

CONGRESSIONAL RELATIONS HANDBOOK



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

JANUARY 2015

TABLE OF CONTENTS

Page Number

Introduction	1
Congress	3
The Inspector General Act of 1978, as Amended	4
Keeping Congress Fully and Currently Informed Report on Serious or Flagrant Problems	
Office of Management and Budget: Congressional Guidance	6
The President’s Budget OMB Circular A-19: Legislation Coordination and Clearance	
Legal and Privacy Considerations for Congressional Relations	8
Lobbying with Appropriated Moneys Act The Privacy Act of 1974 Freedom of Information Act	
Congressional Relations	11
Policy Considerations Regarding Audits, Evaluations, Inspections or Other Reviews Regarding an Investigation Legislative Mandated Reviews Congressional Hearings Questions for the Congressional Record and Hearing Transcripts Congressional Meetings and Briefings Correspondence	
Other Considerations	16
The Hatch Act Social Media	
Appendices	18
Appendix A – Legislation Committee Appendix B - Congressional Relations Resources Appendix C – Forms of Address	

This Page is Intentionally Blank

INTRODUCTION

The Council of the Inspectors General on Integrity and Efficiency (CIGIE) is publishing this document to aid its members in meeting Congressional reporting responsibilities set forth in the Inspector General Act of 1978, as amended (IG Act). CIGIE members are frequently invited to provide Congressional testimony on matters ranging from budgetary issues to efficiency and effectiveness of Inspector General (IG) oversight. Members of Congress seeking awareness of allegations of wrongdoing or indications of fraud, waste, or abuse look to IGs to serve as an alarm system. Recognizing that members of the OIG community are widely diverse in their missions, authorities, staffing levels, funding, and day-to-day operations, this handbook offers relevant and sufficiently broad approaches for IGs to consider when keeping Congress currently and fully informed and, most importantly, maintaining and strengthening their offices' relationship with Congress.

The IG Act established a unique relationship between IGs and Congress, whereby IGs are required to report both to the head of their respective agencies and to Congress. The IGs' semiannual reports to Congress, which summarize noteworthy activity and management action on significant IG recommendations, are examples of this dual reporting responsibility, as are the testimonies and briefings on various matters that IGs provide to Congress. This unique Congressional reporting relationship provides the legislative safety net that helps protect IG independence and objectivity.

In addition to IGs' statutory obligations, establishing effective working relationships with Members of Congress and their staff is a vital component of Congressional relations. An evenhanded approach is deemed most effective in cultivating these relationships, whereby balanced, bipartisan engagement practices are employed. Such practices also will reinforce the independence of IGs and sustain credibility in fulfilling Congressional reporting requirements. Moreover, engaging Congressional stakeholders early and often promotes meaningful and mutually beneficial dialogue.

The Legislation Committee ensures that CIGIE is kept abreast of Congressional matters of interest to the community. The Legislation Committee develops, coordinates, and officially represents the IG community's positions on legislative issues. Similarly, IGs across the community employ various approaches to meet their Congressional reporting obligations and to keep Congress fully and currently informed of fraud and other serious problems, abuses, and deficiencies relating to the administration of the agency programs and operations within their jurisdiction.

The CIGIE Legislation Committee is responsible for providing regular and ongoing communication regarding legislative issues and other matters of common interest between Congress and CIGIE. Although the Legislation Committee is a resource for CIGIE members, the Committee does not act as a substitute for individual Congressional relations functions of an OIG. Specifically, the Committee is dedicated to providing helpful and timely information about Congressional initiatives to the IG community; soliciting the views

and concerns of the community in response to legislative initiatives and Congressional requests; and presenting the IG community's views and recommendations to Congressional committees and staff, the Government Accountability Office (GAO), and the Office of Management and Budget (OMB) on issues and legislation that broadly affect the IG community. Additional information on the role and objectives of the Legislation Committee is found in Appendix A.

CONGRESS

There is a wealth of information publicly available about the role and composition of Congress and its operations. One particularly useful source is “[How Our Laws Are Made](#),” published by the U.S. House of Representatives pursuant to H. Con. Res 190 (July 25, 2007). This and other documents may be consulted by Office of Inspector General (OIG) staff responsible for Congressional relations to familiarize themselves with the legislative branch. Although not exhaustive or endorsed, examples of popular resources used by Congressional relations personnel are contained in Appendix B. These resources explain Congressional procedures and discuss strategies for engaging Members of Congress and staff in their varying roles in the legislative process. For IGs, resources that focus on providing testimony before Congress may be particularly insightful.

