



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

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MEMORANDUM FOR: All Inspectors General

FROM: Allison C. Lerner *Allison C. Lerner*
Chair

SUBJECT: Results of CIGIE Review of OIG Cooperation Memoranda

One of the best ways to foster a strong, productive relationship between an agency and its Office of Inspector General is to have the agency head make a statement to all agency staff about the importance of cooperating with the OIG. By setting the tone at the top, such statements facilitate interactions between agency and OIG staff and, while they do not eliminate all problems, they make it easier to resolve problems that do arise.

As part of CIGIE's efforts to strengthen OIGs' independence, Mark and I asked a team to examine these statements and identify elements found in the strongest versions. The team that conducted this review surveyed all current inspectors general this spring to determine whether leadership of the agencies they oversee periodically communicate with their workforce on OIG cooperation and access issues. They requested examples of agency communications from OIGs and analyzed the responsive documents to identify effective approaches for such communications. The attached report sets forth their findings, including elements they identified in the strongest statements. The team also developed the attached template, which reflects the recommended approaches and should inform the types of information agencies include in their communications on OIG cooperation and access.

For OIGs whose agency heads have not made such a statement, this report provides an excellent basis for opening conversations about the value and importance of such a document. The template provides a framework that, if followed, will ensure the strength of the resulting statement. OIGs at agencies that already have a cooperation memorandum in place can use the report and template to identify opportunities to make that statement more robust.

None of this would have been possible without the hard work of the volunteers who came together to create these products: [REDACTED] (Interior OIG), [REDACTED] (State OIG), [REDACTED] (State OIG), [REDACTED] (State OIG) and [REDACTED] (Interior OIG). Thanks to all of them for being willing to tackle this important project on top of their day jobs—we all stand to gain from their efforts!

Recommended Approaches for Agency Communications on OIG Cooperation and Access

Executive Summary

In March 2021, the Council of the Inspectors General on Integrity and Efficiency (CIGIE) assessed communications from agency leaders on issues of OIG cooperation and access.¹ CIGIE's goal in this effort was twofold: to gather information that would assist OIGs seeking to have their agencies make such statements and to provide useful information about those statements to leadership in the Office of Management and Budget as it worked to prepare a letter to Federal Departments and agencies on OIG cooperation issues. CIGIE surveyed all inspectors general to determine whether current or past leadership of the agencies they oversee had communicated with their workforce on OIG cooperation and access issues. CIGIE requested examples of such communications and analyzed the responsive documents to identify common themes and recommended approaches for such agency communications. As described below, CIGIE found that the most effective examples of agency leadership communications included several key elements. The most effective communications were also sent directly by the agency head—in some cases jointly with the inspector general—and were refreshed on a regular basis. CIGIE developed a template, which incorporates these recommended approaches and should inform the types of information agencies include in their communications on OIG cooperation and access.

Background and Methodology

In March 2021, CIGIE surveyed all 75 inspectors general that comprise CIGIE's membership to determine whether leadership of the agencies they oversee periodically communicate with their workforce on the requirement to cooperate with OIG and provide access to information requested by OIG. Inspectors general were asked to specify whether such leadership communications had occurred and, if so, to provide copies. CIGIE received responses from 52 of the inspectors general, a 69.3 percent response rate. CIGIE tabulated the responses and analyzed all leadership messages to identify recommended approaches for agency communications on OIG cooperation and access. The results of this analysis are presented below.

Approximately Half of Inspectors General Report No Agency Leadership Communications

Approximately half of inspectors general who responded to CIGIE's request for information reported that their agency² leadership had not communicated directly with their workforce on issues of OIG cooperation and access. Specifically, 25 of responding inspectors general stated that the agency they oversee had issued a leadership communication related to OIG cooperation and access.³ CIGIE found

¹ The Inspector General Act of 1978, as amended, authorizes inspectors general to have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available to the applicable establishment which relate to the programs and operations with respect to which that Inspector General has responsibilities. See 5 U.S.C. app. 3 § 6(a)(1)(A).

² Several inspectors general are charged with providing oversight of multiple Federal agencies. When CIGIE analyzed responses received from these inspectors general, most focused on the principal agency over which the inspector general had jurisdiction.

