



OFFICES OF INSPECTOR GENERAL AUTHORITIES AND RESPONSIBILITIES

The Inspector General Act of 1978 (IG Act) (recodified at 5 United States Code Section 401 et seq.) created Offices of Inspectors General (OIGs) to be independent and objective offices that conduct activities to promote economy, efficiency, and effectiveness of their agencies' programs and operations and to prevent and detect fraud and abuse. OIGs are operationally independent from their agencies. Supervision of the Inspectors General (IGs) themselves is strictly limited and there are safeguards against their removal. OIGs have a reporting relationship with Congress and specific protections in the Federal budget process. Below are the most significant features of these statutorily created IGs.

Inspectors General

- The IG Act created two types of IGs: those IGs in "establishments" and those in "designated federal entities." Establishment IGs are appointed by the President with Senate confirmation; designated federal entity IGs are appointed by their agency head. The U.S. Department of Education IG is an establishment IG.
- IGs must be selected without regard to political affiliation and based solely on integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.
- The President must inform Congress in writing of the reasons at least 30 days before removing or transferring an IG. These safeguards are meant to prevent IGs from being removed for political reasons or simply because they are doing an effective job of identifying fraud, waste, and abuse.

Duties and Responsibilities

- OIGs conduct audits and investigations relating to the programs and operations of their agencies. OIGs employ auditors, criminal investigators, and other professional support staff.
- OIGs review existing and proposed legislation, regulations, and policies and make recommendations concerning their impact on economy and efficiency and the prevention and detection of fraud and abuse.

Authorities

- IGs are given a broad statutory right of access to all records available to their agencies.
- The Secretary of Education has advised employees of their obligations to provide records to the IG and cooperate fully in IG investigations and audits in the Memorandum from the Secretary to ED Employees Regarding Cooperation with OIG, September 29, 2023. Those requirements are also included in Departmental Directive ACSD-OIG-001 (November 2, 2023), "Cooperation with and Reporting to the Office of Inspector General."
- For records outside of their agencies, the IG Act provides IGs with authority to subpoena all information necessary in the performance of the functions assigned by the IG Act.

Independence

- The IG Act guarantees OIG independence to ensure the objectivity of its work.
- IGs report only to their agency heads or their deputies, not to any subordinate employees. This limits the potential for conflicts of interest that could exist if the IG were supervised by an official whose particular programs were being reviewed by the IG. The level of supervision of IGs is only nominal.
- The IG Act creates a dual reporting obligation for IGs to keep both the head of their agency and Congress fully and currently informed about deficiencies in programs and operations and progress in correcting those deficiencies.
- IGs have their own authority to hire, contract, and otherwise operate their own offices.
- IGs must obtain legal counsel independent of agency counsel.
- IG-requested budget amounts must be separately identified within agency budgets when submitted to OMB and as part of the President's budget submitted to Congress; any comments by the IG that a budget would substantially inhibit the IG from performing its duties must also be included as part of the President's budget.

Reporting

- IGs are required to issue semiannual reports to Congress summarizing the activities of their offices during the preceding 6 months. The agency head transmits the reports to Congress along with any comments and other required information.
- The IG testifies before Congressional committees and regularly provides informal updates and briefings on OIG work.
- OIGs publish their semiannual reports, audits and other reports, and other documents relating to the OIG's work on their websites. Agency home pages must include a link to the OIG's website.
- Visit www.oversight.gov, a publicly accessible, searchable website containing public reports from Federal Inspectors General who are members of the Council of the Inspectors General on Integrity and Efficiency

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