In their Congressional outreach efforts, IGs should be aware of the distinct roles and responsibilities of Congressional committees—most notably, oversight, authorizing, and appropriation committees. General authorities and requirements for OIGs fall within the jurisdiction of the Committee on Homeland Security and Governmental Affairs in the U.S. Senate and the Committee on Oversight and Government Reform in the U.S. House of Representatives. In addition, all IGs should identify the committees in both chambers responsible for authorizing and appropriating funds for their respective agency operations. At the start of each Congress, both chambers pass a rules measure that sets forth the committee structure with jurisdictional boundaries. Operating rules also are established within the committees, which are important to be aware of when engaging key authorizing and appropriation committees for your office.

After Congress establishes its committee structure, the majority and minority parties follow their respective procedures to staff the committees with their Members and then identify committee leaders, who are generally known as the Chairman for the majority party and the Ranking Member for the minority party. These distinctions are relevant principally for responding to formal information requests from Congress, which is discussed in the section titled [Legal and Privacy Considerations for Congressional Relations](#).

THE IG ACT

The IG Act establishes the duties and responsibilities of an IG. Among these duties and responsibilities are the following Congressional reporting requirements.

Keeping Congress Fully and Currently Informed

Section 4(a)(5) of the IG Act is the guiding statutory provision for IGs' relationship with Congress. This subsection requires that IGs keep Congress "fully and currently informed, by means of the reports required by section 5 [of the IG Act] and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by such establishment, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action."

OIGs have a variety of mandates to and optional means of keeping Congress fully and currently informed:

- semi-annual reports to Congress
- annual reports on the most serious management and performance challenges
- Congressional testimonies and briefings
- Congressional correspondence
- publicly posting audits, inspections, evaluations and other reviews on websites¹
- news releases
- notification services
- social media
- OIG work plans
- providing technical assistance on legislative proposals
- offering legislative proposals to prevent and detect fraud, waste, and abuse

Report on Serious or Flagrant Problems

Although the semiannual report and Congressional testimony are routine forms of reporting to Congress, IGs also should be attentive to other non-regular reporting responsibilities required by the IG Act. Section 5(d) of the IG Act requires IGs to report to the head of the agency/establishment particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations, and that the head of the agency/establishment transmit this report to appropriate committees or subcommittees of the Congress within seven calendar days. This reporting requirement is known throughout the IG community as the "7-day letter."

IGs exercise broad discretion in carrying out this statutory responsibility. IGs must determine what constitutes a serious or flagrant problem, abuse, or deficiency, not the

¹ 5 U.S.C. app. 3 § 8M. *Information on websites of Offices of Inspectors General.*

agency head or other official. Historically, IGs have exercised their discretion to issue reports pursuant to Section 5(d) for only the most urgent matters. When Section 5(d) is implicated, the timely notification to Congress is made through the agency head, carrying forth the dual reporting responsibilities of IGs. However, also consider that there is nothing in the IG Act that precludes IGs from reporting directly to Congress pursuant to Section 4(a)(5).

Congress and taxpayers alike value the work of IGs. Our work is often the basis, or an important component, of Congressional oversight of the executive branch.

OFFICE OF MANAGEMENT AND BUDGET: CONGRESSIONAL GUIDANCE

OMB's core mission is to serve the President in implementing his vision across the Executive Branch.² To accomplish this, OMB is involved in myriad activities on behalf of the President, including: (1) developing and executing the budget; (2) overseeing agency performance, Federal procurement, financial management, information technology (IT); (3) coordinating and reviewing Federal regulations; (4) coordinating and clearing legislation; and, (5) issuing or preparing executive orders and presidential memoranda to agency heads and officials. OMB's deputy director for management is CIGIE's executive chair.

The President's Budget

Section 6(f) of the IG Act affords IGs a significant opportunity to exert independence within the budget process; however, IGs are also subject to OMB Circular A-11, "Preparation, Submission, and Execution of the Budget."³ Should an IG determine that the President's budget would substantially inhibit the affected IG from performing the duties of the office, the IG is afforded the statutory authority to make such comments to the President, and the President is obligated to include these comments in the President's budget submission to Congress.⁴

OMB Circular A-19: Legislation Coordination and Clearance

On September 20, 1979, OMB issued its revised Circular A-19. OMB Circular A-19 outlines procedures for how OMB coordinates and clears agency recommendations on proposed, pending, and enrolled legislation. It also includes instructions on the timing and preparation of agency legislative programs. OMB Memorandum M-13-12, dated April 15, 2013, reiterates the Administration's formal legislative coordination and clearance process.

OMB Circular A-19 was issued to heads of executive departments and establishments and serves as important guidance to covered departments' and establishments' Congressional relations.⁵ OMB performs legislative coordination and clearance functions to (1) assist the President in developing a position on legislation, (2) make known the Administration's position on legislation for agencies' guidance and Congress' information, (3) assure appropriate consideration of all affected agencies' views, and (4) assist the President with respect to action on enrolled bills.

