1978, as amended

N/A = Nomination status is not applicable because DFE IGs are selected by the agency heads and not through a presidential nomination process

OIG = office of inspector general

PAS = presidentially appointed, Senate confirmed

Source: GAO analysis of IG vacancy data. | GAO-18-270

^aSince September 30, 2017, there have been changes to this information. On October 16, 2017, the President nominated IG candidates for the Office of Personnel Management, Social Security Administration, and Small Business Administration.

^bThe National Security Agency appointment structure changed in 2014 to PAS. However, by the terms of the amending statute, this change was not to apply until either the incumbent IG left office, or the President nominated a successor. This change was triggered when the incumbent IG left the IG position, initiating the vacancy noted here. The new IG was confirmed by the Senate on December 21, 2017.

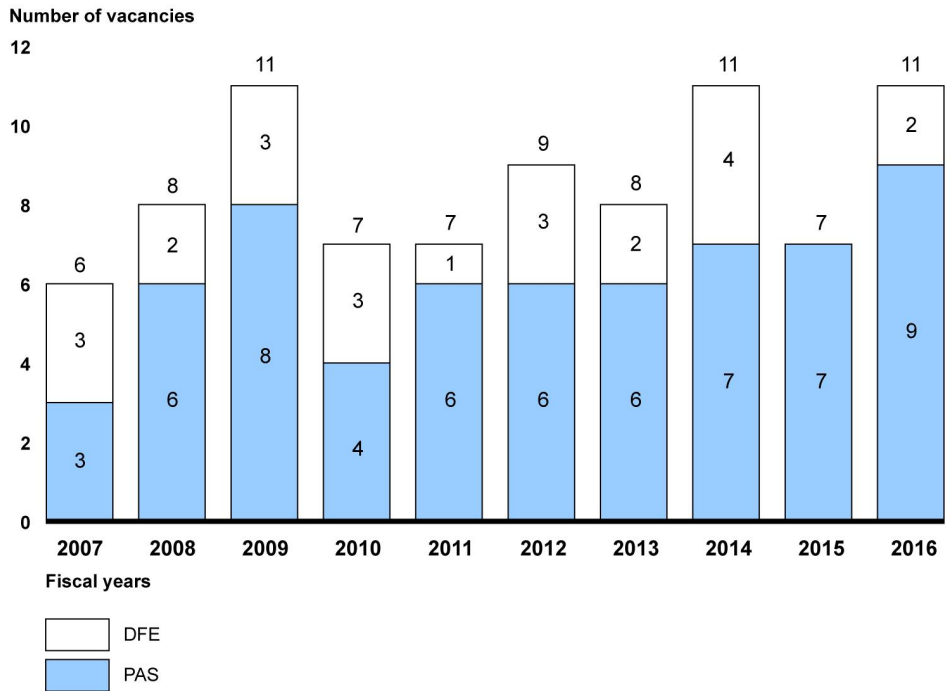
Number of IG Vacancies Varied from Fiscal Years 2007 through 2016

For the 10-year period from October 1, 2007, through September 30, 2016, the total number of IG vacancies at the ends of the fiscal years ranged from 6 to 11 vacancies, as shown in figure 1.¹⁴ For the PAS IGs, the number of IG vacancies increased from 3 at the end of fiscal year 2007 to 9 at the end of fiscal year 2016.¹⁵ For DFE IGs, the number of IG vacancies ranged from 0 to 4 vacancies at the ends of the fiscal years during the 10-year period.

¹⁴During this 10-year period, amendments to the IG Act increased the number of IGs from 57 to 64. Specifically, the Federal Housing Finance Agency was added as a PAS IG in 2008, and DFE IGs were added at the Postal Regulatory Commission in fiscal year 2007, the Defense Intelligence Agency in fiscal year 2010, the National Reconnaissance Office in fiscal year 2010, the National Security Agency in fiscal year 2010, the National Geospatial-Intelligence Agency in fiscal year 2010, and the Committee for Purchase From People Who Are Blind or Severely Disabled (AbilityOne Program) in fiscal year 2016.

¹⁵In 2014, the IG appointment structure for the IGs of the National Security Agency and National Reconnaissance Office was changed from DFE to PAS. During the 10-year period of our review, National Reconnaissance Office and National Security Agency OIGs experienced vacancies during both their agency appointed and presidentially appointed status. However, to avoid duplicating the OIG names, we only counted the number and length of vacancies for each OIG under the presidentially appointed IGs. Prior to the change in designation, the National Reconnaissance Office had two vacancies and the National Security Agency had one vacancy. All three vacancies were less than a year in duration.

Figure 1: Number of IG Act Inspector General Vacancies at Fiscal Year-End for Fiscal Years 2007 through 2016



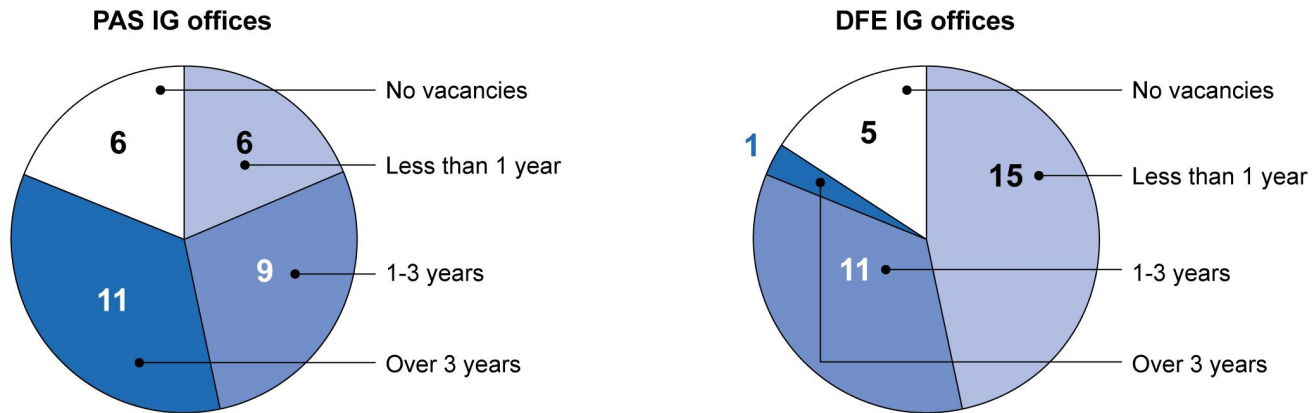
DFE - designated federal entity
 IG - inspector general
 IG Act - Inspector General Act of 1978, as amended
 PAS - presidentially appointed, Senate confirmed

Source: GAO analysis of IG vacancy data. | GAO-18-270

The Cumulative Duration of IG Vacancies Ranged from Less Than 1 Month to Almost 6 Years for Fiscal Years 2007 through 2016

From October 1, 2006, through September 30, 2016, 53 of the 64 IG Act offices experienced vacancies, as shown in figure 2. Of the 32 PAS IGs, 26 experienced at least one vacancy during the 10-year period with the cumulative duration ranging from 25 days to 5 years and 258 days. Of the 32 DFE IGs, 27 experienced at least one vacancy during the 10-year period with the cumulative duration ranging from 13 days to 3 years and 67 days.

Figure 2: Cumulative Duration of IG Act Inspector General Vacancies for Fiscal Years 2007 through 2016



DFE - designated federal entity
 IG - inspector general
 IG Act - Inspector General Act of 1978, as amended
 PAS - presidentially appointed, Senate confirmed
 Source: GAO analysis of IG vacancy data. | GAO-18-270

Of the 26 PAS IGs that had vacancies during the 10-year period from fiscal years 2007 through 2016, 20 experienced at least one vacancy with a cumulative duration of more than 1 year, and for 11 of these IGs the cumulative vacancy period was over 3 years, as shown in figure 3. In addition, 5 of the 20 agencies with a cumulative IG vacancy of 1 year or more were the result of the agency experiencing two or more periods of IG vacancy over the 10-year period.

Figure 3: Presidentially Appointed, Senate Confirmed Inspector General Cumulative Vacancies of More Than 1 Year during Fiscal Years 2007 through 2016 at Offices of Inspector General Established by the IG Act



IG Act – Inspector General Act of 1978, as amended

Source: GAO analysis of inspector general vacancy data. | GAO-18-270

The Department of State experienced the longest period of continuous PAS IG vacancy during the 10-year period, with 5 years and 258 days without a permanent IG. The Department of State IG vacancy began on January 16, 2008, and no nomination was made by the President until June 27, 2013. The nominee was confirmed by the Senate on September 17, 2013, and the vacancy ended on September 30, 2013.

The Department of the Interior experienced the second longest PAS IG vacancy during the 10-year period, with 4 years and 273 days without a permanent IG as of the end of fiscal year 2016, and the vacancy remained as of the end of fiscal year 2017. The Department of the Interior IG vacancy began on January 1, 2012. The acting IG was nominated by the President on June 8, 2015. The nomination was received in the Senate and referred to the Committee on Energy and Natural Resources, which held a hearing on October 20, 2015. The nomination was returned to the President on January 3, 2017, under the provisions of a Senate

rule that require nominations that are not confirmed or rejected during the congressional session be returned to the President.¹⁶ Once returned, the Senate will not consider the nomination until the President provides the Senate a new nominee.

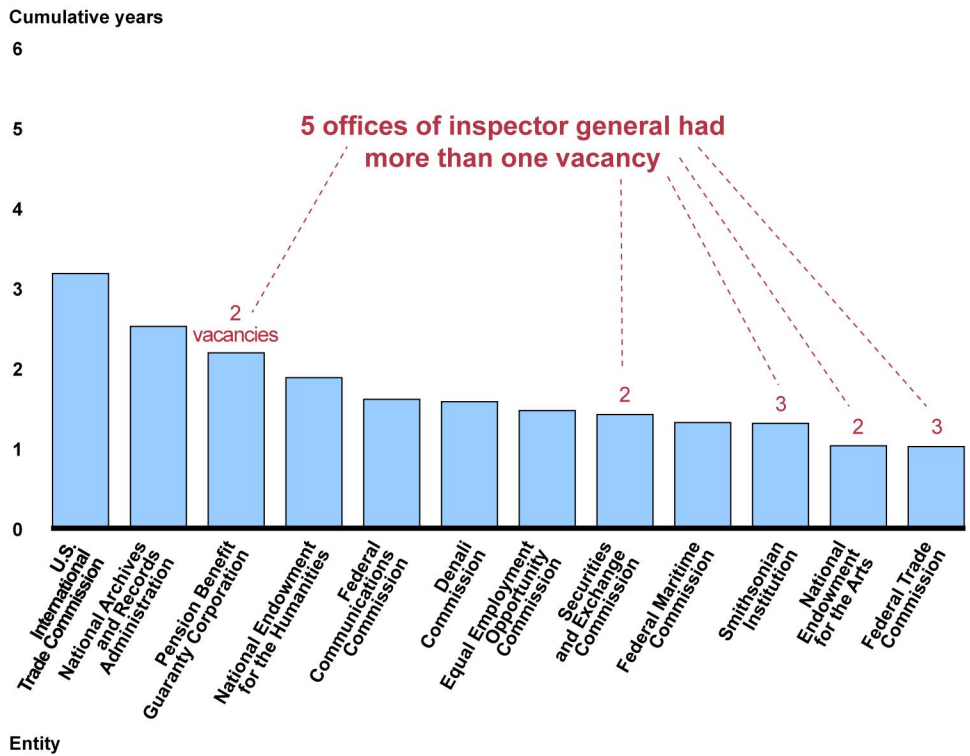
Other PAS IGs experienced several vacancies throughout the 10-year period. For example, the Department of Defense OIG had four periods of vacancy from fiscal years 2007 through 2016, two of them 1 year or longer, and one that began in January 2016 and remained vacant as of September 30, 2016.¹⁷

Of the 27 DFE IG offices that experienced IG vacancies during the 10-year period from fiscal years 2007 through 2016, 12 experienced at least one vacancy with a cumulative duration of more than 1 year as shown in figure 4. In addition, 5 of the 12 agencies with a cumulative IG vacancy of 1 year or more were the result of the agency experiencing two or more periods of IG vacancy over the 10-year period.

