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Opening Statement Rep. Elijah E. Cummings, Ranking Member

Hearing on "Where Are All the Watchdogs? Addressing Inspector General Vacancies"

May 10, 2012

Inspectors General (IGs) are critical to ensuring that our government works effectively and efficiently on behalf of the American taxpayers. Although our Committee plays a prominent and often public role in conducting government oversight, we rely heavily on IGs to conduct audits, inspections, and investigations on a daily basis at federal agencies.

Our Committee also plays a unique role in overseeing IGs and ensuring that they have the tools necessary to do their jobs. In 2007, one of the most respected Members of our Committee, Jim Cooper, introduced H.R. 928, the Improving Government Accountability Act, to enhance IG independence and efficiency. Under then-Chairman Henry Waxman, the Committee approved this legislation by a voice vote, the House and Senate then adopted it, and the bill was signed into law by President Bush in 2008.

In my opinion, this is how we should approach today's hearing: by working together in a bipartisan manner to ensure that oversight is rigorous and constructive.

Today we will discuss IG vacancies at federal agencies. Right now, seven IG positions are vacant that require Presidential nominations and Senate confirmations. Although the President has nominated several candidates who are awaiting Senate confirmation, he has yet to nominate others. In addition, an existing vacancy at the Special Inspector General for Afghanistan Reconstruction requires a Presidential nomination, but not Senate confirmation.

We all agree that we should have highly qualified, dedicated professionals in place at every IG office across the federal government. Personally, I am most concerned that the Administration has not nominated anyone to serve as the State Department IG. The last Senate-confirmed State Department IG was Howard Krongard, and he resigned after an investigation by this Committee into his conflicts of interests and his failure to conduct sufficient oversight of agency operations. That position deserves to be filled as soon as possible.

To be fair, the number of current vacancies is not necessarily unusual. In fact, in the fourth year of George W. Bush's presidency, there were also seven vacancies for Senate-confirmed IGs, including at the State Department, the Department of the Treasury, the General Services Administration, and the Department of Health and Human Services. And this does not include Clark Kent Ervin's recess appointment to serve as IG of the Department of Homeland Security, which was never confirmed by the Senate.

The fact that President Bush had as many IG vacancies in 2004 as President Obama does today does not mean we should ignore the current vacancies. Similarly, we should not single out the current Administration for purely partisan reasons.

As part of our review today, we also have to acknowledge the role played by the Senate in these vacancies. For example, President Obama nominated Michael Horowitz to be the IG of the Department of Justice on July 29, 2011. Until 2009, Mr. Horowitz had served as a Presidentially-appointed, Senate-confirmed Commissioner on the U.S. Sentencing Commission. Yet, even though the Senate had confirmed him previously, his nomination was held up for eight months. When the Senate finally did vote, they confirmed his nomination by a voice vote.

Similarly, Brian Miller, the current IG at GSA who will be testifying here today, had to wait nine months before the Senate finally confirmed his nomination by President Bush in 2005. The IG vetting process is very extensive and challenging, and it becomes even more difficult to identify qualified candidates who are willing to serve when they are blocked by anonymous holds and undue delays in the Senate.

Finally, I would be remiss if I did not recognize the hard work of those who serve in IG offices. This includes not only the thousands of staff who dedicate their professional careers to these tasks, but also those who serve as Acting IGs while others await Senate confirmation. In fact, just yesterday, our Committee heard testimony from the very capable Acting IG at the Department of Homeland Security.

Nobody should be under the misimpression that the lights are turned off at IG offices while they await a permanent IG. These officials and staff do a terrific job on behalf of the American people, and I commend them for their dedication.

Thank you, and I look forward to today's testimony.

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