² Some independent agencies have been granted statutory exemptions, either in whole or in part, from OMB's jurisdiction. As such, a small number of OIGs fall outside of OMB's jurisdiction.

³ OMB Circular A-11 recognizes the budget provisions of the IG Act [Section 6(f)], but all other deliberative budget information remains subject to the confidentiality provisions of the Circular, even after the President's Budget is submitted to Congress.

⁴ OMB budget guidance prohibits release of budget information prior to the President submitting the annual budget proposal to Congress.

⁵ See footnote 3.

It is important to note that Circular A-19 excepts agencies that are specifically required by law to transmit their legislative proposals, reports, or testimony to Congress without prior clearance. This exception includes OIGs as set forth in the IG Act's independent Congressional reporting provisions. OIGs, however, can request advice from OMB on particular legislation, reports, or testimony if it would be of assistance to the OIG.

LEGAL AND PRIVACY CONSIDERATIONS FOR CONGRESSIONAL RELATIONS

Each branch of Government is sensitive to the influence of a corresponding branch in the exercise of its separate powers. IGs must factor in statutory obligations, legal precedents, and policy guidance relative to meeting the information needs of Congress and preserving the OIG's ability to effectively carry out its mission. Key legal and privacy considerations are discussed below for IGs to consider in their Congressional relations.

Lobbying with Appropriated Moneys Act

In 1919, Congress passed the Lobbying with Appropriated Moneys Act to prohibit all lobbying by executive branch officials. This criminal statute is commonly called the Anti-Lobbying Act.⁶ The statute prohibits use of funds to influence or attempt to influence legislation, but permits executive branch officers and employees to communicate views to Congress at their request or through official channels. Similar restrictions have been enacted in appropriations bills.

The generally accepted view is that executive branch officials can give routine advice to and communicate with Congress. However, GAO has identified some specific practices as potentially violating the Act, including the temporary hiring of outside lobbying specialists, participation by agency officials in the fundraising activities of outside organizations that engage in Congressional lobbying, and offering political inducements to legislators for votes in support of the administration's program.⁷ A GAO study and Department of Justice, Office of Legal Counsel (DOJ OLC) opinions provide a redline for executive branch personnel to observe in liaising with Congress—namely avoiding grassroots lobbying. “By and large, the Act has been construed to apply only to efforts to orchestrate indirect—that is to say, grassroots—lobbying. In 1977, a [DOJ OLC] memorandum opined that “a campaign to contact a large group of citizens by means of a form letter prepared and signed by a [F]ederal official would be improper.”⁸

The Privacy Act of 1974

The Privacy Act is the primary law governing how the Federal Government collects, uses, maintains, and disseminates information about individuals. It protects records about individuals when such records are maintained in a system of records under the agency's

⁶ 18 U.S.C. § 1913.

⁷ Government Accountability Office, *No Strong Indication That Restrictions on Executive Branch Lobbying Should Be Expanded*, (20 March 1984), iii.

⁸ Lune, William V., Susman Thomas M., and Gordon, Rebecca H., ed., *The Lobbying Manual: A Complete Guide to Federal Lobbying Law and Practice*, 4th Edition. (Chicago: American Bar Association, 2009), 338. See also Government Accountability Office, *Department of Housing and Urban Development – Anti-Lobbying Provisions*, B-325248, September 9, 2014.

control and are retrieved from that system by name, social security number, or personal identifier assigned to the individual.⁹

With certain exceptions, the Privacy Act prohibits such records from being disclosed to any person or other agency without the written consent of the individual(s) to whom the records pertain.¹⁰

It is important to note that the Privacy Act permits disclosures “to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee.”¹¹ Written requests for information covered by the Privacy Act, which falls within this exception to the Privacy Act’s “no disclosure without consent rule,” should be honored. OMB’s Privacy Act implementation guidelines provide, however, that the Congressional exception does not authorize the disclosure of a Privacy Act-protected record to an individual Member of Congress acting on his or her own behalf without the consent of the individual.¹² According to an opinion of the DOJ OLC, committee or subcommittee chairs are appropriate requestors on behalf of the committee or subcommittee, but not a Ranking Member.¹³

Notwithstanding the above, disclosure may be proper, pursuant to an OIG routine use permitting disclosure to Members of Congress making inquiries on behalf of constituents. Routine uses must be contained within a System of Records Notice, which is published in the Federal Register.¹⁴

Freedom of Information Act (FOIA)

The FOIA provides individuals with a right, enforceable in court, to request and obtain access to Federal agency records, except to the extent that records or portions of records are protected from public disclosure by a statutory exemption or exclusion.