³ In response to CIGIE's request, some inspectors general stated that their agency's communication on issues of OIG cooperation and access consisted only of agency directives and policies. While this material was in some cases shared with the agency's workforce, it was typically done without comment by or endorsement from agency leadership.

that establishment inspectors general⁴ were more likely than their peers at designated Federal entities or at other OIGs⁵ to report that agency leadership had communicated on OIG cooperation and access issues. Specifically, 14 of 26 of responding establishment inspectors general provided CIGIE a responsive agency communication compared to 11 of 26 responding inspectors general from designated Federal entities and other OIGs.

Some Communications Were Dated, Did Not Address OIG Cooperation and Access

In cases where agency messaging on OIG cooperation and access did exist, it was sometimes several years old. In other cases, the messages did not fully address OIG cooperation and access issues. Of the 25 agency leadership messages reviewed by CIGIE, seven dated to 2017 or earlier; four of these dated to 2015 or earlier. In addition, 3 of the 25 communications did not clearly specify the date they were transmitted. Finally, several communications focused on important but narrow issues pertaining to inspectors general but did not directly address broader questions of OIG cooperation and access. For example, some communications were limited to the topic of whistleblower protections.

Table 1: Key Elements for Agency Communications on OIG Cooperation and Access

Key Element Description	Number of Communications Addressing Key Element	Percentage of Communications Addressing Key Element
Sent by agency head?	23	92%
Specifies duty to cooperate with OIG?	23	92%
Addresses OIG access?	21	84%
Cites applicable agency management directive or policy?	13	52%
Addresses whistleblower protections?	11	44%
Provides instructions for contacting OIG?	10	40%
Identifies statutory basis for OIG coverage of the agency?	9	36%
Addresses special information handling considerations?	8	32%
Message sent jointly with the inspector general?	6	24%
Details agency-specific examples of information that should be reported to OIG?	1	4%

Review Indicates Recommended Approaches for Agency Communications

⁴ The Inspector General Act of 1978 created inspectors general in a limited number of executive branch agencies, known as “establishments.” Subsequent amendments have increased the number of establishment inspectors general. Establishment inspectors general are nominated by the President and confirmed by the U.S. Senate. See the appendix for a list of inspectors general, including the 32 establishment inspectors general.

⁵ In addition to establishment inspectors general, the Inspector General Act Amendments of 1988 created inspectors general at other designated Federal entities. Currently numbering 33, inspectors general at designated Federal entities are appointed by the agency head. In addition, 10 inspectors general were established pursuant to other statutes; these statutes may incorporate some, but not necessarily all, of the provisions of the Inspector General Act. Like establishment inspectors general, some of these inspectors general are nominated by the President and confirmed by the Senate. For purposes of this analysis, we have grouped designated Federal entities and other OIGs into a single category. See appendix for more information.

CIGIE reviewed each of the 25 agency communications to determine the extent to which they covered core authorities and responsibilities relating to OIG cooperation and access, as outlined in the Inspector General Act of 1978, as amended. The team also utilized professional judgment to identify other approaches that could qualify as recommended approaches for such communications. As shown in Table 1, above, CIGIE's analysis of the documents identified several commonalities among the communications. For example, 92 percent of the responsive communications (23 of 25) reviewed by CIGIE stated that agency staff had a duty to cooperate with OIG. Similarly, 84 percent of communications (21 of 25) emphasized the importance of facilitating timely OIG access to documents and personnel, as required under the Inspector General Act of 1978, as amended, and 52 percent (13 of 25) cited an applicable agency management directive or policy requiring cooperation with OIG. Although agency communications were most frequently sent by the agency head, CIGIE identified 2 of 25 communications that were transmitted by another senior agency official. Of note, 24 percent of communications reviewed (6 of 25) were sent jointly by the agency head and the inspector general.

