



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 1, 2007
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 928 – To amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes

(Rep. Cooper (D) TN and seven cosponsors)

The Administration appreciates the work of inspectors general (IGs) and their mission to improve agency performance and eliminate waste, fraud, and abuse. IGs play an important role in Executive Branch efforts to measure and achieve success in program performance. Each agency's Office of Inspector General (OIG) fills a vital role in these efforts by reviewing operations and making recommendations for improvements and corrective actions. By providing objective information to promote strong management, decision-making, and accountability, OIGs contribute to the success of each agency and the Federal government as a whole. The Administration strongly supports efforts to ensure that IGs have: the skills and training they need to perform their duties; fair pay; findings and recommendations that are transparent to the public; and access to necessary legal advice.

H.R. 928, the "Improving Government Accountability Act," would further some of these objectives. However, the Administration strongly objects to provisions that are inconsistent with these goals, and with broader policy considerations and constitutional requirements. If H.R. 928 were presented to the President in its current form, the President's senior advisors would recommend that he veto the bill.

H.R. 928 would permit the President to remove IGs only for cause. The Administration strongly objects to this intrusion on the President's removal authority and his ability to hold IGs accountable for their performance. The responsibility to "take Care that the Laws be faithfully executed" — which Article II vests solely in the President — includes the responsibility to supervise and guide how IGs and other executive branch officers investigate and respond to allegations of wrongdoing within the executive branch. IGs already have the independence necessary to perform their investigative functions with respect to individual agencies, because agency heads generally may not supervise IGs' conduct of investigations. H.R. 928's attempt to extend this current independence to include independence from supervision by the President does not enhance the function of IGs and raises grave constitutional concerns.

The Administration also strongly opposes provisions that would authorize IGs to circumvent the President's longstanding, and constitutionally based, control over executive branch budget requests by allowing IGs to submit their budget requests directly to Congress and by requiring the President to include each IG's request as a separate line item in the President's annual budget request. Since its inception, the current executive branch coordination process has worked well for both the President and the Congress. The process is deliberative and results in an agency and

government-wide coordinated submission that accounts for long-range planning and priorities. IGs have been a part of this process since their creation in 1978, and there is no evidence that the current process results in budgets that fail to enable appropriate IG performance.

The Administration also objects to provisions that would establish within the Executive Branch a freestanding, independent Council of the Inspectors General on Integrity and Efficiency. A similar council already exists under Executive Orders. Statutory codification of such a council would impede the President's ability to react swiftly and effectively to problems with IGs or with the Council itself. Furthermore, the council provisions in H.R. 928 raise constitutional questions because they restrict the President's authority to nominate individuals to serve on the Council and contain ambiguous definitions of offices and their respective roles and responsibilities. Finally, it is critical that disclosure protections regarding the Witness Security Program apply to the Department of Justice's Inspector General's internal investigative procedures and release of information, since the release of specific information related to the program could endanger the program's means and methods, personnel, and the continued safety of the program's protected witnesses.

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