The FOIA specifically provides that none of its exemptions protecting information from disclosure to the public is authority to withhold such information from Congress.¹⁵ The DOJ’s *Guide to the Freedom of Information Act*, however, states that this “special access” provision applies only to official Congressional requests from a committee or subcommittee chair, not to inquiries from individual Members of Congress acting in their individual capacities.¹⁶ Nevertheless, DOJ guidance also recognizes that individual Members of Congress may have a variety of needs for requested information, “such as in

⁹ 5 U.S.C. § 552a.

¹⁰ 5 U.S.C. § 552a(b).

¹¹ 5 U.S.C. § 552a(b)(9).

¹² OMB Guidelines, 40 Fed. Reg. 28,948, 28,955 (July 9, 1975).

¹³ *Application of Privacy Act Congressional-Disclosure Exception to Disclosures to Ranking Minority Members*, Op. Off. Legal Counsel (Dec. 5, 2001), available at http://www.usdoj.gov/olc/2001/privacy_act_opinion.pdf.

¹⁴ U.S.C. § 552a(b)(3).

¹⁵ 5 U.S.C. § 552(d).

¹⁶ Department of Justice, Office of Information Policy, “Procedural Requirements,” *Guide to the Freedom of Information Act* 18, available at <http://www.justice.gov/oip/foia-guide13/procedural-requirements.pdf#p16>.

aid of a specific or general legislative function, [or] on behalf of a constituent.”¹⁷ Discretionary disclosure of exempt material in response to individual member requests should, therefore, be considered in appropriate circumstances -- namely, where the information is not covered by an exemption that “requires” withholding.¹⁸

Finally, Section 5(e)(3) of the IG Act provides that no provision of the IG Act shall be construed to authorize or permit the withholding of information from Congress, or from any committee or subcommittee thereof, except for information covered by section 6103(f) of the Internal Revenue Code (26 U.S.C. § 6103(f)). However, provisions of the IG Act, such as those that address complaints by employees and the responsibility for IGs not to disclose their identities, suggest that a compelling obligation must be present in order to disclose certain information.¹⁹ In these instances (and perhaps in other appropriate circumstances), OIGs may wish to consider alternative ways to accommodate Congressional requests for information needed to carry out official functions. Alternatives might include high level briefings, *in camera* inspection on agency premises, or redacted versions of requested documents, depending on the nature and sensitivity of the records requested.

¹⁷ *FOIA Update*, Vol. V, No. 1, available at http://www.justice.gov/oip/foia_updates/Vol_I_4/page1.htm.

¹⁸ Exemptions that require withholding include those designed to protect classified information (Exemption 1), commercial or financial information (Exemption 4), personal privacy (Exemptions 6 and 7(C)), and information covered by other statutes that limit disclosure (Exemption 3). By contrast, information falling within other exemptions -- such as Exemption 5 (which is often used to withhold predecisional-deliberative material) -- may be released discretionarily. DOJ FOIA Guide, “Discretionary Disclosure” 3, available at http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/12/08/discretionary_disclosure_sent_for_posting_december_5_2014.pdf

¹⁹ 5 U.S.C. app. § 7(b)

CONGRESSIONAL RELATIONS

Communication is a key factor for IGs to develop and to maintain effective working relationships with Congress. During the course of audits, evaluations, inspections, investigations, and other reviews, there may be opportunities to engage Members of Congress or their staffs and practical constraints that limit such engagements, as well. The typical engagements that IGs may experience in carrying out their mission and to develop and maintain an effective working relationship with Congress are considered below.

Policy Considerations

IGs have a statutory duty to conduct their audits in accordance with standards established by the Comptroller of the United States, which are set forth in the [Government Audit Standards](#), otherwise known as the “Yellow Book.”²⁰ The Yellow Book contains numerous references to the auditor’s communications with a legislative body and to factoring legislative needs into audit planning and scoping. In most instances, such communications also are included in reviews conducted in accordance with CIGIE’s *Quality Standards for Inspections and Evaluations*, otherwise known as the “Blue Book.” An OIG employee’s independence is a principal factor to be considered when exercising professional judgment relative to communications with Congress for ongoing audits and reviews. IGs are encouraged to develop a Congressional relations policy or procedure to safeguard this independence and to serve as a guide for OIG personnel to exercise their professional judgment on the appropriate forms of communication with legislative committees.

Some key areas to be considered when developing a Congressional relations policy or procedure are as follows:

- an evenhanded approach to Congressional relations.
- points-of-contact for Congressional interactions.
- routine Congressional outreach in audit, evaluation, inspection, or other review processes.
- guidelines for releasing information pertaining to audits, evaluations, inspections, or other reviews.
- guidelines for releasing information pertaining to criminal investigations in varying stages—open, pending, closed—to include necessary coordination with prosecuting attorneys.
- procedures for transmitting reports published pursuant to mandates set forth in the IG Act, to include reports of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of such establishment.

