

LIBRARY OF CONGRESS REGULATIONS



LCR 211-6

SUBJECT: FUNCTIONS, AUTHORITY, AND RESPONSIBILITY OF THE INSPECTOR GENERAL

SERIES: 200 Organization and Functions of the Library	STATUTORY AUTHORITY: <a href="#">2 U.S.C. §136</a> <a href="#">2 U.S.C. §185</a>	RESPONSIBLE OFFICE: Office of the Inspector General
ISSUE DATE: December 4, 2006	REVIEW DATE: December 4, 2011	SUPERSEDES: October 18, 1999, issuances of LCR 211-6 and 1519-1

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**Section 1. Purpose**

This regulation describes the Office of the Inspector General as defined in the *Library of Congress Inspector General Act of 2005* (“the Act”) with reference to the Inspector General Act of 1978, as amended. This regulation also contains the Act’s requirements relating to the Librarian of Congress, the Inspector General, Director of Human Resources, and Library of Congress employees.

**Section 2. Definitions**

For the purpose of this regulation, the following definitions apply:

- A. An “Audit” is an in-depth assessment of operations, activities, programs, and/or functions of the Library of Congress, its contractors, or grantees. Audits are concerned with fraud, waste, abuse, and/or mismanagement; often focus on economy, efficiency, and effectiveness; and include evaluations of internal controls and compliance with laws and regulations. Audits typically result in recommendations to improve management. Inspector General audits are conducted in accordance with Government Auditing Standards (the Yellow

- Book), promulgated by the Comptroller General of the United States and the American Institute of Certified Public Accountants.
- B. An “Investigation” is a detailed inquiry into administrative, civil, or criminal wrongdoing involving the programs, operations, and employees of the Library of Congress and its contractors, or grantees. Investigations may culminate in administrative or court-ordered remedies. Investigations are conducted in accordance with the *Quality Standards for Investigations*, published by the President’s Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency (“PCIE/ECIE”).
  - C. A “Review” is a general term applied to Audits, Investigations, and other Inspector General activities which may also include the following: “Inspections,” which are broadly defined evaluations, studies, or analyses similar to Audits but without the requirement to fully assess internal controls or determine compliance with all applicable laws and regulations; “Attestations,” which are generally narrowly focused Audits that require compliance with most auditing standards depending on the level of assurance provided by the auditor’s evaluation; and “Nonaudit Services,” which are generally equivalent to consulting services in the private sector.
  - D. Library managers make a “Management Decision” about the action or inaction deemed necessary as a result of Inspector General Audits.
  - E. Library managers prepare a written “Corrective Action Plan” stating specific action to be taken based on the Management Decision, and where appropriate, specific target dates for the action.
  - F. “Audit Resolution” is the point at which Library management and the Inspector General agree on action to be taken in response to audit findings and recommendations. There is an “Audit Resolution Official” (the Deputy Librarian) who becomes involved in Audit Resolution when there is disagreement about Management Decisions. The Audit Resolution Official’s responsibilities are described in section 11.
  - G. “Final Action” means fully implementing action agreed to in a Management Decision. If management decides that no action is necessary as a result of an Audit, Final Action occurs when the Management Decision is made.
  - H. A “Questioned Cost” is the result of (1) an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds, (2) a finding that an expenditure is not supported by adequate documentation (an “Unsupported Cost”), or (3) a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable.
  - I. “Funds to be Put to Better Use” means that funds could be used more efficiently by taking action to fully implement Inspector General recommendations, including (1) reducing outlays, (2) de-obligating funds from programs or operations, (3) withdrawing interest subsidy costs on loans or loan guarantees, insurance, or bonds, (4) avoiding cost by implementing recommended improvements relating to the operations of the Library, its contractors, or grantees, (5) avoiding unnecessary expenditures noted in pre-award reviews of

contract or grant agreements, or (6) any other savings which are specifically identified.

- J. "Disallowed Cost" means a Questioned Cost that management, in a Management Decision, agrees should not be charged to the government.

### **Section 3. Functions**

The Office of the Inspector General is an independent objective office which (1) conducts and supervises Audits, Investigations (excluding incidents involving violence and personal property), and other Reviews relating to the Library of Congress, (2) provides leadership and coordination and recommends policies to promote economy, efficiency, and effectiveness, and (3) provides a means of keeping the Librarian of Congress and both Houses of Congress fully and currently informed about problems and deficiencies relating to the administration and operations of the Library of Congress.