¹⁶*Standing Rules of the Senate*, S. Doc. No. 113-18, Rule XXXI, ¶ 6 (Nov. 4, 2013).

¹⁷The Department of Defense IG position continued to be vacant as of September 30, 2017.

Figure 4: Designated Federal Entity Inspector General Cumulative Vacancies of More Than 1 Year during Fiscal Years 2007 through 2016



Source: GAO analysis of inspector general vacancy data. | GAO-18-270

The U.S. International Trade Commission (USITC) experienced the longest continuous DFE IG vacancy during the 10-year period, with 3 years and 67 days without a permanent IG. The position was filled and the vacancy ended on December 6, 2009. In fiscal year 2011, we reported that the USITC OIG lacked an appointed IG and adequate budget and staff resources for fiscal years 2005 through 2009, which contributed significantly to the OIG’s limited oversight of USITC.¹⁸ We recommended that the Chairman of USITC revise formal orientation information provided to the commissioners to include sections on, among other things, the responsibilities of the Chairman to maintain an appointed IG. USITC implemented these recommendations. The National Archives and Records Administration experienced the second longest DFE IG

¹⁸GAO, *Inspectors General: Continued Actions Needed to Strengthen IG Oversight of the United States International Trade Commission*, [GAO-11-5](#) (Washington, D.C.: Oct. 22, 2010).

vacancy during the 10-year period, with 2 years and 190 days without a permanent IG. The vacancy started when the IG was placed on administrative leave, which lasted from September 14, 2012, until August 9, 2014. The National Archives and Records Administration was not able to replace the IG during this time. The position was eventually filled on March 23, 2015.

Acting IG, OIG Employee, and Permanent IG Views on the Impact of IG Vacancies, and Permanent IG Suggestions for Improving the Appointment Process

We surveyed the acting IGs and OIG employees who worked under an acting IG among the 64 active OIGs established under the IG Act and asked for their views on the impact that having an acting IG has on an OIG's ability to carry out its duties and responsibilities.¹⁹ While overall the survey responses indicated that having an acting IG had no impact on the OIGs' ability to perform their statutory functions, responses varied in areas related to (1) planning and conducting work, (2) interacting with agency management, and (3) managing the OIG and personnel. In addition, a number of survey responses also pointed to challenges or positive outcomes in their experiences of working under an acting IG, and certain permanent IGs provided suggestions for improvements in the IG appointment process. For details on our survey methodology, see appendix I.

Acting IG and OIG Employee Views on the Impact of IG Vacancies

Views on the Impact of IG Vacancies on the OIG's Ability to Plan and Conduct Work

Acting IGs: When asked whether, during their tenure as acting IGs, the vacancy had a positive impact, negative impact, or no impact on several areas related to the OIG's ability to plan and conduct work, overall, at

¹⁹We conducted a stratified random survey of 185 employees from the population of 1,218 employees from 10 agencies with OIGs that had acting IGs for over 365 days during fiscal years 2014 through 2016. For further details on our survey methodology, see app. I.

least eight of the nine acting IGs indicated that having an acting IG had no impact on the OIG’s ability to plan and conduct work.²⁰ Table 3 summarizes the responses from the acting IGs related to the OIG’s ability to plan and conduct audit work.

Table 3: Views of Acting Inspectors General on the Ability to Plan and Conduct Work in Offices with Acting Inspectors General

Area of impact	No impact	Positive impact	Negative impact	No basis For judgment
Timely completion of reports and other IG office work products	9	0	0	0
Conducting work in accordance with professional standards	9	0	0	0
Issuing high-visibility or high-risk reports	9	0	0	0
Addressing high-risk and high-priority issues	8	1	0	0
Processing IG office hotline complaints in accordance with established guidance	8	0	0	1
Developing comprehensive work plans for audits, investigations, and other IG office work	8	1	0	0

Source: GAO analysis of survey data. | GAO-18-270

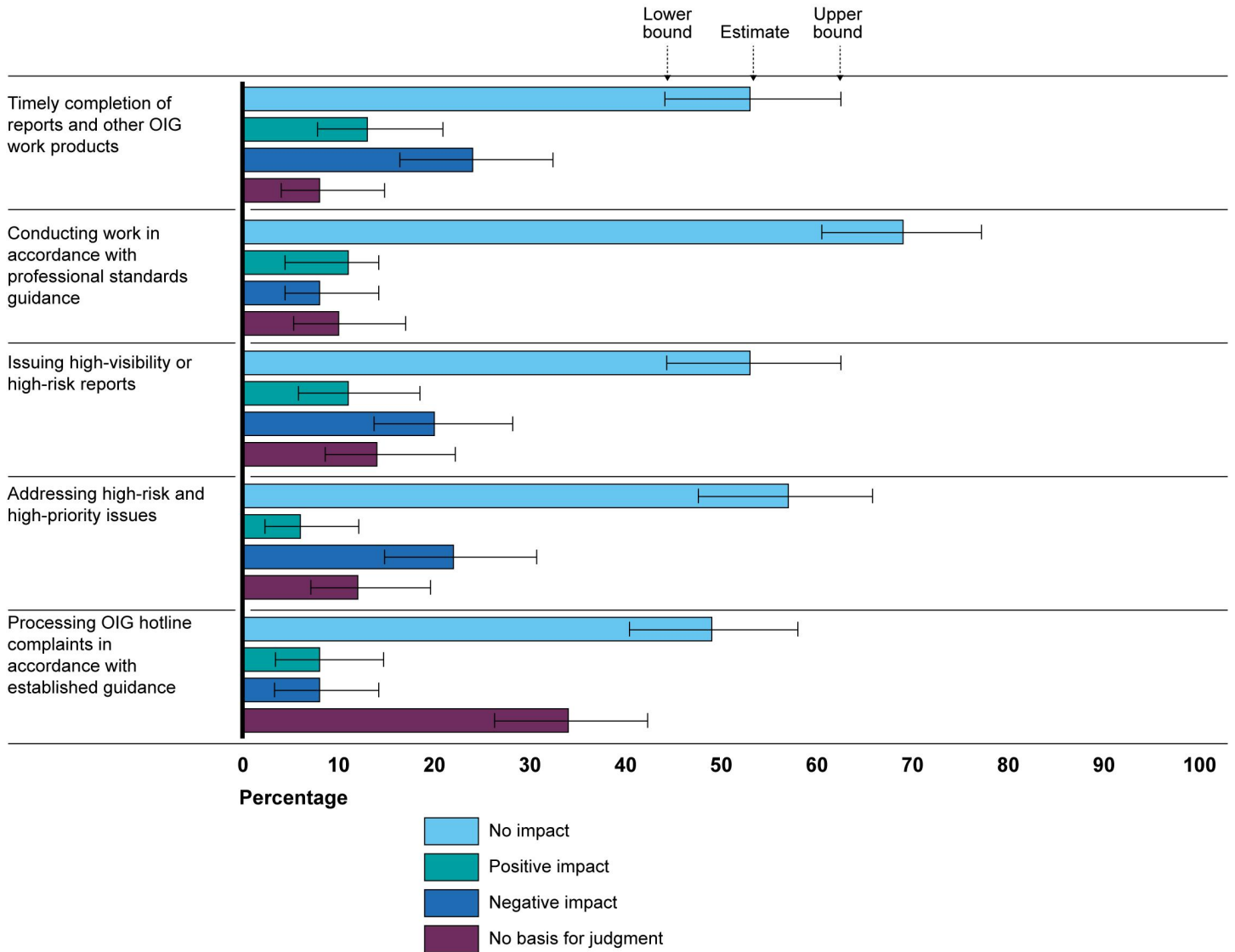
One of the nine acting IGs reported that the vacancy had a positive impact on developing comprehensive work plans for audits, investigations, and other OIG work, as well as addressing high-risk and high-priority issues.

OIG employees: As shown in figure 5, the estimated percentage of OIG employees who worked under an acting IG who believe this has no impact ranged by question from 49 percent to 69 percent for the areas related to the OIG’s ability to plan and conduct audit work.²¹ In contrast, based on our survey results, almost a quarter of the OIG employees believed that working under an acting IG had a negative effect on their OIG’s ability to complete reports and other OIG work products in a timely fashion, issue high-visibility or high-risk reports, and address high-risk and high-priority issues. According to the survey results, from 6 percent to 13 percent of the employees found a positive impact in these areas.

²⁰Our survey of the acting IGs included seven acting IGs and two permanent IGs who also met our criteria, having served as acting IGs for more than 1 year from October 1, 2013, through September 30, 2016.

²¹Our survey of acting IGs included questions to obtain management-related views that were not included in our survey of OIG employees.

Figure 5: Views of OIG Employees Who Worked under Acting Inspectors General on the Ability to Plan and Conduct Work in Offices with Acting Inspectors General



This graph shows the results of a probability survey given to employees who worked for an acting inspector general during the period we reviewed. The length of the bars show the population estimate for the percentage of employees in each category, while the whiskers show the upper and lower bounds of the estimate's 95 percent confidence interval.

Source: GAO analysis of survey data. | GAO-18-270

We also asked OIG employees to identify any additional challenges, in written comments, that they experienced in relation to their work under an acting IG. Four OIG employees provided responses related to the ability

to plan and conduct work, specifically, on the timely completion of reports and other OIG work products, as noted in the following examples of individual comments:²²

- “However, [the acting IG] seemed to struggle to ‘see the forest through the trees’ and the timeliness (and associated impact) of our work suffered significantly.”
- “Sometimes it would take longer to get a report out because [staff] were [waiting on] a review from the [acting] IG.”

We also asked OIG employees to identify any positive outcomes or improvements based on their experiences with working under an acting IG. The following are some OIG employee written responses that were received regarding positive outcomes or improvements, which were related to the acting IG’s ability to plan and conduct work.