²⁰ 5 U.S.C. app. § 4. Duties and responsibilities; report of criminal violations to Attorney General

- procedures for preparing Congressional testimony, responses to questions for the Congressional Record, and correspondence.
- policies pertaining to social media or other proactive outreach initiatives.

Given the different responsibilities and perspectives that arise from separate but equal branches of government and the unique dual reporting role of IGs, matters of professional judgment are likely to be debated in context of Congressional inquiries related to ongoing reviews. Information or document requests from Congress that pertain to ongoing audits and reviews must be assessed in the context of the IG's duty to conduct audits and reviews in accordance with the *Yellow Book* and the *Blue Book*. An established Congressional relations policy and reasoned communications with Congress can promote mutual understanding of the report review processes and any consequences that may arise from premature disclosure.

OIGs should consider guidance on appropriate dialogue or responses to Congressional inquiries during key phases of their work processes. For example, an OIG may consider engaging their Congressional stakeholders in advance of developing their strategic work plan. Discerning Congressional interest and factoring it into risk-based planning or other planning models will assist OIGs in producing relevant work products. Such an understanding of Congressional interest also will assist an OIG in determining what, if any, additional steps the office may consider during a review to keep Congress fully and currently informed.

Regarding Audits, Evaluations, Inspections or Other Reviews

There are a variety of factors and concerns to be balanced when responding to Congressional inquiries regarding audits, evaluations, inspections, or other reviews. IGs must consider the legal and privacy considerations in responding to Congressional inquiries regarding audits or reviews. The nature of the request also has bearing when contemplating responses. For example, was the request made in writing? If so, was the request made on official letterhead and signed by the Member of Congress? Was the request from a single or multiple Members of Congress? Was the request from a committee of jurisdiction? If so, was the request made by the Chairman and/or the Ranking Member?

IGs should be aware that Congress regularly disputes claims of privilege as a basis for withholding information from Congress during the exercise of its constitutional powers. IGs should assess any privileges associated with responsive information. Source documents used as a basis for work papers are generally under the purview of the program office relative to disclosure. Disclosure of deliberative information, such as draft reports and work papers, prior to publication of the final report could result in significant independence concerns for an OIG.

Initiating a dialogue with the Congressional requestor is often beneficial in achieving a mutual understanding of the status or complexities in meeting the information need. Often times, the information need can be addressed in different manners. As such,

unnecessary and unproductive response delays can be avoided by engaging in a dialogue to determine how best to respond. For oversight matters involving OIGs, IGs should be aware that most Congressional committees are empowered with the Congress' subpoena authority, which may compel the production of information.

Regarding an Investigation

IGs are charged with conducting independent investigations arising from violations of law, rule, or regulation; mismanagement; gross waste of funds; abuse of authority; a substantial and specific danger to the public health and safety; or reprisal resulting from whistleblowing. In carrying out the duties and responsibilities, IGs shall report expeditiously to the Attorney General whenever the IG has reasonable grounds to believe there has been a violation of Federal criminal law. As such, IGs have a duty to protect the integrity of investigations in pursuit of justice for the taxpayer.

A common question concerns the point in which an OIG should generally inform Congress about the findings or results of an investigation. The timing of Congressional briefings about an investigation is dependent upon the particular investigation. While it is important to be mindful of an OIG's obligation under the IG Act to keep Congress informed of relevant issues, certain confidentiality requirements that pertain to investigative activities, such as the Grand Jury secrecy rules under Federal Rule of Criminal Procedure 6(e) and the Privacy Act, among other privacy and prosecutorial concerns, restrict OIGs from disclosing information.

The longstanding policy and practice of Federal law enforcement agencies has been not to disclose details on ongoing investigations, including the names of subjects of investigations. Disclosure of such information could seriously prejudice law enforcement efforts by alerting potential defendants to which potential witnesses and sources of information the Government has obtained. According to OLC, other concerns include the potential damage to law enforcement that would be caused by the revelation of sensitive techniques, methods, or strategy; concern over the safety of confidential informants and the chilling effect on other sources of information; sensitivity to the rights of innocent individuals who may be identified in law enforcement files but who may not be guilty of any violation of law; and well-founded fears that the perception of the integrity, impartiality, and fairness of the law enforcement process as a whole will be damaged if sensitive material is distributed beyond those persons necessarily involved in the investigation and prosecution process.²¹

While keeping Congress informed, OIGs must always be mindful of their responsibility to maintain the integrity of an ongoing investigation and should coordinate any disclosures with the prosecuting authority. When these investigations are completed with or without criminal charges, OIGs may be able to provide additional information.