CIGIE found that some of the communications included additional elements that, while less common in the documents received, may also represent a helpful consideration for such agency communications. For example, 40 percent of communications (10 of 25) provided clear and specific instructions on how agency staff could report issues to OIG, and 44 percent of communications (11 of 25) addressed whistleblower protections. Finally, approximately a third of the communications (8 of 25) addressed special information handling considerations such as privileged or classified information and 1 communication provided agency-specific examples of issues that should be reported to OIG. CIGIE observed that inspectors general used differing approaches on issues related to privileged information. For example, in some cases, memos explicitly stated that providing information to OIG does not waive privileges that the agency may attach to the information.

Summary: Recommendations for Agency Communications on OIG Cooperation and Access

Based on the analysis described above, CIGIE concluded that the most effective agency leadership communications contained several key elements. These documents:

- Clearly affirm the duty of agency personnel to cooperate with OIG;
- Outline the legal bases for OIG's authority to review agency programs and operations, including the Inspector General Act of 1978, as amended, which requires OIG's timely access to all agency records;
- Stress the independence of OIG;
- Address whistleblower protections, OIG's commitment to confidentiality, and state that supervisors cannot prevent or retaliate against employees who report concerns or otherwise cooperate with OIG;
- Describe the categories of information that should be reported to OIG; and
- Provide clear guidance to agency employees on how they can report suspected instances of waste, fraud, and abuse.

Another recommended approach is, if possible, to have the communication sent directly by the agency head, as doing so conveyed full organizational commitment to cooperation with OIG. Those communications that tied OIG work directly to the agency's mission were especially effective. It may also be valuable to have the communications sent jointly by the agency head and inspector general. CIGIE also suggests that such communications be issued on a regular basis, which, depending on the

needs of a particular agency, could be at a specific duration (such as annually) or tied to specific events. For example, the arrival of a new agency head or inspector general presents a natural opportunity to refresh such communications. Even without such changes, consistent reminders of the need for cooperation can reinforce the importance of this relationship and can allow agency and OIG leadership alike to address changing circumstances or specific issues that may arise.

Template for Agency Communications

CIGIE developed a template, which incorporates recommended approaches for leadership communication on OIG cooperation and access. The template aims to inform the types of information agencies may wish to include in such communications. CIGIE anticipates that the message style and content will be adapted to reflect the distinct mission and organizational culture of each agency.

Appendix
Establishment OIGs

1. Agency for International Development
2. Corporation for National and Community Service
3. Department of Agriculture
4. Department of Commerce
5. Department of Defense
6. Department of Education
7. Department of Energy
8. Department of Health and Human Services
9. Department of Homeland Security
10. Department of Housing and Urban Development
11. Department of the Interior
12. Department of Justice
13. Department of Labor
14. Department of State and U.S. Agency for Global Media
15. Department of Transportation
16. Department of the Treasury
17. Department of Veterans Affairs
18. Environmental Protection Agency and the Chemical Safety and Hazard Investigation Board
19. Export-Import Bank of the United States
20. Federal Deposit Insurance Corporation
21. Federal Housing Finance Agency
22. General Services Administration
23. National Aeronautics and Space Administration
24. National Reconnaissance Office
25. National Security Agency
26. Office of Personnel Management
27. Small Business Administration
28. Social Security Administration
29. Tennessee Valley Authority
30. Treasury Inspector General for Tax Administration
31. U.S. Nuclear Regulatory Commission
32. U.S. Railroad Retirement Board

OIGs in Designated Federal Entities and Other OIGs

1. Amtrak
2. Appalachian Regional Commission
3. Architect of the Capitol
4. Board of Governors of the Federal Reserve System and Consumer Financial Protection Bureau
5. Central Intelligence Agency
6. Committee for Purchase from People Who Are Blind or Severely Disabled
(AbilityOne Program)
7. Commodity Futures Trading Commission
8. Consumer Product Safety Commission