The acting IG came from within the OIG. Thirteen OIG employees provided comments related to the acting IG coming from within the OIG ranks and having expertise in the agency issues, as noted in the following examples of individual comments:

- “Our acting IG was already a part of our OIG when appointed. Thus, they were already invested in the mission, our offices, and staff.”
- “The acting Inspector General had significant experience with agency management, and with our office processes and procedures, so products were issued timely.”
- “A positive [aspect] is that the acting Inspector General usually comes with a wealth of knowledge about the OIG’s current practices and can hit the ground running to keep things moving along effectively.”
- “Because of the acting IG’s investigative background as well as his lack of interest in further political appointment I think we actually got more done than under the former and current IG.”

²²In some cases, we edited responses for clarity or grammar or to remove identifying information.

Views on the Impact of IG Vacancies on the OIG’s Ability to Interact with Agency Management

Acting IGs: When asked whether, during their tenure as acting IGs, the vacancy had a positive impact, negative impact, or no impact on the OIG’s ability to interact with agency management, seven of the nine acting IGs indicated that there was no impact on the OIG’s ability to interact with the agency. Other acting IGs indicated a positive impact in regard to responsiveness from agency management, meeting with senior agency leadership, responsiveness of agency to recommendations, and timely access to agency documentation. One of the nine acting IGs indicated a negative impact regarding responsiveness of the agency to recommendations, and another saw a negative impact in timely access to agency documentation, as summarized in table 4.

Table 4: Views of Acting Inspectors General on the Ability to Interact with Agency Management in Offices with Acting Inspectors General

Area of impact	No impact	Positive impact	Negative impact	No basis For judgment
Responsiveness from agency management	7	2	0	0
Meeting with senior agency leadership	7	2	0	0
Responsiveness of agency to recommendations	7	1	1	0
Timely access to agency documentation	7	1	1	0

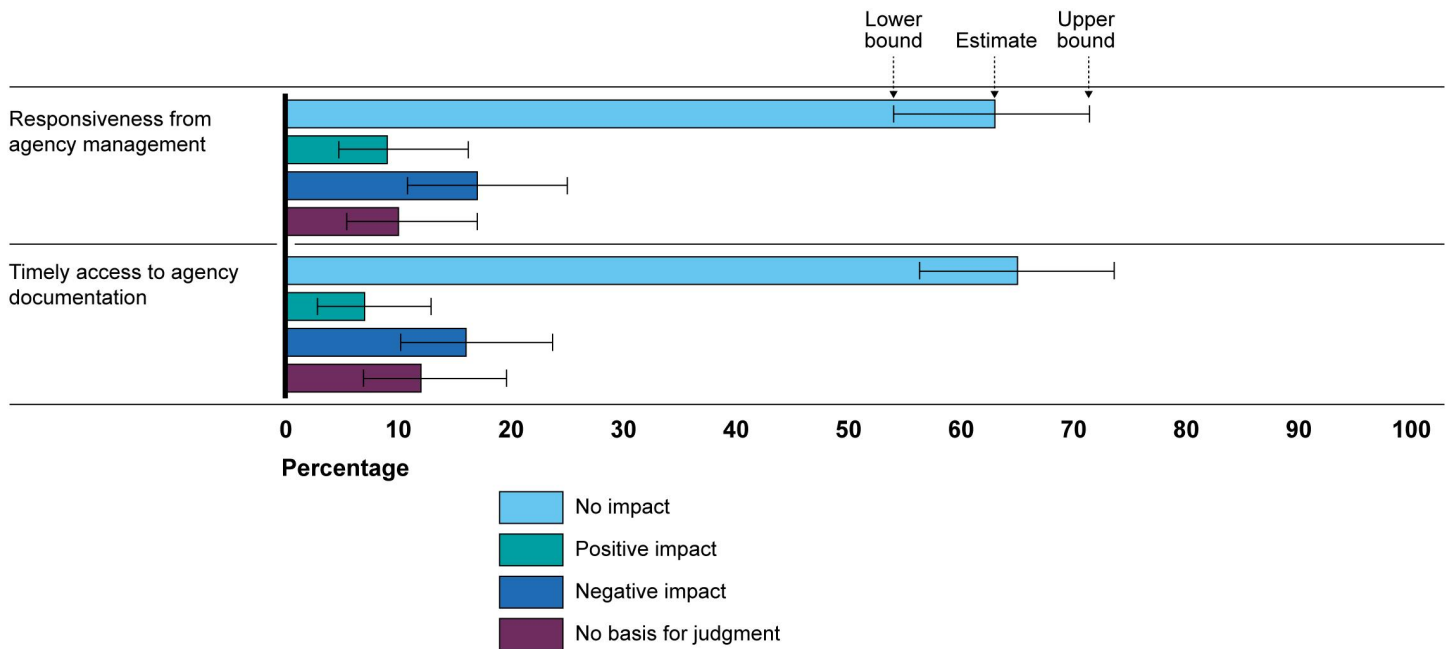
Source: GAO analysis of survey data. | GAO-18-270

While the majority of the acting IGs responded that there was no impact in interactions with agency management, in commenting about challenges faced during their acting IG tenure that affected their ability to carry out their responsibilities, one acting IG commented that agency managers failed several times to disclose relevant information that affected both the results and timeliness of the OIG’s audit work. In addition, one acting IG found that agency officials were more open to recommendations and more supportive of the OIG during the acting IG’s tenure than under the previous permanent IG tenure.

OIG employees: As shown in figure 6, we estimate that 63 percent of the OIG’s employees working under an acting IG believed that there was no impact on the responsiveness from agency management and an estimated 65 percent believed that there is no impact on timely access to agency documentation. Based on our survey results, the estimates for positive impact ranged from 7 percent to 9 percent, and approximately 17

percent of the OIG employees believed that working under an acting IG has a negative impact on these two areas.

Figure 6: Views of Office of Inspector General Employees Who Worked under Acting Inspectors General on the Ability to Interact with Agency Management in Offices with Acting Inspectors General



This graph shows the results of a probability survey given to employees who worked for an acting inspector general during the period we reviewed. The length of the bars show the population estimate for the percentage of employees in each category, while the whiskers show the upper and lower bounds of the estimate's 95 percent confidence interval.

Source: GAO analysis of survey data. | GAO-18-270

Views on the Impact of IG Vacancies on the Ability to Manage the OIG and Employees

Acting IGs: Responses of the acting IGs regarding their ability to manage the OIG and employees varied by question, as summarized in table 5. For example, regarding employee morale, four of the nine acting IGs indicated that an acting IG leading the office had a negative impact, three indicated that the vacancy had a positive impact, and one indicated that the vacancy had no impact.

Table 5: Views of Acting Inspectors General on the Ability to Manage the Office of the Inspector General and Personnel in Offices with Acting Inspectors General

Area of impact	No impact	Positive impact	Negative impact	No basis for judgment
Employee morale	1	3	4	1
Restructuring the office ^a	2	2	4	0
Obtaining a sufficient budget	8	1	0	0
Developing or changing office policy	4	2	3	0
Leading IG staff	6	1	2	0

Source: GAO analysis of survey data. | GAO-18-270

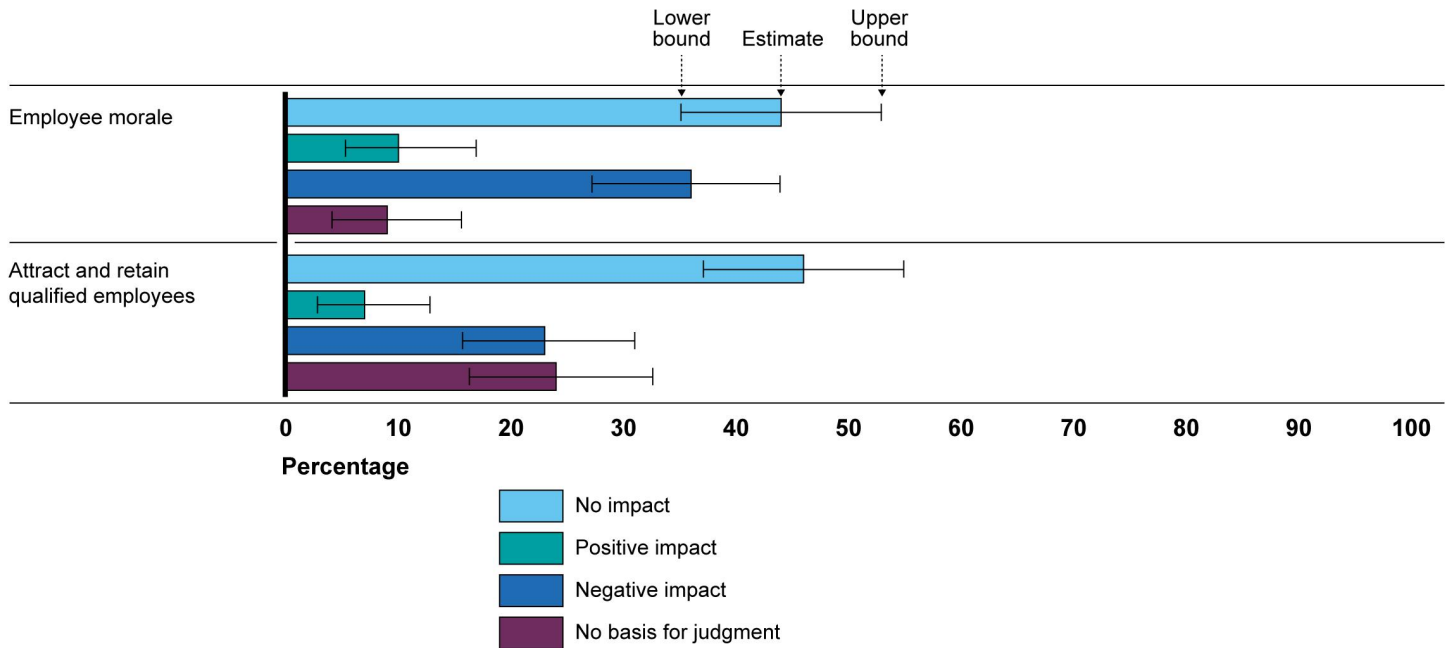
^aOne of the nine acting IGs did not respond to this question.

In written comments included in the survey, three acting IGs provided additional information regarding restructuring the office and developing or changing office policy. Specifically, two acting IGs indicated a reluctance to make changes that could not be easily reversed by an incoming appointed IG or to “shake up the organization” only to experience further changes once an IG was in place. The third acting IG identified constraints as typical for acting officials in making personnel, policy, or organizational changes, especially when the length of the tenure as the acting official is unknown.

We also asked the acting IGs if they had faced any challenges during their tenure that affected their ability to carry out their statutory duties and responsibilities. Of the three acting IG respondents who answered “yes,” two provided written responses citing challenges in the area of OIG management and personnel, such as difficulty in promotions and hiring decisions and OIG employee resistance to changes. For example, one acting IG indicated that the acting IG needed to get a special delegation from the agency to approve certain office promotions and hiring decisions. Another acting IG indicated the agency’s Office of General Counsel had to resolve a matter involving an employee who refused to relinquish his or her duties after the acting IG’s decision to reassign the employee.