²¹ Office of Legal Counsel, U.S. Department of Justice, *Congressional Requests for Information from Inspectors General Concerning Open Criminal Investigations*, 13 U.S. Op. Off. Legal Counsel 77 (March 24, 1989).

Legislative Mandated Reviews

OIGs are frequently directed to conduct specific audits and inspections through public laws. In many instances, these review mandates relate to a particular program under the jurisdiction of a single OIG. However, some legislatively-mandated work, such as reviews required by the Federal Information Security Management Act of 2002, or periodic reviews of Government purchase and travel cards, require all covered OIGs to conduct specific, mandated work.

OIGs have also been directed to conduct reviews through committee reports. Though not binding law, OIGs should take note of these directed reviews and take appropriate steps to meet Congress' information needs. Similarly, Chairman and Ranking Members of committees within a particular OIG's jurisdiction may request an OIG review of a particular program or operation of the agency. OIGs should balance their priorities and resources in meeting the information needs of these stakeholders, as deemed appropriate.

Congressional Hearings

Committees of Congress are authorized to convene Congressional hearings for a variety of purposes, including oversight, legislation, investigation, and confirmation. Congressional hearings are conducted pursuant to rules approved in the respective chamber and within the convening committee. Most committees are authorized to issue subpoenas to obtain information or testimony. IGs should consider each hearing invitation and take appropriate steps to meet the committee's information needs. Upon receiving an invitation or subpoena to appear before a committee to provide testimony, if a dialogue is not already ongoing, IGs should consider proactively contacting staff working for the committee to establish a dialogue and work to achieve a mutual understanding of testimony expectations. If not included in the invitation, IGs should seek out and follow any specific rules of the committee for submitting written statements for the record and opening remarks. For example, some committees have formatting and page limit requirements for written statements. Statements for the record often are required to be submitted to the committee at least 48 hours in advance of the hearing. It is noted that statements for the record prepared by an IG do not need to be cleared through OMB or through the IG's parent agency.

Questions for the Congressional Record and Hearing Transcripts

Committee chairmen frequently conclude hearings by "keeping the record open" for an established period of time. Committees may keep the hearing record open for the purpose of allowing Members to submit written questions to witnesses for responses that are submitted as if provided verbally during the hearing, known as "questions for the Congressional Record," or QFRs.

QFRs are an important component of Congressional oversight and are considered part of the witnesses' sworn testimony. As such, IGs are urged to take steps to provide

timely and accurate responses for inclusion in the permanent Congressional hearing record.

Witnesses that appear before Congressional committees are often afforded the opportunity to review the draft transcript of the proceedings. These hearing transcript pages are furnished so that witnesses may review their testimony and make necessary typographical and grammatical corrections. Other minor clarifying changes may be acceptable, provided that they do not change the context of the original testimony. Changes in substance are not permitted and excessive editing will often be ignored.

Congressional Meetings and Briefings

Meetings serve as a less formal means to engage Congress. Such engagements can establish shared expectations and achieve understanding of issues and decisions facing IGs. Having regular meetings with relevant appropriation and authorizing staff and Members for committees of jurisdiction can be an important component of keeping Congress currently and fully informed.

IGs and their staff are often requested or make requests to meet with Members of Congress or their various staff (personal staff or committee staff). It is important to note that such meetings are not compelled and the professional judgment of affected parties should guide such engagements. IGs should avoid any appearance of partisanship in such engagements. Bipartisan meetings and outreach is the most appropriate format for such OIG meetings. If a bipartisan meeting is not feasible, it is a best practice to ensure the Majority and Minority understand the willingness of the OIG to meet separately.

Correspondence

Congressional correspondence is any written communications sent to or received from Members of Congress, Congressional committees, staff members, and individuals and organizations whose correspondence has been forwarded by a Member of Congress for assistance in preparing a reply. IGs should strive to provide timely responses to Congressional correspondence. In instances where preparation of the Congressional response will exceed a reasonable period of time, IGs should consider response letters acknowledging receipt of the letter or provide an interim response. Initiating a dialogue with relevant Congressional staff is often beneficial in achieving a mutual understanding of the status or complexities in preparing for and meeting the information need. When correspondence is received from either a Chairman or Ranking Member of a Congressional committee, IGs should consider providing a copy of its response to both the Chairman and Ranking Member and make clear to the requestor that the OIG has copied the other party in its response. Suggested forms are addressed and found in Appendix C.

OTHER CONSIDERATIONS

IGs and their staff often have longstanding relationships with Congressional staff and Members due to frequent interaction in the course of business. IGs should be cognizant of and educate their staff on the restrictions against partisan activity embodied in the Hatch Act. Notwithstanding citizen rights, even the appearance of partisanship can provoke challenges that can impact the perception of independence. IGs also should consider the report produced by CIGIE's New Media Working Group, which contains suggested practices that OIGs may use as they consider implementing social media tools in furthering Congressional relations.