9. Corporation for Public Broadcasting
10. Defense Intelligence Agency
11. Denali Commission
12. Election Assistance Commission
13. Equal Employment Opportunity Commission
14. Farm Credit Administration
15. Federal Communications Commission
16. Federal Election Commission
17. Federal Labor Relations Authority
18. Federal Maritime Commission
19. Federal Trade Commission
20. Government Accountability Office
21. Government Publishing Office
22. Intelligence Community Inspector General
23. Legal Services Corporation
24. Library of Congress
25. National Archives and Records Administration
26. National Credit Union Administration
27. National Endowment for the Arts
28. National Endowment for the Humanities
29. National Geospatial-Intelligence Agency
30. National Labor Relations Board
31. National Science Foundation
32. Peace Corps
33. Pension Benefit Guaranty Corporation
34. Postal Regulatory Commission
35. Smithsonian Institution
36. Special Inspector General for Afghanistan Reconstruction
37. Special Inspector General For Pandemic Recovery
38. Special Inspector General for Troubled Asset Relief Program]
39. U.S. Capitol Police
40. U.S. International Development Finance Corporation
41. U.S. International Trade Commission
42. U.S. Postal Service
43. U.S. Securities and Exchange Commission

Template for Agency Communications on OIG Cooperation and Access

CIGIE reviewed examples of agency leadership communication to staff on the importance of providing OIG full cooperation and access. The following template is based on approaches to such messaging, as identified during CIGIE's review. While message style and content may vary based on the distinct missions and organizational cultures of each agency, CIGIE noted that the best examples generally covered several key elements (highlighted in boldface, below). CIGIE recommends that agency communications on this topic come directly from the agency head or jointly from the agency head and inspector general. CIGIE also suggests that such communications be issued on a regular basis, which, depending on the needs of a particular agency, could be at a specific duration (such as annually) or tied to specific events.

The Office of Inspector General (OIG) **plays a critical role in fulfilling our agency's mission**. OIG is a valued partner in pursuing economy, efficiency, and effectiveness in agency programs and operations and helps prevent and detect waste, fraud, abuse, and mismanagement.

OIG serves an important and **independent oversight role** through its audits, reviews, evaluations, and investigations, and OIG routinely needs information from agency personnel to fulfill its obligations. OIG audits, reviews, evaluations, and inspections help identify ways to improve the agency's work. OIG also promotes accountability by investigating possible wrongdoing in connection with agency programs, operations, and personnel. OIG's **independent yet complementary functions** help ensure the integrity of our agency's work. These functions matter, in part, because they show the public, which we all serve, that the agency is a proper steward—guarding both public resources and the public trust.

Under the terms of [The Inspector General Act of 1978 \(the IG Act\)](#), as amended, the agency and its employees have a **duty to cooperate with OIG**. One important aspect of cooperation is **providing information and assistance in a timely manner**. Among other provisions, the IG Act authorizes "the Inspector General to have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the agency relating to its programs and operations." More broadly, the IG Act authorizes OIG to request any information or assistance necessary to carry out its duties, which may include access to employees, facilities, systems, and equipment.

[If applicable, cite agency policy outlining a duty to cooperate with OIG, management's responsibility to ensure cooperation, and potential discipline for failure to cooperate.]

OIG is also entitled to **information that may be classified, privileged, confidential, or otherwise exempt from disclosure under the law**, such as the Freedom of Information Act or the Privacy Act. OIG will treat such information in accordance with applicable statutes and regulations. Providing such information to OIG does not waive any privileges that the agency may attach to the information.

OIG itself also has important obligations. In conducting its work, OIG will maintain employee **confidentiality** when requested, to the extent possible and consistent with OIG's legal obligations. OIG will also make best efforts to coordinate with managers and supervisors to avoid disruption, respect

segregated sensitive materials, and comport with all other responsibilities under applicable law and agency policies.

Finally, it is against the law and agency policy to **retaliate against employees** who provide information or report allegations of waste, fraud, and abuse to OIG. OIG also has a role in **protecting whistleblowers**, and agency employees may contact the OIG whistleblower coordinator to learn about their rights at [include contact info, including any specific COVID-19 protocols].

If you have questions about your obligations to cooperate with requests of OIG or regarding OIG's legal authority, you may contact [insert here the appropriate agency points of contact for these questions].

How to report: Employees always have a right to communicate directly with OIG. You do not need permission from anyone. [Insert here agency contact information, as applicable, for OIG **Hotline** number, OIG website, etc.] You also have important whistleblower rights and protections. [Insert here contact information for the appropriate OIG point of contact for whistleblower protection issues] is available to discuss protections against retaliation and how to make a protected disclosure.