OIG employees: As shown in figure 7, just over 50 percent of the OIG employees working under an acting IG believe that an acting IG had no impact or a positive impact on these two areas. We also estimate that about 36 percent of the OIG employees believed that working for an acting IG negatively affected employee morale and about 23 percent believed that it negatively affected the ability to attract and retain qualified employees.

Figure 7: Views of Office of Inspector General Employees Working under Acting Inspectors General on the Ability to Manage the Office of Inspector General and Personnel



This graph shows the results of a probability survey given to employees who worked for an acting inspector general during the period we reviewed. The length of the bars show the population estimate for the percentage of employees in each category, while the whiskers show the upper and lower bounds of the estimate's 95 percent confidence interval.

Source: GAO analysis of survey data. | GAO-18-270

We asked OIG employees to identify any additional challenges they have experienced in relation to their work under an acting IG. Eighty-three employees provided written responses, and 65 of those responses were related to areas that affect the ability to manage the OIG and its personnel, which are summarized below.²³

Strategic planning. Nineteen OIG employees provided comments related to difficulty in strategic planning, as noted in the following examples of individual comments:

- “An acting IG is a caretaker, someone internal who is expected to maintain the status quo. Therefore, having an acting IG in place for an

²³Responses provided in the open-ended questions could apply to more than one category under the impact of IG vacancies.

extended period may have delayed the implementation of reforms or bold changes that would normally be expected from new leadership.”

- “Internal processes, which may need to be changed, may not change in anticipation of the new leadership.”
- “Certain decisions such as ‘strategic vision’ or filling high-level positions within the organization may be delayed pending appointment of a permanent IG.”
- “[Acting IGs] are not as willing to make changes at the agency because it may not be what the new [permanent] IG wants. [Acting IGs] are more stewards of the organization until the new IG arrives.”

Uncertainty. Fifteen OIG employees provided comments related to the uncertainty within the OIG, as noted in the following examples of individual comments:

- “The ability to make long-term decisions is affected due to uncertainty [about whether the] incoming Inspector General will support the decisions made by the acting Inspector General.”
- “Waiting for a permanent selection and the uncertainty as to the future impact of the person selected is disconcerting. It also negatively affects employee morale and motivation.”
- “Working under an acting Inspector General creates a climate of uncertainty within the organization They [i.e., OIG employees] hesitate to make a decision that would be contrary to the views and/or opinions of the new IG and put them in what they perceive to be a bad light.”
- “I think the biggest challenges we had were related to employee morale and the direction of the organization as a whole. Employees did not know who was going to permanently lead the organization, or when the decision would be made on this.”

Staffing. Twelve OIG employees provided comments related to addressing staffing needs or issues with staffing, as noted in the following examples of individual comments:

- “There were several difficulties related to meeting human resource needs without the proper authority to make decisions such as removals, promotions and/or bonuses.”
- “Issues with staffing could not be finalized pending the appointment of a new [permanent] IG.”
- “Everyone except a select few in the OIG senior staff was leaving.”

Morale. Eight OIG employees provided comments related to morale issues, as noted in the following examples of individual comments:

- “Promotions were unnecessarily delayed under the acting IG. Not good for morale.”
- “Certain issues relating to personnel management were left unaddressed or dismissed (i.e., problem managers) [causing] morale to dip among staff members.”
- “The acting IG appeared to have the need to prove to the agency what power they had. This, in effect, caused a great discord amongst not only agency [senior] management and [the] OIG, but also between the OIG and the rest of the agency that we are still working to overcome.”

Lack of leadership and office structure. Eight OIG employees provided comments related to the lack of leadership and office structure, as noted in the following examples of individual comments:

- “[The] management organization was seemingly dysfunctional. In part, because alliances [would be] likely to change once [a] permanent IG [is appointed].”
- “There isn’t a sense of real structure without [a permanent] IG.”
- “Lack of guidance on ongoing audits at that time. The acting IG wore too many hats: Acting IG, Assistant IG for Audits, and Assistant IG for Investigations.”

Acting IGs are risk-averse pending permanent IG nomination. Two OIG employees provided the following comments related to the pending IG nomination:

- “I think it’s fair to say, although granted, it is a generalization, that an acting IG is more likely to be tentative and risk-averse than a fully confirmed IG. Also, within the OIG itself, senior staff may likewise be tentative and risk-averse knowing that new leadership is in the wings.”
- “The acting IGs are always hesitant to make waves One of them was in the process of being nominated, so [the acting IG] didn’t want to do anything that could be seen as controversial or unpopular with staff. It [results in] the status quo being continued until a new official is confirmed.”

Negatively affects budget discussions. One employee provided the following comment related to budget discussions: “In budget discussions

with Congress and the administration, there is no trust that the acting IG understands the will of Congress . . . or has administration support.”

We also asked OIG employees to identify any additional positive outcomes or improvements, in written comments, based on their experience from having an acting IG. Sixty-five employees provided written responses, and 12 of those responses related to the acting IG’s ability to manage the OIG and personnel, which are summarized below.

Higher morale. Twelve OIG employees provided comments related to higher morale with an acting IG, as noted in the following examples of individual comments:

- “[Federal Employee Viewpoint Survey] scores [were] remarkably higher under [the acting IG].”
- “The acting IG, a career civil servant, established trusting relationships meant for the long haul with the leadership team and staff, and also members of the overseen agency, and with the Congress. Morale was high and productivity was exceptionally high.”
- “I believe that the morale and overall quality of work that I witnessed at OIG offices during the tenures of the two acting IGs that I worked for was superior to that of offices that I worked in under one or more Senate-confirmed IGs.”

Acting IG, Permanent IG, and OIG Employee Views on the Impact of IG Vacancies on the Ability to Maintain Independence and Permanent IG Suggestions regarding Independence

The following summarizes (1) responses from acting IGs, permanent IGs, and OIG employees regarding the impact, if any, of a prolonged vacancy on the OIG’s ability to maintain independence and (2) permanent IGs’ suggestions on how to improve independence.

Acting IG Views on the Impact of IG Vacancies on the Ability to Maintain Independence

We asked acting IGs if they felt that serving as an acting IG instead of a permanent IG created threats (such as self-interest threat or bias threat)

to their independence of mind or independence in appearance, and eight responded “no” and one responded “yes.”²⁴ The eight acting IGs who responded “no” to independence threats provided additional written comments to explain their answers, as noted in the following examples of individual explanations:

- “Because I’d been in the office since inception . . . I understood the importance of independence in all aspects.”
- “I was appointed to carry out the duties and functions of the IG and that is what I did to the best of my abilities. As an OIG employee, independence is always a factor, regardless of position and taking on additional duties and responsibilities did not impact that.”
- “I stated clearly and repeatedly to agency management and to Capitol Hill stakeholders that I was not interested in seeking the IG nomination on a permanent basis, in order to mitigate any concerns about independence or bias that could arise from seeking an appointment from officials I was charged with auditing/investigating.”
- “I declined the position of permanent Inspector General, in part to preserve my independence in the face of the potential conflict that could be perceived were I seeking the appointment. Serving in an acting capacity per se creates no threat to independence in fact or in appearance insofar as I am concerned based on my experience.”
- “Serving as acting IG had no threats to independence.”

The acting IG that responded “yes” commented that there may be an appearance of independence problem if the acting IG is lobbying for the permanent position.

We also asked the acting IGs if their independence was ever questioned by agency officials or others because of their role. Eight of the nine acting IGs answered “no,” while one acting IG answered “yes” and indicated that an external entity had questioned the independence of the acting IG. The acting IG further commented that certain Members of Congress had questioned the independence of acting IGs.

²⁴Government Auditing Standards define self-interest threat as the threat that a financial or other interest will inappropriately influence an auditor’s judgment or behavior and defines bias threat as the threat that an auditor will, as a result of political, ideological, social, or other convictions, take a position that is not objective. GAO, *Government Auditing Standards: 2011 Revision*, ¶ 3.14, [GAO-12-331G](#) (Washington, D.C.: December 2011).

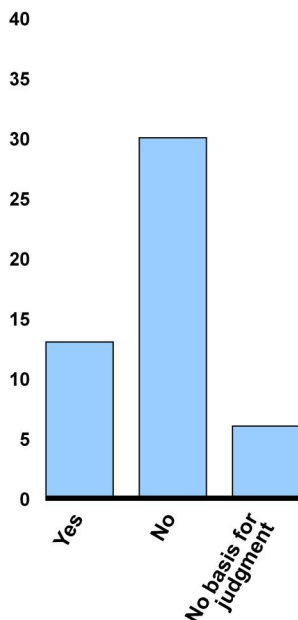
Permanent IG Views on the Impact of IG Vacancies on the Ability to Maintain Independence

We asked 52 permanent IGs whether they felt that an acting IG is inherently less independent than a permanent IG and whether an acting IG is less independent in appearance. While the majority of permanent IGs who responded did not think that acting IGs are inherently less independent, they did indicate by a similar majority that an acting IG is less independent in appearance than a permanent IG, especially in situations when the acting IGs are applying for the IG positions. Of the 49 IGs who responded to the question of whether an acting IG is inherently less independent, 13 said “yes,” 30 said “no,” and 6 responded that they had no basis for judgment, as shown in figure 8.

Figure 8: Permanent Inspector General Views on Acting Inspector General Inherent Independence

Do you feel that an acting inspector general is inherently less independent than a permanent inspector general?

Number of responses



Source: GAO analysis of survey data. | GAO-18-270

Of the 13 permanent IGs that answered “yes” to the acting IG being inherently less independent, 12 provided written comments as noted in the following examples of individual explanations.

An acting IG who is a candidate for position. Six permanent IGs provided comments related to an acting IG who is seeking the permanent position, as noted in the following examples of individual comments:

- “If the selecting officials (or recommending officials) are also subject to audit or investigation by the acting [IG], and the acting [IG] is interested in the permanent position they may actually be influenced to not report aggressively.”
- “They [the acting IG] could be perceived as less independent if they are a candidate for the job and they often are.”
- “Generally speaking, the position of Inspector General would be a desirable promotion for an acting IG (sometimes the Deputy IG). An acting/Deputy IG, interested in the IG position and striving to impress the agency leadership/White House for consideration of the IG job, could be less aggressive (independent) in an effort to please the ‘hiring official’ (agency head/White House). Agency leaders/White House understand this dynamic, so in order to avoid/minimize any negative reports by the OIG, the agency heads can delay filling IG positions in order to have more ‘control’ over their acting IG.”

Lack of Senate confirmation. Three permanent IGs provided comments in this category related to an acting IG having less authority to deal with agency officials and Congress than a permanent IG as the acting IG lacked Senate confirmation, as noted in the following individual comments:

- “Not having the full backing of the President, nor confirmation of the Senate, does not provide an even playing field when the IG negotiates with PAS agency heads and other PAS or senior level officials.”
- “First, because the agency knows that the acting IG is only temporarily in that position, the willingness of agency officials (particularly middle management and component leadership) to inappropriately respond to and challenge OIG oversight efforts increases. Second, an acting PAS IG (unlike a confirmed PAS IG) has not been approved for that position by the Senate and therefore doesn’t have that stamp of approval if there is a need to respond to inappropriate efforts by the agency to interfere with the OIG.”
- “In my experience, discussions between the Dept’s [agency’s] political leaders and the ‘permanent,’ politically-appointed IG (as well as between Congress and that IG) are different—more frank—in substance and tone.”