The Hatch Act

OIGs are often confronted with allegations pertaining to Federal employees who engage in improper political conduct. In 1939, Congress enacted the landmark legislation known as the Hatch Act that limits the political activities of Federal employees, employees of the District of Columbia, and certain employees of State and local governments. In passing the Hatch Act, Congress determined that partisan activity by these employees must be limited for public institutions to function fairly and effectively. Courts have held that the Hatch Act does not unconstitutionally infringe on employees' First Amendment right to freedom of speech because it specifically provides that employees retain the right to speak out on political subjects and candidates.

In October of 1993, legislation that substantially amended the Hatch Act was signed into law. The Hatch Act Reform Amendments of 1993 permit most Federal employees to take an active part in partisan political management and partisan political campaigns. While Federal employees are still prohibited from seeking public office in partisan elections, most employees are free to work, while off duty, on the partisan campaigns of candidates of their choice.²²

The U.S. Office of Special Counsel is a separate Federal Agency, serving as a dedicated and powerful enforcement mechanism to ensure Hatch Act compliance.²³

Social Media

In September 2011, CIGIE's New Media Working Group produced [*Recommended Practices for Offices of Inspectors General Use of New Media*](#). The report discusses current and prospective uses of new media tools in the OIG community and suggests practices that OIGs may use as they consider implementing social media tools. CIGIE endorsed the recommendations in the report, including establishing a permanent standing working group on emerging technologies and their impact on the OIG community, and issuing an educational guide on legal, privacy, and information security new media

²² Office of Special Counsel, *Political Activity and the Federal Employee* (booklet), Rev. December, 2005.

²³ Federal employees generally fall within two categories under the Hatch Act, Further Restricted and Less Restricted. For more information on Hatch restrictions visit <https://www.osc.gov/haFederalfaq.htm>

issues. IGs should review this report, as well as the September 2013 report entitled, [*New Media for Offices of Inspectors General: A Discussion of Legal, Privacy and Information Security Issues*](#), and any emerging guidance as they consider incorporating social media into Congressional relations policies and procedures. These reports are available on CIGIE's website, www.ignet.gov.

Appendix A – Legislation Committee

The Legislation Committee will, in a professional, proactive, and efficient manner, strive to advance the following objectives:

1. Foster productive and enduring relationships with Members of Congress, Committees, and Congressional staff that have an interest in Government fraud, waste, abuse, mismanagement, and other issues paramount to the IG community;
2. Effectively represent the IG community's interests on legislative initiatives;
3. Advance efficiency and effectiveness in Government programs as prescribed by the IG Act by raising awareness of legislative issues of concern to the IG community and presenting the IG perspective to Congress, OMB, and other stakeholders; and,
4. Inform IGs about legislative proposals and initiatives that affect the IG community.

The Committee, working as a whole and through the skills and experience of individual Committee members, will:

- Meet with leadership and senior staff of the House Oversight and Government Reform and the Senate Homeland Security and Government Affairs Committees, as well as other Congressional committees, to initiate and maintain productive working relationships.
- Meet with OMB, GAO, and other stakeholders as appropriate.
- Develop and maintain a list of legislative developments that affect the IG community or individual IGs and provide IGs with monthly updates on legislation of general interest.
- Present the IG community's views and recommendations to relevant Congressional entities on legislative proposals affecting the IG community.
- Coordinate CIGIE response when the IG community is asked by a Congressional entity to provide information, comments, or recommendations on a particular topic or proposal.
- Collaborate with other CIGIE committees on legislation-related matters and serve as a liaison to the Hill as needed.

Appendix B – Examples of Congressional Relations Resources

Congress At Your Fingertips. CQ-Roll Call, Inc. 2014.

Congressional Yellow Book. Leadership Directories, Inc. 2014.

Dodd, Lawrence C. and Oppenheimer, Bruce I. *Congress Reconsidered, Ninth Edition.* CQ Press. 2009.

LaForge, William N. *Testifying Before Congress.* TheCapitol.Net, Inc. 2010.

Oleszek, Walter J. *Congressional Procedures and the Policy Process, Eighth Edition.* CQ Press. 2011.

Silverberg, David. *Congress For Dummies.* Wiley Publishing, Inc. 2002.