### **Section 4. Appointment, Supervision, and Removal of the Inspector General**

- A. The Inspector General is appointed by the Librarian of Congress without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General reports to and is under the general supervision of the Librarian of Congress.
- B. The Librarian of Congress has no authority to prevent or prohibit the Inspector General from (1) initiating, carrying out, or completing any Audit or Investigation, (2) issuing any subpoena during the course of any Audit or Investigation, or (3) issuing any report.
- C. The Inspector General may be removed from office by the Librarian of Congress. The Librarian shall communicate promptly and in writing to both Houses of Congress the reason(s) for the removal.

### **Section 5. Organization**

The Office of the Inspector General is divided into two major segments: Audits and Investigations. There is an Assistant Inspector General for Investigations and Assistant Inspector(s) General for Audits. Auditors generally have formal education in accounting, financial analysis, and business and evaluate performance of government programs. Investigators are educated in law enforcement and are generally concerned with conduct that may lead to criminal prosecution. Other types of Reviews are conducted primarily by auditors.

## **Section 6. Responsibilities**

The Inspector General shall:

- A. Provide policy direction for and conduct, supervise, and coordinate Audits, Investigations, and other Reviews relating to programs and operations of the Library of Congress.
- B. Review existing and proposed legislation and regulations relating to programs and operations of the Library and make recommendations in a semiannual report (see section 8) concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by the Library or the prevention and detection of fraud and abuse in such programs and operations.
- C. Recommend policies for, and conduct, supervise, or coordinate other activities carried out or financed by the Library for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations.
- D. Recommend policies for and conduct, supervise, or coordinate relationships between the Library and other Federal agencies, State and local governmental agencies, and non-government entities with respect to (1) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the Library, and (2) the identification and prosecution of participants in such fraud or abuse.
- E. Keep the Librarian and the Congress fully and currently informed, by means of semiannual reports, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the Library, and recommend corrective action and report on the progress made in implementing such corrective action.

In carrying out these responsibilities the Inspector General shall:

- F. Comply with professional standards established by the Comptroller General of the United States, the American Institute of Certified Public Accountants, and the PCIE/ECIE when conducting Audits, Investigations, and other Reviews.
- G. Establish guidelines for determining when it is appropriate to use non-Federal auditors, and take appropriate steps to assure that any work performed by non-Federal auditors complies with standards established by the Comptroller General or other applicable authorities.
- H. Avoid duplication of work performed by the Comptroller General and coordinate and cooperate with the Comptroller General on Audits and Investigations.
- I. Report expeditiously to the United States Attorney General when there are reasonable grounds to believe that there has been a violation of Federal criminal law.

## Section 7. Authority

The Inspector General is authorized to:

- A. Have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Library of Congress that relates to its programs and operations. The Office of the Inspector General will work cooperatively on a case-by-case basis with Congressional Research Service management on issues regarding materials which CRS considers to be protected by the speech or debate clause of the U.S. Constitution.
- B. Audit or investigate and report on the administration of the programs and operations of the Library of Congress that in his judgment are necessary or desirable.
- C. Request any information or assistance from any Federal, State, or local government agency as may be necessary for carrying out Inspector General responsibilities.
- D. Require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the Inspector General's responsibilities. The subpoena, in the case of contumacy or refusal to obey, is enforceable by order of any appropriate United States district court, provided that procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies.
- E. Administer to or take from any person an oath, affirmation, or affidavit.
- F. Have direct and prompt access to the Librarian when needed.
- G. Enter into contracts and other arrangements for Audits, studies, analyses, and other services with public agencies and with private persons or organizations, and to make such payments as may be necessary, to the extent and in such amounts as may be provided in advance by appropriations Acts. (see also section 6 of LCR 2110, "Procurement– Supplies and Services.")
- H. Select, appoint, and employ such officers and employees (including consultants) as may be necessary for carrying out the functions, powers, and responsibilities of the Office of the Inspector General subject to the provisions of law governing selection, appointment, and employment in the Library of Congress. The Office of the Inspector General is a separate competitive area for purposes of a Library reduction-in-force.
- I. Provide final certification and approval on all personnel, travel, contracting, and financial matters concerning the Office of the Inspector General. This does not preclude the Inspector General's use of or support from the offices performing these services within the Library. Notwithstanding the Inspector General's independence in the aforementioned areas, the Office of the Inspector General uses the services of the Library's Office of Workforce Diversity and follows its Library-wide policies on workforce issues, and utilizes the Library's Employee Assistance Program.
- J. Designate an employee of the Office of the Inspector General to serve as Acting Inspector General in his absence for up to 30 days.