Of the 30 permanent IGs that answered “no” to the acting IG being inherently less independent, 28 provided written comments as noted in the following examples of individual explanations.

An acting IG has the same statutory authority as a permanent IG.

Eight permanent IGs provided responses related to the acting IG having the same statutory authority as a permanent IG and the OIG structure having independence safeguards, as noted in the following examples of individual comments:

- “Because of the inherent structure of an OIG, with the independence safeguards that are derived from the IG Act, the Office of Inspector General should continue to be independent even if headed by an acting IG.”
- “An acting IG has the same independence protections as a ‘permanent IG’.”
- “[Acting IGs] have the same statutory powers as an appointed IG to fulfill their role.”

Having a permanent title should not be a factor in independence.

Ten permanent IGs provided responses related to a permanent title not being a factor in independence as the acting IGs are held to the same standards and independence is driven by the acting IG’s character and background, as noted in the following examples of individual comments:

- “Independence is a matter of personal mindset and perceptions drawn by others based on individual/Office actions. Having the permanent title is not a key element required in order for the above to effectively exist.”
- “An acting IG can carry out his/her responsibilities as independently as a permanent IG; there are no inherent restrictions on their ability/capacity due solely to [the acting] status. It boils down to the individual involved and their willingness/ability to do so in the context in which they operate.”
- “The independence resides in the position regardless of whether [it is] being occupied by an acting or permanent IG.”
- “The independence of an IG is largely driven by his or her character, background, and experience.”
- “Independence is obtained by the characteristics of the individual in the position of Inspector General. Just because the person occupying the position is ‘acting’ does not mean they are not independent.”

An acting IG is usually a career OIG employee. Five permanent IGs provided comments related to the acting IG being a career OIG employee and knowing the importance of independence, as noted in the following examples of individual comments:

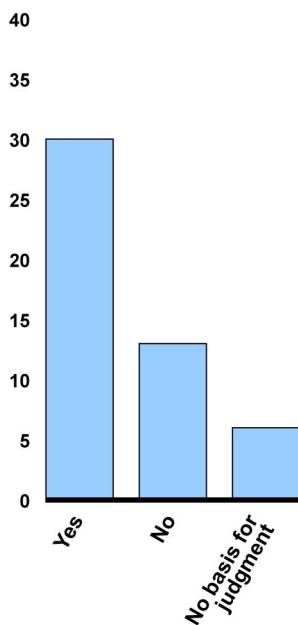
- “Career OIG employees place a high value on the independence of the office.”
- “Generally acting IGs come from within the OIG and have long service in the community and an understanding of and commitment to the role of the IG.”

We also asked permanent IGs whether they felt that an acting IG is less independent in appearance than a permanent IG. Thirty of the 49 IGs who responded to this question answered “yes” and 13 answered “no,” as shown in figure 9.

Figure 9: Permanent Inspectors General Views on Acting Inspectors General Appearance of Independence

Do you feel that an acting inspector general is less independent in appearance than a permanent Inspector General?

Number of responses



Source: GAO analysis of survey data. | GAO-18-270

Of the 30 permanent IGs who answered “yes” to this question, 27 provided written comments, some of which are summarized below.

An acting IG will be less independent in appearance if he or she is seeking the permanent position. Sixteen permanent IGs provided comments related to an acting IG being less independent in appearance if he or she is seeking the permanent position or perceived to be seeking the permanent IG position, as noted in the following examples of individual comments:

- “There will always be an appearance issue regarding the judgment of an acting IG if that individual is seeking the permanent position.”
- “There may be an appearance that an acting IG is less independent from the agency, particularly where he or she is seeking to become the permanent IG and needs the endorsement of the agency to move forward. This scenario could create an appearance of, or an actual, conflict of interest.”
- “If the incumbent aspires to the permanent appointment, I feel the designation as acting Inspector General carries the inherent risk that the incumbent may be vulnerable to political pressures, since the incumbent’s chances of being appointed as the permanent Inspector General may be adversely influenced by sensitive or controversial decisions made during the period that he/she served as acting Inspector General.”
- “An ‘acting’ [IG] may be reluctant to assert independence if the acting [IG] believes that he or she may be in the running for the vacant IG job. This may create a conflict under certain facts.”
- “Unfortunately, if an acting IG is interested in becoming the IG, people who are looking for reasons to find fault with their work can make an argument that they are pulling punches to better their chances of being selected. I don’t think this is true in most cases, but the argument is made.”

An acting IG is also perceived as less independent. Six permanent IGs provided comments related to an acting IG being perceived as less independent by Congress, the public, and other organizations, as noted in the following examples of individual comments:

- “I am aware of at least one instance where the press and certain Members of Congress speculated or implied that an acting IG who wanted to be considered for appointment as the IG was lenient toward the agency.”
- “Congress and the public . . . have both expressed this concern.”

-
- “There is an inherent suspicion that the acting IG will pull his or her punches on audits and inspections in order to get nominated by the agency he is auditing.”
 - “Some judge an acting IG for the actions they take or don’t take through the prism of partisan politics and often unfairly ascribe decisions to the acting IG’s interest in becoming an IG.”

Of the 13 permanent IGs who answered “no,” 11 provided written comments, some of which are summarized below.

Acting IGs have the same authority as permanent IGs. Three permanent IGs provided comments related to an acting IG having the same authority as a permanent IG, as noted in the following examples of individual comments:

- “The law doesn’t change and tenets such as independence are the same regardless of whether you are acting or not.”
- “An acting IG still heads an independent Office of Inspector General and as long as that office continues to act independently, there should be no appearance issue.”
- “The acting Inspector General has the same authority as a permanent IG.”

Acting IGs should be able to perform their work independently. One permanent IG provided the following comment related to an acting IG performing his or her work independently: “I don’t necessarily think an acting IG has an appearance of lack of independence per se. Again, I think it depends on the acting IG, the agency, and the relationship between the OIG and the agency.”

We also asked permanent IGs for suggestions on how the independence of the acting IG role could be improved. Although the majority of permanent IGs did not provide specific suggestions, the following summarizes the 12 written responses received:

- Expedite the appointment process (7 respondents).
- Make acting IGs ineligible for the permanent position (1 respondent).
- Establish a legislative solution for filling positions quickly (1 respondent). Specifically, there should be requirements that (1) acting IGs be named within 30 days of vacancy and the IG position filled within a certain amount of time; (2) DFE IG positions be filled within 180 days of a vacancy, and if not, the agency head should be

required to report every 30 days to the agency's oversight committees on the reason for delay; and (3) for PAS IG positions, a candidate should be nominated within 180 days.

- For visibility, make clear whether the acting IG is under consideration for the permanent position (1 respondent). The administration should do this for a PAS IG, and the agency should for a DFE IG.
- Extend statutory protection to acting IGs (1 respondent). "The independence of the acting Inspector General role could be improved by extending the same protections mandated for the Inspector General position to the acting Inspector General (as appropriately tailored for the temporary nature of the 'acting' role)."
- Rotate the individuals who will be in the acting IG position (1 respondent).

In addition to views on the acting IG's independence, we asked permanent IGs to provide additional comments and identify any challenges related to the acting IG role and prolonged IG vacancies. Thirty-one written responses were provided for this question, some of which are summarized below.

Importance of permanent IGs. Six permanent IGs provided written comments related to the importance of the permanent IG and impediments in the role of acting IGs, as noted in the following examples of individual comments:

- "Prolonged IG vacancies are never good, and negatively impact the entire IG community and CIGIE because we need fully engaged IGs who can participate in IG and CIGIE business knowing that they will be in the position for the long-term and without wondering when and whether they will be replaced."
- "IG vacancies [i.e., positions] have been allowed to be vacant for years. While the role of an acting IG may be filled successfully, it is important to each agency/department to have a permanent IG who is appointed by the appropriate process."
- "Extended vacancies undermine the system of checks and balances."
- "I generally believe that it is detrimental for an OIG to have a prolonged IG vacancy with an acting IG. I believe that acting IGs may be disinclined to take necessary agency actions because of their temporary status. In addition, the acting IG is vulnerable to attacks on his or her independence, particularly where he or she is seeking a permanent position and requires the agency's endorsement."

Effect on strategic planning. Eight respondents pointed out challenges acting IGs face in long-term planning, as noted in the following examples of individual comments:

- “One of the biggest challenges to an acting IG may be the ability to make long-term plans for the organization.”
- “A prolonged vacancy creates a leadership gap for the OIG and the entity.”
- “Acting IGs do not feel empowered to take on new initiatives or projects on behalf of the office, and may feel inhibited in terms of management issues, including hiring.”

Authority. Four respondents commented on the need for authority provided by permanent leadership, as noted in the following examples of individual comments:

- “Regardless of whether the discussion is focused on acting IG positions or any acting leadership position (within Mission or otherwise), there is some level of authority in terms of institutional impact and ability to effect change that comes from knowing those advancing mission have some level of anticipated continuity in service and ability to see things through.”
- “The acting [IG] did a remarkable job at getting the office through a very difficult time, but largely saw [the role] as a caretaker. [The acting IG] did not feel comfortable doing the things that I immediately recognized needed to be done. The Office’s work got little traction while the acting [IG] was in charge, in part because the Office was without a permanent leader and the agency did not feel compelled to pay attention to OIG recommendations.”
- “I believe the greatest challenge to anyone in an acting role has more to do with authority than it has to do with independence I believe it is often difficult for anyone in an acting position to think long-term and make decisions that have long-term implications because they (1) have no idea how long they will be acting and (2) may be overruled or have decisions reversed by a permanent appointee. So I think acting individuals tend to ‘keep the home fires burning’ as well as they can but don’t necessarily think in terms of leading the organization in the direction it needs to go in the future, especially since they don’t know what the future will bring.”

OIG morale. Four respondents reported morale problems in OIGs without a permanent IG, as noted in the following examples of individual comments:

-
- “Prolonged vacancies in senior leadership positions, whether in an OIG or other government offices, can lead career employees to lose their focus and their dedication to fulfill the mission of the office. When new leadership is finally put into place, it often encounters stiff resistance to any changes because the employees have enjoyed being ‘home alone’.”
 - “The prolonged vacancy at the agency diminished the stature of the office and did not make it an inviting place for experienced oversight staff to want to work.”