Appendix C - Forms of Address

Addressee	Address on Letter and Envelope	Salutation and Complimentary Close
CONGRESS		
President of the Senate	The Honorable [Full Name] President of the Senate Washington, DC 20510	Dear Mr./Madam President: Sincerely,
President of the Senate Pro Tempore	The Honorable [Full Name] President Pro Tempore United States Senate Washington, DC 20510	Dear Mr./Madam President: Sincerely,
Majority Leader United States Senate	The Honorable [Full Name] Majority Leader United States Senate Washington, DC 20510	Dear Mr./Madam Leader: Sincerely,
Minority Leader United States Senate	The Honorable [Full Name] Minority Leader United States Senate Washington, DC 20510	Dear Mr./Madam Leader: Sincerely,
United States Senator	The Honorable [Full Name] United States Senate Washington, DC 20510 or The Honorable [Full Name] United States Senator [Local Address of State Office] [City, State ZIP Code]	Dear Senator [Surname]: Sincerely,
United States Senator-elect	The Honorable [Full Name] United States Senator-elect Senate Office Building Washington, DC 20510	Dear Mr./Ms. [surname]: Sincerely,
Speaker of the House	The Honorable [Full Name] Speaker of the House of Representatives	Dear Mr. Speaker: Sincerely,

	Washington, DC 20515	
Majority Leader U.S. House of Representatives	The Honorable [Full Name] Majority Leader U.S. House of Representatives Washington, DC 20515	Dear Mr./Madam Leader: Sincerely,
Minority Leader U.S. House of Representatives	The Honorable [Full Name] Minority Leader U.S. House of Representatives Washington, DC 20515	Dear Mr./Madam Leader: Sincerely,
United States Representative	The Honorable [Full Name] U.S. House of Representatives Washington, DC 20515 or The Honorable [Full Name] Member, U.S. House of Representatives [Congressional District Office Address] [City, State ZIP Code]	Dear Congressman/Congresswoman [Surname]: Sincerely,
United States Representative-elect	The Honorable [Full Name] Representative-elect House Office Building Washington, DC 20515	Dear Mr./Ms. [surname]: Sincerely,
Committee Chairman Chairwoman Chair Ranking Member	The Honorable [Full Name] Chairman, Committee on [Name] United States Senate Washington, DC 20510 or The Honorable [Full Name] Chairman, Committee on [Name] U.S. House of Representatives Washington, DC 20515	Dear Mr. Chairman/Madam Chairwoman/Chair: Sincerely,
Subcommittee Chairman Chairwoman Chair Ranking Member	The Honorable [Full Name] Chairman, Subcommittee on [Name] [Name of Parent Committee] United States Senate Washington, DC 20510 or The Honorable [Full Name] Chairman, Subcommittee on [Name] [Name of Parent Committee] U.S. House of Representatives	Dear Mr. Chairman/Madam Chairwoman/Chair: Sincerely,

	Washington, DC 20515	
Joint Committee Chairman Chairwoman Chair	The Honorable [Full Name] Chairman, Joint Committee on [Name] Congress of the United States Washington, DC [ZIP Code]	Dear Mr. Chairman/Madam Chairwoman/Chair: Sincerely,
Office of a Deceased Senator or Representative	Office of the Late Senator [Full Name] United States Senate Washington, DC 20510 or Office of the [cite District number] Congressional District U.S. House of Representatives Washington, DC 20515	Sir/Madam: Sincerely, (May Wish to check w/OLA also)
Chaplain of the United States Senate or U.S. House of Representatives	[Title plus Full Name] Chaplain of the United States Senate Washington, DC 20510 or [Title plus Full Name] Chaplain of the U.S. House of Representatives Washington, DC 20515	Dear [Title] [Surname]: Sincerely, [Call the Chaplains' offices to verify exact titles.] <i>Senate: (202) 224-2510</i> <i>House: (202) 225-2509</i>
Secretary of the United States Senate	The Honorable [Full Name] Secretary of the Senate United States Senate Washington, DC 20510	Dear Mr./Mrs./Miss/Ms. [Surname]: Sincerely,
Clerk of the House	[Full Name] Clerk of the U.S. House of Representatives U.S. House of Representatives Washington, DC 20515	Dear Mr./Mrs./Miss/Ms. [Surname]: Sincerely,
Resident Commissioner	The Honorable [Full Name] Resident Commissioner from Puerto Rico U.S. House of Representatives Washington, DC 20515	Dear Mr./Mrs./Miss/Ms. [Surname]: Sincerely,
Delegate	The Honorable [Full Name] Delegate from [Name]	Dear Mr./Mrs./Miss/Ms. [Surname]:

	U.S. House of Representatives Washington, DC 20515	Sincerely,
LEGISLATIVE AGENCIES		
Comptroller General	The Honorable [Full Name] Comptroller General of the United States Washington, DC 20548	Dear Mr./Mrs./Miss/Ms. [Surname]: Sincerely,
Librarian of Congress	The Honorable [Full Name] Librarian of Congress Library of Congress Washington, DC 20540	Dear Mr./Mrs./Miss/Ms. [Surname]: Sincerely,