



To: Members of the Senate Committee on Homeland Security and Governmental Affairs

From: Andrew Lautz; Director of Federal Policy, National Taxpayers Union

Date: October 5, 2021

Subject: Taxpayer Views on Legislation Being Considered at the Committee's October 6 Markup

I. Introduction and Key Taxpayer Considerations

On behalf of National Taxpayers Union (NTU), the nation's oldest taxpayer advocacy organization, I write to offer Committee members and staff some of NTU's views and considerations on important legislation the Committee is considering at its October 6 markup regarding federal inspectors general (IGs). The nation's IGs are a critical part of the government-wide infrastructure guarding against the waste, fraud, abuse, and misuse of taxpayer dollars. According to the Council of the Inspectors General on Integrity and Efficiency (CIGIE), potential savings from the IG community amounted to nearly \$53 billion in fiscal year (FY) 2020 - a 17:1 return on investment for the \$3.1 billion invested in IGs across government.¹ Unfortunately, the legal protections afforded IGs have not kept pace with either the scope of challenges facing IGs (who are often investigating circumstances with political ramifications) or the scale of government spending in recent years.

Several pieces of legislation the Committee is considering on October 6 would improve the protections afforded IGs, enabling them to more confidently and effectively do their jobs on behalf of taxpayers.

NTU supports S. 587, the Securing Inspector General Independence Act of 2021, and encourages Committee members to advance the legislation to the Senate floor. NTU and the R Street Institute recently endorsed the Securing Inspector General Independence Act and applauded Sen. Chuck Grassley (R-IA) and Chair Gary Peters (D-MI) for introducing the legislation. We wrote, in part, that the bill "would enhance IG protections by:

- Requiring Presidents to report, in a timely manner, more information to Congress than under current law when an IG is removed from their post or placed on non-duty status;
- Ensuring that, in most cases, any vacancies for an IG position are filled by a first assistant to the IG who is qualified for the position; and
- Requiring enhanced education in IG offices for how employees should handle whistleblower complaints that are internal to an Office of Inspector General."²

¹ Council of the Inspectors General on Integrity and Efficiency (CIGIE). "Annual Report to the President and Congress: Fiscal Year 2020." April 2021. Retrieved from:

https://www.ignet.gov/sites/default/files/417329-FY20_Annual_Report-President%26Congress-WEB.pdf (Accessed October 4, 2021.)

² Lautz, Andrew. "NTU, R Street Encourage Congress to Advance Bipartisan Inspector General Bill to Biden's Desk." National Taxpayers Union, May 24, 2021. Retrieved from:

<https://www.ntu.org/publications/detail/ntu-r-street-encourage-congress-to-advance-bipartisan-inspector-general-bill-to-bidens-desk>

NTU supports S. 1794, the IG Testimonial Subpoena Authority Act, and encourages Committee members to advance the legislation to the Senate floor. This legislation, from Sens. Maggie Hassan (D-NH) and Chuck Grassley (R-IA), would ensure IGs can use subpoenas “as necessary” in the performance of their duties, so long as the IG using subpoena authority notifies the Attorney General (AG) before doing so. The Project on Government Oversight has written that similar legislation would “close a loophole that has long plagued IGs as they try to gather crucial information.”³ NTU agrees.

NTU supports several provisions within H.R. 2662, the IG Independence and Empowerment Act. We encourage Committee members to include those provisions of H.R. 2662, specified below, in any IG legislation the full Senate considers in this session of Congress. NTU previously wrote that H.R. 2662 “includes several best-practice improvements to the legal protections in place for federal inspectors general (IGs).”⁴ We further noted that “some provisions of this legislation, such as for-cause removal protections for IGs, are the subject of considerable debate among lawmakers, several other provisions in this legislation can and should earn bipartisan, bicameral support in an expeditious manner.”⁵ Meritorious provisions of H.R. 2662 include:

- Requiring more reporting from the President when they fail to fill an IG vacancy after more than seven months;
- Requiring improvements to how IG whistleblower protection coordinators educate Office of Inspector General (OIG) employees on whistleblower complaints internal to that OIG;
- Requiring IGs to report to Congress when an agency refuses to cooperate with an IG investigation; and
- Improving transparency at the Council of the Inspectors General on Integrity and Efficiency (CIGIE), a watchdog for the watchdogs that helps ensure the IG system continues to work effectively for taxpayers and is free from partisan or political bias.

Though certain provisions of H.R. 2662 may preclude Senators from advancing H.R. 2662 to the Senate floor, we urge lawmakers to work together on bipartisan IG legislation that retains the above provisions of H.R. 2662.

II. Contact Information

Should you have any questions about the recommendations in this memo, please do not hesitate to reach out to Andrew Lautz at alautz@ntu.org.

³ Jones, Rebecca. “POGO Supports Grant of Testimonial Subpoena Power to Inspectors General.” Project on Government Oversight, July 25, 2018. Retrieved from: <https://www.pogo.org/letter/2018/07/pogo-supports-grant-of-testimonial-subpoena-power-to-inspectors-general/> (Accessed October 4, 2021.)

⁴ Aiello, Thomas; and Lautz, Andrew. “NTU Sends Letter to House Oversight Committee Regarding Two Good Government Bills Slated for Passage.” National Taxpayers Union, May 24, 2021. Retrieved from: <https://www.ntu.org/publications/detail/ntu-sends-letter-to-house-oversight-committee-ahead-of-key-legislative-markup>

⁵ *Ibid.*