IG vacancies seen as lack of support. Five respondents reported that prolonged vacancies are seen as a lack of congressional or agency support for the OIG, as noted in the following examples of individual comments:

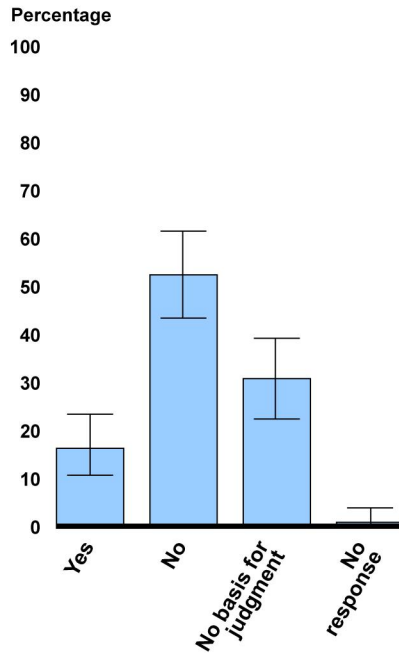
- “Prolonged vacancies in the IG position . . . can be viewed by some as a lack of support for the IG oversight mission on the part of the Administration and Congress.”
- “Any individual serving in any position with the word ‘acting’ in front of it inherently carries less authority than the same individual in the same position serving in a permanent capacity. The longer an IG position is left vacant the greater the appearance that the agency does not want to have an IG providing oversight.”

OIG Employees’ Views on the Impact of IG Vacancies on the Ability to Maintain Independence

OIG employees’ views on the inherent independence of an acting IG as compared to the independence of a permanent IG are summarized in figure 10.

Figure 10: Office of Inspector General Employees' Views on Acting Inspector General Inherent Independence

Do you feel that an acting inspector general is inherently less independent than a permanent inspector general?



Source: GAO analysis of survey data. | GAO-18-270

Note: All percentages are estimates. The whiskers show the upper and lower bounds of the estimate's 95 percent confidence interval.

Based on our survey, we estimate that 16 percent of the OIG employees believe that an acting IG is inherently less independent than a permanent IG. Of the employees who responded "yes," 25 provided written explanations along with their answers, some of which are summarized below.

The acting IG may be seeking a permanent position. Eleven OIG employees provided comments related to the acting IG seeking a permanent position, as noted in the following examples of individual comments:

- "If interested in permanent appointment, there is a risk that [the] acting IG becomes more interested in being liked by and pleasing the agency, thus independence could be impaired."
- "An acting Inspector General may be seeking an IG appointment. He/she wants the agency to like him, to support his nomination, and

may kowtow [i.e., act subservient] to them. This dynamic may result in a ‘don’t rock the boat’ mentality.”

- “If the acting IG is going to be a candidate for the IG position, and is appointed by the head of the agency, they may stay away from reviewing sensitive issue areas.”

The acting IG came from within the OIG. Three OIG employees provided comments related to the acting IG selected from within the OIG having preconceived notions, as noted in the following examples of individual comments:

- “Our acting Inspector General was previously the [Assistant] IG for Audits and Evaluation. As such, [the acting IG] entered the position with substantial preconceived notions about the other directorates. In contrast, our permanent IG came to the position with limited preconceived notions. In the future, it would be better if the Acting IG came from another IG (as opposed to temporarily promoting from within).”
- “I believe that an acting IG is inherently less independent because he or she has no official term, may either receive an appointment as IG, or be replaced at the discretion of the President.”
- “Bring in an acting IG from another agency for independence reasons or [to] ensure other acting positions are filled and the acting IG is not performing multiple roles.”

Based on our survey, we estimate that 52 percent of the OIG employees believe that an acting IG is not inherently less independent than a permanent IG. Of the 71 employees who responded “no” to this question, 56 provided written explanations, some of which are summarized below.

There is no difference between the permanent IG and an acting IG. Eighteen OIG employees provided comments related to the acting IG and permanent IG as having no difference, as noted in the following examples of individual comments:

- “We saw absolutely no difference in the independence of the acting IG [versus] the appointed IG.”
- “The acting title (as compared to a permanent IG title) is irrelevant. It ALL comes down to the specific individual occupying the position.”
- “The Inspector General is independent by law. The authority of the position is the same, whether it is filled by an acting IG or a

permanent IG. . . . I have not encountered circumstances in which I felt the acting IG was inherently less independent.”

- “The acting IG at [our agency] was the Deputy IG who is a strong ethical and principled leader. There was no change to our mission, focus, or independence, nor in our ability to conduct our work. To suggest that, merely because there was an acting IG, independence was inherently compromised is unfounded, bespeaks a lack of understanding of OIG standards and ethics, and is just wrong.”
- “The acting IG served as any IG would be expected to in the area of independence. No difference there.”

An acting IG is independent. Nineteen OIG employees provided comments related to the acting IG’s independence, as noted in the following examples of individual comments:

- “Based on my experience, both acting IGs were career OIG employees [who] understood and embraced independence.”
- “I felt the acting IG was very independent and did a fantastic job.”
- “All persons within the OIG are to be objective and independent, no matter their position.”
- “[The] acting IG [has] the same level of independence that is expected of all IG employees.”
- “[The] acting IG is as independent as our previous [permanent IG] and is not hesitant to report problems and weaknesses to Congress.”

An acting IG and permanent IG follow the same independence standards. Six OIG employees provided comments related to the acting IG and permanent IG as having the same independence standards, as noted in the following examples of individual comments:

- “The acting [IG] is subject to the same standards.”
- “The acting IG is just as important and they adhered to all the laws and regulations as the [permanent] IG.”
- “Acting or permanent, they are held to the same standards of independence.”

An acting IG position is not less independent. Six OIG employees provided comments related to the acting IG position not being less independent and depending on the individual in the role, as noted in the following examples of individual comments:

-
- “Whether an acting IG is able to maintain independence is dependent upon the person holding the position and his or her confidence, strength of character, leadership capabilities and subject matter expertise. The same is true for [permanent] IGs.”
 - “It depends on the individual. If a particular acting IG is a strong person, who puts aside any desire to pander to the agency head in the hope of being made permanent, there would be no effect on his/her independence.”

We also asked OIG employees to identify any additional challenges they experienced in relation to working under an acting IG. Overall, 83 employees provided written responses, and 4 of those responses were additional challenges related to OIG independence, as noted in the following examples of individual comments:

- “Having worked in [various] OIGs and [having] observed functioning in other OIGs, the acting IG issue seems serious. There are subtle pressures to go along with management. Few acting IGs deliberately decide to compromise their principles, but many seem to wind up doing so.”
- “Because the acting IG wanted to gain the support of others, [he] was not independent.”
- “The one challenge I am concerned [about] with an acting IG is if that person has applied for the IG position and will not commit to certain decisions that will negatively impact their opportunity to obtain the permanent position as IG.”

We also asked OIG employees to provide suggestions on how the independence of the acting IG role could be improved. The majority of the 25 respondents who provided written comments to this question did not provide suggestions for improving the independence. The comments that provided suggestions are summarized below:

- Timely appoint an IG (4 respondents).
- Consult with other CIGIE IGs to help monitor and assess the acting IG based on clear criteria and expectations (1 respondent).
- Limit the amount of time an acting IG can serve (1 respondent).
- Bring in an acting IG from another agency for independence reasons or ensure that other acting positions are filled and the acting IG is not performing multiple roles (1 respondent).

Suggestions from Permanent IGs for Improving the Appointment Process

Prolonged IG vacancies have been the subject of congressional hearings because of the importance of these key oversight positions.²⁵ Delays in the presidential nomination and Senate confirmation process for all positions filled by this process, including PAS OIGs, have also been the subject of recent academic studies.²⁶ For example, a recent study that explored the failure of nominations and the delay in confirmation of successful nominations across recent administrations from 1981 to 2014, found that nominations for the IG position had about a 24 percent failure rate.²⁷ Given that in recent years, certain OIGs have experienced prolonged IG vacancies, especially IGs that require presidential nomination and Senate confirmation, we asked the 52 surveyed permanent IGs to provide comments on their experience with the appointment process and any suggestions for improving the process and minimizing the duration of IG vacancies. Comments were provided by 45 permanent IGs in these areas, including eight suggestions to minimize the duration of IG vacancies, as noted in the following individual comments:

- “One thing that could be improved [is] an agreement between the [White House], Congress and [Office of Government Ethics] on a [similar] format for [nominee required] information. I was required to provide essentially the same information (with small variations) three times. But the precise formatting and framing of the questions [asked of the nominees] was different in each case, taking time and creating the possibility of inconsistencies.”

²⁵*Watchdogs Needed: Top Government Investigator Positions Left Unfilled for Years*, Before the Senate Committee on Homeland Security & Governmental Affairs, 114 Cong. 7-9 (2015) (Michael Horowitz, Chair of the Council of the Inspectors General on Integrity and Efficiency), and *Where Are All the Watchdogs? Addressing Inspector General Vacancies*, Before the H. Comm. on Oversight and Government Reform, 112 Cong. 6-14 (2012) (Phyllis K. Fong, Chair of the Council of the Inspectors General on Integrity and Efficiency).

²⁶Paul Light, “Back to the Future on Presidential Appointments,” *Duke Law Journal*, vol. 64, no. 8 (2015). This article covers a collection of other publications that have discussed presidential nomination process issues and past efforts to improve this process.

²⁷Anne Joseph O’Connell, “Shortening Agency and Juridical Vacancies through Filibuster Reform – An Examination of Confirmation Rates and Delays from 1891 to 2014,” *Duke Law Journal*, vol. 64, no. 8 (2015).

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- “A possible suggestion would be to improve the timeliness of the selection, vetting, and confirmation process of IGs, particularly given the current number of vacancies. IGs play a vital role in ensuring that government programs and operations are functioning efficiently and effectively, and greater emphasis on the part of the White House and Congress to nominate and confirm IGs in a timely manner would provide great benefit.”
 - “I believe the process could be improved by streamlining the number of committees involved so that each nominee need only obtain approval from one committee.”
 - “While I worked through the paperwork requirements efficiently, it was a tremendous lift and I wonder if all that is required is necessary and in the form it took. I found a good degree of duplication in what was asked of [candidates] from the [White House] . . . and Senate. I think there are opportunities to streamline with better coordination.”
 - “[Establishing] a timeline from start to finish would be helpful. I also recommend that Congress prioritize IG confirmations above most other confirmations.”
 - “Faster consideration and vote would be useful.”
 - “The Senate [should] be required to act on IG candidates within 90 days of their nomination by the President.”
 - “Although I think it is very important for any IG to have a strong working relationship with the agency head, it seems inappropriate for the agency head to have a strong voice in selecting the nominee for a [p]residentially appointed, Senate-confirmed IG who is supposed to provide independent oversight of the agency. I suggest changing the process to omit the pre-selection interview with the agency head and substitute instead [with] a pre-nomination courtesy meeting.”

Agency Comments and Our Evaluation

We provided a draft of this report to CIGIE for comment and CIGIE shared the draft with the 64 OIGs active under the IG Act. CIGIE and the OIGs at the National Credit Union Administration and U.S. Election Assistance Commission provided written comments, which are discussed below and reprinted in appendixes II, III, and IV, respectively.

- CIGIE expressed appreciation for the review and analysis efforts that we conducted for the purposes of this report. CIGIE also noted some information regarding the Central Intelligence Agency IG and the

Intelligence Community IG, which were outside the scope of our work. CIGIE stated that both IGs are PAS and that the Central Intelligence Agency IG position has been vacant for over 3 years.

