



Office of the Inspector General
United States Department of Justice

Statement of Michael E. Horowitz
Inspector General, U.S. Department of Justice

before the

U.S. Senate
Committee on Homeland Security and
Governmental Affairs

concerning

"Watchdogs Needed: Top Government Investigator Positions Left Unfilled for Years"

June 3, 2015

Mr. Chairman, Senator Carper, and Members of the Committee:

Thank you for inviting me to testify today about the need to fill vacant Inspector General (IG) positions. The Committee has consistently provided strong bipartisan support for the work of Inspectors General, and I want to thank you for your support of our mission.

As you know, in January, I was sworn in as Chair of the Council of the Inspectors General for Integrity and Efficiency (Council of IGs or CIGIE). Our mission at the Council of IGs is to maximize the economy, effectiveness, and professionalism of personnel across the IG community by collaborating to enhance policies, standards, and approaches to the crucial work of Inspectors General. One of the Council of IGs most important responsibilities, which is provided for in the Inspector General Act, is to submit "recommendations of individuals to the appropriate appointing authority" for consideration when an IG vacancy occurs. And since the creation of the Council of IGs in 2009, it has recommended over 100 individuals for IG positions, and many of the candidates it recommended – myself included – are now serving as Inspectors General.

Inspectors General are entrusted to root out fraud, waste, abuse, and misconduct and improve the efficiency of government programs. To fulfill this mission, IGs must be independent of their respective agencies and accountable to the public. An IG's independence is critical to objectively reviewing agency programs, making findings that might be critical of the agency, and recommending improvements. Similarly, investigations of allegations of misconduct must be conducted in an independent and objective manner. In short, the work of Inspectors General must be thorough, impartial, fair, and independent. Finding IG candidates who can fulfill these objectives is critical to the IG selection process.

As I noted, the Council of IGs is statutorily mandated to recommend candidates for Inspector General positions, and we have established an Inspector General Recommendation Panel to fulfill these responsibilities. To recruit applicants, officials from the Council of IGs seek to publicize the Panel's role and current IG vacancies during presentations and informal discussions with Council members, personnel in the IG community, and agency leadership. In addition, we provide information to the public on our website (www.ignet.gov). Individuals who are interested in IG positions are encouraged to contact the Panel for additional information or assistance.

Once received, applications are referred to the Panel for review. The Panel looks for core qualities of applicants such as demonstrated experience managing an organization; exceptional prior analytical or investigative work; and honed leadership and communication skills. In addition, qualified candidates should exhibit an ability to propose innovative solutions to complicated problems, and should have unquestioned integrity. Further, with regard to candidates for particular Offices of Inspector General, the Panel considers candidate experience in those areas over which the Offices have oversight authority. Since these types of experience can span across several industries and sectors, the Panel considers

applicants from various professional backgrounds, including the IG community; federal, state, and local government agencies; and the private sector. In addition, the Panel considers an applicant's ability to remain independent while working collaboratively, which is essential to successfully leading an OIG.

After review, the Panel determines which applicants to refer to appointing authorities for consideration. However, the Council of IGs is not the only source of IG candidates. For example, interested individuals can contact the appointing authorities directly. Moreover, the appointing authorities are not required to accept or act on recommendations received from the Council of IGs.

Far too often, the process for selection and appointment of IG candidates takes too long. As of today, there are eight IG positions that remain vacant, one for a Designated Federal Entity, the Denali Commission, which is appointed by the Commission, and seven for Establishment IGs, which are Presidentially-appointed, Senate-confirmed positions. Those seven IG positions, by length of vacancy, are the Department of the Interior, the Agency for International Development (AID), the Federal Deposit Insurance Corporation (FDIC), the Department of Veterans Affairs, the General Services Administration (GSA), the Export-Import Bank of the United States, and the Central Intelligence Agency (CIA). As of the end of this month, all of these IG positions, with the exception of the CIA IG position, will have been vacant for over 1 year. At present, there are nominees pending before the Senate for the AID, FDIC, and GSA vacancies. I am very familiar with the nominees for FDIC IG and GSA IG, because both nominees currently work with me in the Department of Justice OIG and have served in the federal government for more than 50 years of combined service. Their experience and dedication will make them outstanding Inspectors General, and I am hopeful that they will be able to join the Inspector General community shortly. On behalf of the Council of IGs, I would encourage swift action with respect to selecting and confirming candidates for the remaining vacant IG positions, and for any future vacancies.

As this Committee has recognized previously, during the period of an IG vacancy, acting Inspectors General and career staff carry on the work of their offices, and they do it with the utmost of professionalism. Indeed, the Office of the Inspector General at the Department of Justice had an acting Inspector General for 15 months prior to my confirmation, and she served with great distinction. However, a sustained absence of permanent leadership is not healthy for any office, particularly one entrusted with the important and challenging mission of an IG. Moreover, no matter how able or experienced an acting Inspector General may be, a permanent IG has the ability to exercise more authority in setting new policies and procedures and, by virtue of the authority provided for in the IG Act, inevitably will be seen as having greater independence. As such, a timely process for addressing vacant IG positions is crucial to an OIG's success.

I can speak from my personal experience about the extended period of time it can take to identify, vet, nominate, and confirm an Inspector General candidate. My predecessor, Glenn Fine, announced in November 2010 that he would be leaving the position in January 2011, but it was not until July 31, 2011, when I was

nominated. I had my confirmation hearing in October 2011, and was confirmed on March 29, 2012, with no opposition. It was approximately one year from the time that I was contacted about the position of Inspector General until the time that I was actually confirmed. And 15 months without a confirmed IG is a significant period of uncertainty for an OIG office, and I am concerned that such a lengthy process could discourage the most qualified individuals from seeking these positions.

The Council of IGs will continue to encourage talented senior staff in the IG community to apply for vacant IG positions and to expand our recruitment programs to find qualified candidates from outside the IG community to seek IG positions. By increasing our outreach within and outside the IG community, we will continue to augment an already distinguished OIG workforce with these and other useful professional skills. In addition, we will continue to engage with the White House Office of Presidential Personnel to seek the prompt selection of candidates to fill IG vacancies for Establishment Agencies. And we will work with the Administration and Designated Federal Agencies to encourage them to seek the input of the Council of IGs when an IG vacancy occurs. The Council of IGs also will continue to work with the Committee and its staff to ensure that candidates nominated to fill IG vacancies at Establishment Agencies can be considered promptly by the Senate for confirmation.

The Council of IGs is committed to reviewing its practices and improving our contributions to this process. I look forward to continuing to work with the Committee on these issues in order to ensure that IG vacancies are filled with outstanding candidates. I would be pleased to answer any questions the Committee may have.