

**Ranking Member Portman Opening Statement As Prepared for Delivery
HSGAC Hearing: Safeguarding Inspector General Independence and
Integrity**

October 21, 2021

Thank you, Mr. Chairman. I appreciate your indulgence and thank you for convening this hearing today. Inspectors General are essential to good government. I think everybody understands and agrees with that. Congress has a responsibility, of course, to conduct oversight of the executive branch and that responsibility would be far more difficult without Inspectors General. They're inside the agencies they oversee. They have unique expertise in their agencies' programs and budgets. And I really think they're Congress's first line of defense against waste, fraud, and abuse at those agencies.

According to the Council of Inspectors General on Integrity and Efficiency, or CIGIE, and we'll hear from CIGIE today, in Fiscal Year 2020 alone, IGs' work resulted in potential savings totaling \$53 billion. That's a lot of waste, fraud, and abuse. We ask IGs to undertake some of the most important and sensitive oversight work. For example, I intend to offer an amendment today to our IG legislation we will consider next week to require the appropriate IGs to review the administration's Afghan vetting policy. This review would include multiple agencies, complex programs, and evolving information. I think IGs are the best place to do that. They're in the best position to conduct this type of nonpartisan expert review needed to understand an important issue.

This committee is responsible for protecting IG independence and providing them with the authorities to do that kind of important work. Since 1978, Congress has improved and reformed Inspector General authorities many times. This includes legislation to establish a total of 73 IGs across the federal government, bolster IGs' access to information and, of course, to protect whistleblowers. These reforms represent steps in the right direction, but we think more work is still needed.

I requested today's hearing so the Committee can discuss this IG legislation Senator Peters and I plan to consider at next week's business meeting, and I want the Chairman to know I appreciate the fact that you've accommodated the request. I think it will be positive for our legislation and for a general discussion about the importance of IGs. As noted, we've got three very important members of the IG community in front of us here today. The Department of Justice IG and former CIGIE Chair Michael Horowitz, who all of us know. National Science Foundation IG and current CIGIE Chair Alison Lerner and Amtrak IG and CIGIE Integrity Committee Chair Kevin Winners.

To start, the legislation that we are going to be talking about provides much-needed protections for Inspector General independence. Many have worked on this, including Senator Grassley. We should notice his work. I will point out that the current law already requires the President to provide Congress the 30 days' notice before removing an IG. We don't change that. It does not increase the time period. It does, however, preserve the congressional intent and the interest in understanding why that IG was removed by requiring the President to provide a substantive rationale for removing an IG. Both President Obama and President Trump removed IGs and told Congress they had lost confidence in their removed IG. I don't think we should be satisfied with such a statement, no matter the party of the president.

The legislation also remedies another problem that occurred during the Obama and Trump administrations by requiring that acting IGs be named from the Inspector General community. Both President Obama and President Trump named agency officials as acting IGs raising questions about the independence of those IGs. An agency official cannot conduct independent oversight of his or her own agencies and actions. Putting an agency official in charge of its IG office also risks exposing whistleblowers and could show future reports of waste, fraud, and abuse.

The legislation also provides testimonial subpoena authority for IGs. This will allow IGs to complete interviews of important witnesses, even if a person has resigned to avoid participating in an investigation. And unfortunately, that has been a common occurrence within our system according to IGs. Subpoena authority is a weighty responsibility, though, which is why I've worked with Senator Peters to ensure the bill does provide effective guardrails and effective reporting to Congress.

Additionally, the bill incentivizes filling IG vacancies, installing permanent IGs is important. They provide more independence and continuity than acting IGs. This May, I sent a letter to President Biden with the Chairman and many of this Committee's members urging him to fill the 13 vacant Senate-confirmed IG positions. I'm pleased to see that the President has taken our advice seriously and nominated individuals to fill a number of those vacancies, but all those vacancies need to be filled.

Finally, the legislation provides measures to improve oversight of the IGs themselves, such as requiring that CIGIE report to Congress when it becomes aware of a particularly serious problem at an IG office. I know all three of these distinguished witnesses have much to give us today in terms of their input. They've given us a lot of thought. They understand the need for these proposals for change. I thank each of them for their service and for taking the time to appear before us today and I look forward to your testimony.”