- The National Credit Union Administration OIG stated that while it did not have a vacancy during the 10-year period we reviewed, it agreed that looking at this area to reduce IG vacancies is an important endeavor.
- The U.S. Election Assistance Commission OIG expressed concurrence with the facts as they pertain to its office and stated that the report will contribute to improving the appointment process for IGs.

In addition, CIGIE and the OIGs at the Appalachian Regional Commission, Denali Commission, Department of Commerce, Department of Education, Department of Housing and Urban Development, Federal Deposit Insurance Corporation, General Services Administration, National Reconnaissance Office, and U.S. Election Assistance Commission provided technical comments, which we incorporated as appropriate. The remaining OIGs did not provide comments.

We are sending copies of this report to the Executive Director of CIGIE and to the 64 IG Act offices listed in this report as well as interested congressional committees. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-2623 or davisbh@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix V.



Beryl H. Davis
Director
Financial Management and Assurance

Appendix I: Objectives, Scope, and Methodology

The objectives of this report were to determine (1) the status of inspector general (IG) vacancies as of the end of fiscal year 2017, and the number and duration of the IG vacancies for fiscal years 2007 through 2016, and (2) the views of the IG community on the impacts, if any, of IG vacancies on the Offices of Inspector General's (OIG) ability to effectively carry out their duties, including views on independence and permanent IG suggestions for improvements in the appointment process. To address these objectives we included in our scope the 64 active OIGs that were established under the IG Act of 1978, as amended (IG Act).¹

To determine the status of IG vacancies as of the end of fiscal year 2017, we obtained the vacancy data from the 64 OIGs active under the IG Act, and documented any changes for fiscal year 2017. To identify IG vacancies and changes for fiscal years 2007 through 2016, we first obtained vacancy data from the Council of the Inspectors General on Integrity and Efficiency (CIGIE). We interviewed CIGIE personnel to obtain an understanding of issues related to IG vacancies and to discuss the reliability of the vacancy data.² Data obtained from CIGIE included the resignation dates of the permanent IGs, vacancy start and end dates, names of the acting IGs, names of newly appointed IGs, and whether each IG was presidentially appointed, Senate confirmed (PAS) or appointed by the head of a designated federal entity (DFE). We also obtained nominations from Congress.gov, which included information on

¹We did not include IG positions established by other statutes because of the variations in those authorizing statutes regarding the appointment, authorities, and duties of these IGs. IG positions established by statutes other than the IG Act include the IGs for the Central Intelligence Agency, the Intelligence Community, the Government Printing Office, the Library of Congress, the Architect of the Capitol, the U.S. Capitol Police, and GAO, as well as the Special IGs for Afghanistan Reconstruction and for the Troubled Asset Relief Program. Also, the IG Act includes authorization for some additional OIGs that are not presently active, many because of the termination of their associated agencies or the agencies' integration into larger federal entities.

²We interviewed the CIGIE Executive Director, the current and former CIGIE Chair, and the current CIGIE Vice-Chair.

nominated IGs and the status of those nominations.³ As part of our data reliability procedures, we confirmed the vacancy data with the 64 OIGs established under the IG Act. We reviewed and summarized the IG vacancy data and documented any changes in IG vacancies for fiscal years 2007 through 2016. In 2014, the IG appointment structure for the IGs of the National Security Agency and National Reconnaissance Office was changed from DFE to PAS. For the 10-year period under review, these two OIGs experienced vacancies during both their DFE and new PAS status. However, to avoid duplicating the agencies, we only counted the number and length of vacancies for each agency under the PAS IGs.

To obtain the views of the IG community—specifically, permanent IGs, acting IGs, and employees working under an acting IG—on the impact that a prolonged IG vacancy can have on the OIG’s ability to carry out its duties effectively, including any impact on independence, we conducted web-based surveys of 54 IG Act OIGs. These surveys included both multiple choice and open-ended questions for written responses to obtain the views of the IG community on the impacts of vacancies, if any, and views on independence, challenges, and positive outcomes. The surveyed groups were as follows:

- Fifty-two permanent IGs serving as of August 22, 2017. We used both multiple choice questions and open-ended questions to obtain their views on the impact that an IG vacancy could have on the OIG’s ability to conduct its oversight, including any independence issues presented by acting IG. We also asked the permanent IGs to provide any suggestions for improvements in the appointment process. The survey was administered on the web from August 22, 2017, through September 29, 2017. The survey response rate of permanent IGs was 96 percent: 50 of the 52 permanent IGs completed the survey. Two permanent IGs did not respond to the survey.
- Nine acting IGs who had served for over 365 days from fiscal years 2014 through 2016. We used both multiple choice questions and open-ended questions to obtain their views on the impact that a prolonged vacancy could have on the acting IG’s ability to carry out

³Congress.gov is the official website for U.S. federal legislative information. The site states that it provides access to accurate, timely, and complete legislative information for Members of Congress, legislative agencies, and the public. The website has a presidential nominations database that includes the date each nomination was received from the President, the committee(s) involved for the nomination, and the Senate actions related to the nomination.

his or her duties, including any impact on independence. The survey was administered on the web from August 22, 2017, through September 29, 2017. The survey response rate of acting IGs was 100 percent. While 14 acting IGs met our selection criteria, 4 have either retired or have since left the government and were not surveyed. The National Reconnaissance Office's acting IG was excluded because of concerns regarding sensitive personally identifiable information. Of the 9 remaining acting IGs, 2 are now permanent IGs but provided responses for their acting IG tenure, which were included with those of the 7 acting IGs. In this report, we refer to all nine as acting IGs.

- A stratified random sample of 185 OIG employees consisting of 39 Senior Executive Service (SES) employees and 146 non-SES OIG employees, from OIGs with an acting IG in place for over 365 days from fiscal years 2014 through 2016. We used both multiple choice questions and open-ended questions to obtain the employee views about challenges related to working under an acting IG as compared to a permanent IG. The web-based survey was administered from September 11, 2017, through September 29, 2017. We had a weighted survey response rate of 71 percent; 133 of the sample of 185 employees completed the survey.

Because we followed a probability procedure based on random selections, our OIG employee sample is only one of a large number of samples that we might have drawn. Since each sample could have provided different estimates, we express our confidence in the precision of our particular sample's results as a 95 percent confidence interval (e.g., plus or minus 10 percentage points). This is the interval that would contain the actual population value for 95 percent of the samples we could have drawn. Confidence intervals are provided along with each sample estimate in the report. Estimates from the employee survey are generalizable to the population of employees from OIGs that had an acting IG in place for over 365 days from fiscal years 2014 through 2016. To minimize nonsampling errors, and to enhance data quality, we employed recognized survey design practices in the development of the questionnaire and in the collection, processing, and analysis of the survey data. To minimize errors arising from differences in how questions might be interpreted and to reduce variability in responses that should be qualitatively the same, we conducted pretests with permanent IGs, acting IGs, and employees.

To ensure that we obtained a variety of perspectives on our survey questions, we randomly selected three permanent IGs, two acting IGs, and two employees for the pretests. Based on their feedback, we revised

each survey in order to improve the clarity of the questions. An independent survey specialist within GAO also reviewed a draft of each survey prior to its administration. To reduce nonresponse, another source of nonsampling error, we followed up by e-mail or phone with the IGs, acting IGs, and employees who had not responded to encourage them to complete the survey.

We did not survey a total of 10 IG Act OIGs. Nine OIGs were not surveyed because there was no permanent IG in position or the acting IG at the time of our survey did not meet our criteria of serving for more than 365 days from fiscal year 2014 through 2016. Those OIGs were at the U.S. Postal Service, Social Security Administration, Small Business Administration, Office of Personnel Management, National Security Agency, Federal Election Commission, Department of Housing and Urban Development, Department of Energy, and Department of Defense. In addition, one OIG, the National Reconnaissance Office, was not surveyed because of concerns regarding sensitive personally identifiable information.

We also performed a two-step content analysis on the open-ended survey responses to summarize key ideas. In the first step, analysts read the respondents' comments and jointly developed categories for them. In the second step, each open-ended response was coded by one analyst, and then those codes were verified by another analyst. Any coding discrepancies were resolved by the analysts discussing the comments and then agreeing on the code. In some cases, we edited responses for clarity or grammar. Views expressed in the open-ended questions may not be representative of all acting IGs, permanent IGs, or employees on given topics. We did not assess the merits of the individual comments or suggestions provided in response to the open-ended survey questions.

We conducted this performance audit from February 2017 to March 2018 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Comments from the Council of the Inspectors General on Integrity and Efficiency



February 15, 2018

Ms. Beryl H. Davis
Director
Financial Management and Assurance
U.S. Government Accountability Office

Dear Ms. Davis:

Thank you for the opportunity to review and comment on the Government Accountability Office's draft report titled, "Inspectors General – Information on Vacancies and IG Community Views on their Impact." We appreciate the review and analysis efforts your office conducted for purposes of this report.

We note that the draft report does not include information relating to the Central Intelligence Agency (CIA) IG and the Intelligence Community IG. The IG Empowerment Act of 2016 did not indicate that the IG vacancies report was to be limited to IG positions created by the IG Act of 1978, as amended. Therefore, although the CIA IG and the Intelligence Community IG were established through another statute, CIGIE suggests considering inclusion of these IGs in the draft report since both IGs are Presidentially appointed and Senate confirmed (PAS) IGs. Or, at a minimum, acknowledge both IG positions in the report because they are PAS IGs, one of which has been vacant for over 3 years – CIA IG.

In addition to the above suggestion, earlier we provided your office with our technical comments for your consideration and inclusion in the report.

If you have any questions or would like to discuss further, please contact Mark Jones, Executive Director, CIGIE, at (202) 292-2600 or via email at mark.jones@cigie.gov.

Again, thank you for the opportunity to review and comment on the above referenced report.

Sincerely,

Michael E. Horowitz
Chairperson

Appendix III: Comments from the National Credit Union Administration Office of Inspector General



National Credit Union Administration

Office of Inspector General

February 1, 2018

SENT BY E-MAIL

Beryl H. Davis
Director, Financial Management and Assurance
U.S. Government Accountability Office
441 G Street, NW
Washington, D.C. 20548
DavisBH@gao.gov

Dear Ms. Davis:

We have reviewed GAO's draft report entitled INSPECTORS GENERAL: Information on Vacancies and IG Community Views on their Impact (GAO-18-270). Your report focused on the 10-year period covering fiscal years 2007 through 2016, and noted that 53 of the 64 IG Act OIGs experienced one or more periods of IG vacancy. We would note that the National Credit Union Administration Office of Inspector General did not have a vacancy during this 10-year period. However, we agree that looking at this area to reduce IG vacancies is an important endeavor. We also agree with your conclusions with regard to independence, your report found that while the majority who responded to your survey did not think that acting IGs are inherently less independent, they did indicate by a similar majority that an acting IG is less independent in appearance than a permanent IG.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "J. W. Hagen".

James W. Hagen
Inspector General

1775 Duke Street – Alexandria, VA 22314-6113 – 703-518-6350

Appendix IV: Comments from the U.S. Election Assistance Commission Office of Inspector General



U.S. ELECTION ASSISTANCE COMMISSION
1335 EAST-WEST HIGHWAY, SUITE 4300
SILVER SPRING, MD 20910
OFFICE OF THE INSPECTOR GENERAL

VIA ELECTRONIC MAIL

January 29, 2018

Beryl H. Davis, Director
Financial Management and Assurance
U. S. Government Accountability Office
441 G Street, NW, Room 5490
Washington, DC 20548

Re: GAO Report on IG Vacancies

Dear Ms. Davis:

Thank you for the opportunity to comment on the draft report, GAO-18-270, ***IG Vacancies and Views on Their Impact***. I concur with the facts presented as they pertain to the U.S. Election Assistance Commission, Office of Inspector General. I am confident your report will contribute greatly to improving the appointment processes for Inspectors General throughout the U. S. government.

Sincerely,

Patricia L. Layfield
Inspector General

Telephone: 301-734-3104

Fax: 301-734-3115
E-mail: eacoig@eac.gov

Toll free: 1-866-552-0004

Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

Beryl H. Davis, (202) 512-2623 or davisbh@gao.gov

Staff Acknowledgments

In addition to the contact named above, Elizabeth Martinez (Assistant Director), Carl Barden, Jason Kirwan, Christopher Klemmer, Jill Lacey, Won Lee, Yvonne Moss, and Lisa Rowland made key contributions to this report.

Appendix VI: Accessible Data

Data Tables

Data Table for Highlights Cumulative Duration of Inspector General Vacancies, Fiscal Years 2007 through 2016

	PAS IG offices	DFE IG offices
No vacancies	6	5
Less than 1 year	6	15
1-3 years	9	11
Over 3 years	11	1

Data table for Figure 1: Number of IG Act Inspector General Vacancies at Fiscal Year-End for Fiscal Years 2007 through 2016

Year	DFE	PAS
2007	3	3
2008	2	6
2009	3	8
2010	3	4
2011	1	6
2012	3	6
2013	2	6
2014	4	7
2015	0	7
2016	2	9

Data table for Figure 2: Cumulative Duration of IG Act Inspector General Vacancies for Fiscal Years 2007 through 2016

	PAS IG offices	DFE IG offices
No vacancies	6	5
Less than 1 year	6	15
1-3 years	9	11
Over 3 years	11	1

Data table for Figure 3: Presidentially Appointed, Senate Confirmed Inspector General Cumulative Vacancies of More Than 1 Year during Fiscal Years 2007 through 2016 at Offices of Inspector General Established by the IG Act

Agency	Number of vacancies
Department of State	5.71
Department of the Interior	4.75
Department of Labor	4.26
U.S. Agency for International Development	4.12
Department of Defense	4.05
Environmental Protection Agency	3.73
Federal Housing Finance Agency	3.34
Export-Import Bank	3.25
Federal Deposit Insurance Corporation	3.04
Corporation for National and Community Service	3.03
Department of Homeland Security	3.03
Department of Veterans Affairs	2.33
Department of Commerce	1.82
Department of Education	1.71
Department of the Treasury	1.29
General Services Administration	1.28
Department of Justice	1.21
National Reconnaissance Office	1.19
Department of Housing and Urban Development	1.17
Small Business Administration	1.14

Data table for Figure 4: Designated Federal Entity Inspector General Cumulative Vacancies of More Than 1 Year during Fiscal Years 2007 through 2016

Agency	Number of Vacancies
U.S. International Trade Commission	3.18
National Archives and Records Administration	2.52
Pension Benefit Guaranty Corporation	2.19
National Endowment for the Humanities	1.88
Federal Communications Commission	1.61
Denali Commission	1.58
Equal Employment Opportunity Commission	1.47
Securities and Exchange Commission	1.42
Federal Maritime Commission	1.32

Agency	Number of Vacancies
Smithsonian Institution	1.31
National Endowment for the Arts	1.03
Federal Trade Commission	1.02

Data table for Figure 5: Views of OIG Employees Who Worked under Acting Inspectors General on the Ability to Plan and Conduct Work in Offices with Acting Inspectors General

	Affect	Upper bound	Estimate	Lower bound
Timely completion of reports and other OIG work products	No impact	62.5	53.0	44.1
Timely completion of reports and other OIG work products	Positive impact	20.9	13.0	7.8
Timely completion of reports and other OIG work products	Negative impact	32.4	24.0	16.4
Timely completion of reports and other OIG work products	No basis for judgment	14.8	8.0	4.0
Conducting work in accordance with professional standards guidance	No impact	77.2	69.0	60.5
Conducting work in accordance with professional standards guidance	Positive impact	14.2	11.0	4.4
Conducting work in accordance with professional standards guidance	Negative impact	14.2	8.0	4.4
Conducting work in accordance with professional standards guidance	No basis for judgment	17.0	10.0	5.3
Issuing high-visibility or high-risk reports	No impact	62.5	53.0	44.3
Issuing high-visibility or high-risk reports	Positive impact	18.5	11.0	5.8
Issuing high-visibility or high-risk reports	Negative impact	28.2	20.0	13.7
Issuing high-visibility or high-risk reports	No basis for judgment	22.2	14.0	8.6
Addressing high-risk and high-priority issues	No impact	65.8	57.0	47.6
Addressing high-risk and high-priority issues	Positive impact	12.1	6.0	2.3
Addressing high-risk and high-priority issues	Negative impact	30.7	22.0	14.8
Addressing high-risk and high-priority issues	No basis for judgment	19.6	12.0	7.1
Processing OIG hotline complaints in accordance with established guidance	No impact	58.0	49.0	40.4
Processing OIG hotline complaints in accordance with established guidance	Positive impact	14.7	8.0	3.4
Processing OIG hotline complaints in accordance with established guidance	Negative impact	14.2	8.0	3.3
Processing OIG hotline complaints in accordance with established guidance	No basis for judgment	42.3	34.0	26.3

Data table for Figure 6: Views of Office of Inspector General Employees Who Worked under Acting Inspectors General on the Ability to Interact with Agency Management in Offices with Acting Inspectors General

	Effect	Upper bound	Estimate	Lower bound
Responsiveness from agency management	No impact	71.4	63.0	54.0
Responsiveness from agency management	Positive impact	16.2	9.0	4.7
Responsiveness from agency management	Negative impact	25.0	17.0	10.8
Responsiveness from agency management	No basis for judgment	17.0	10.0	5.4
Timely access to agency documentation	No impact	73.6	65.0	56.3
Timely access to agency documentation	Positive impact	12.9	7.0	2.8
Timely access to agency documentation	Negative impact	23.7	16.0	10.2
Timely access to agency documentation	No basis for judgment	19.6	12.0	6.9

Data table for Figure 7: Views of Office of Inspector General Employees Working under Acting Inspectors General on the Ability to Manage the Office of Inspector General and Personnel

	Effect	Upper bound	Estimate	Lower bound
Employee morale	No impact	52.9	44.0	35.1
Employee morale	Positive impact	16.9	10.0	5.3
Employee morale	Negative impact	43.9	36.0	27.2
Employee morale	No basis for judgment	15.6	9.0	4.1
Attract and retain qualified employees	No impact	54.9	46.0	37.1
Attract and retain qualified employees	Positive impact	12.8	7.0	2.8
Attract and retain qualified employees	Negative impact	31.0	23.0	15.7
Attract and retain qualified employees	No basis for judgment	32.6	24.0	16.3

Data table for Figure 8: Permanent Inspector General Views on Acting Inspector General Inherent Independence

Answer	Number of responses
Yes	13.0
No	30.0
No basis for judgment	6.0

Data table for Figure 9: Permanent Inspectors General Views on Acting Inspectors General Appearance of Independence

Answer	Number of responses
Yes	30.0
No	13.0
No basis for judgment	6.0

Data table for Figure 10: Office of Inspector General Employees' Views on Acting Inspector General Inherent Independence

Answer	Upper bound	Estimate	Lower bound
Yes	23.3	16.2	10.6
No	61.4	52.3	43.3
No basis for judgment	39.1	30.7	22.3
No response	3.8	0.8	0.0

Agency Comment Letters

Appendix II: Comments from the Council of the Inspectors General on Integrity and Efficiency

February 15, 2018

Ms. Beryl H. Davis Director

Financial Management and Assurance

U.S. Government Accountability Office

Dear Ms. Davis:

Thank you for the opportunity to review and comment on the Government Accountability Office's draft report titled, "Inspectors General – Information on Vacancies and IG Community Views on their Impact." We appreciate the review and analysis efforts your office conducted for purposes of this report.

We note that the draft report does not include information relating to the Central Intelligence Agency (CIA) IG and the Intelligence Community IG. The IG Empowerment Act of 2016 did not indicate that the IG vacancies report was to be limited to IG positions created by the IG Act of 1978, as amended. Therefore, although the CIA IG and the Intelligence Community IG were established through another statute, CIGIE suggests considering inclusion of these IGs in the draft report since both IGs are Presidentially appointed and Senate confirmed (PAS) IGs. Or, at a minimum, acknowledge both IG positions in the report because they are PAS IGs, one of which has been vacant for over 3 years – CIA IG.

In addition to the above suggestion, earlier we provided your office with our technical comments for your consideration and inclusion in the report.

If you have any questions or would like to discuss further, please contact Mark Jones, Executive Director, CIGIE, at (202) 292-2600 or via email at mark.jones@cigie.gov.

Again, thank you for the opportunity to review and comment on the above referenced report. Sincerely,

Michael E. Horowitz

Chairperson

Text of Appendix III: Comments from the National Credit Union Administration Office of Inspector General

Beryl H. Davis

Director, Financial Management and Assurance

U.S. Government Accountability Office 441 G Street, NW

Washington, D.C. 20548 DavisBH@gao.gov

Dear Ms. Davis:

We have reviewed GAO's draft report entitled INSPECTORS GENERAL: Information on Vacancies and IG Community Views on their Impact (GAO-18-270). Your report focused on the 10-year period covering fiscal years 2007 through 2016, and noted that 53 of the 64 IG Act OIGs experienced one or more periods of IG vacancy. We would note that the National Credit Union Administration Office of Inspector General did not have a vacancy during this 10-year period. However, we agree that looking at this area to reduce IG vacancies is an important endeavor. We also agree with your conclusions with regard to independence, your report found that while the majority who responded to your survey did not think that acting IGs are inherently less independent, they did indicate by a similar majority that an acting IG is less independent in appearance than a permanent IG.

Thank you for the opportunity to comment.

Sincerely,

James W. Hagen

Inspector General

Text of Appendix IV: Comments from the U.S. Election Assistance Commission Office of Inspector General

January 29, 2018

Beryl H. Davis, Director

Financial Management and Assurance

U. S. Government Accountability Office 441 G Street, NW, Room 5490
Washington, DC 20548

Re: GAO Report on IG Vacancies

Dear Ms. Davis:

Thank you for the opportunity to comment on the draft report, GAO-18-270, IG Vacancies and their impact.

I concur with the facts presented as they pertain to the U.S. Election Assistance Commission, Office of Inspector General. I am confident your report will contribute greatly to improving the appointment processes for Inspectors General throughout the U. S. government.

Sincerely,

Patricia L. Layfield

Inspector General

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