## Section 8. Reports

- A. The Inspector General will, not later than April 30 and October 31 of each year, prepare a semiannual report summarizing the activities of the Office of the Inspector General during the immediately preceding six-month periods ending March 31 and September 30 and present the report to the Librarian for informal comment. The Librarian will provide comments to the Inspector General within 10 calendar days of receipt. The Inspector General will consider the Librarian's comments, incorporate such comments into the report to the extent the Inspector General deems appropriate, print the report, and submit the final report to the Librarian for distribution to Congress within 10 days of receiving the Librarian's informal comments (by May 20 and November 20). The Librarian will distribute the reports to Congress by May 30 and November 30. The Librarian will, at the same time, transmit his own report in compliance with the reporting requirements under 5 USC App. 5(b).
- B. The Inspector General's semiannual reports will include:
1. A description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Library of Congress disclosed as a result of Office of the Inspector General activities.
  2. A description of the recommendations for corrective action made during the reporting period with respect to significant problems, abuses, or deficiencies.
  3. An identification of each significant recommendation described in previous semiannual reports on which corrective action has not been completed.
  4. A summary of matters referred to prosecuting authorities and the prosecutions and convictions which have resulted.
  5. A summary of any report made to the Librarian of Congress during the semiannual period concerning the Library's unreasonable refusal to provide information or assistance to the Inspector General, or any other unreasonable refusal from a Federal, State, or local governmental agency or unit.
  6. A listing, according to subject matter, of each Audit report issued by the Inspector General during the reporting period and for each Audit report, where applicable, the total dollar value of Questioned Costs and Unsupported Costs, and the dollar value of recommendations that funds be put to better use.
  7. A summary of each particularly significant report.
  8. Statistical tables showing the total number of Audit reports and the total dollar value of Questioned Costs (including a separate category for the dollar value of Unsupported Costs) for Audit reports (1) for which no Management Decision was made by the beginning of the reporting period, (2) that were issued during the reporting period, (3) for which a Management Decision was made during the reporting period, including the dollar value of allowed costs and Disallowed Costs, and (4) for which no Management Decision was made by the end of the reporting period.

9. Statistical tables showing the total number of Audit reports and the dollar value of recommendations that funds be put to better use by management, for Audit reports (1) for which no Management Decision had been made by the beginning of the reporting period, (2) which were issued during the reporting period, (3) for which a Management Decision was made during the reporting period including the dollar value of recommendations that were agreed to by management, and the dollar value of recommendations that were not agreed to by management, and (4) for which no Management Decision had been made by the end of the reporting period.
  10. A summary of each Audit report issued before the commencement of the reporting period for which no Management Decision had been made by the end of the reporting period (including the date and title of each report), an explanation of the reason(s) a Management Decision had not been made, and a statement concerning the desired timetable for achieving a Management Decision on each report.
  11. A description and explanation of the reason(s) for any significant revised Management Decision made during the reporting period.
  12. Information concerning any significant Management Decision with which the Inspector General is in disagreement.
  13. The Inspector General will include in semiannual reports to Congress any items not implemented within a 12-month period until Final Action on the Management Decision is completed. The Inspector General will follow up on selected recommendations to verify implementation.
- C. Within sixty days of the transmission of each semiannual report to Congress, the Inspector General will make copies of the report available to the public upon request and at a reasonable cost. The Inspector General will redact semiannual reports prior to making them available to the public to exclude information that is (1) specifically prohibited from disclosure by any other provision of law, (2) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs, or (3) part of an ongoing criminal investigation (unless that information had been included in a public record). The Inspector General will identify individual Audit reports that are available for public inspection.
- D. The Inspector General will report immediately to the Librarian whenever he becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the Library of Congress. The Librarian shall transmit any such report to the appropriate committees or subcommittees of Congress within seven calendar days, together with a report by the Librarian containing any comments he deems appropriate.

## **Section 9. Investigations and Complaints by Employees**

- A. The Inspector General will maintain a Hotline to receive complaints or information concerning the possible existence of activities constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, fraud,

- abuse of authority, or a substantial and specific danger to the public health and safety affecting Library programs and operations. The complaints or information may lead to Inspector General Investigations.
- B. The Inspector General shall not, after receiving a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of an Investigation or prosecution.
  - C. The Inspector General shall notify appropriate Library management of the initiation of an Investigation if notification will not interfere with the Investigation. No person shall, without prior approval of the Inspector General, engage in any independent inquiry or Investigation relating to the matter, or disclose to unauthorized persons information that identifies or could lead to the identification of an individual who has reported information relating to the alleged violation or that reveals the commencement or status of an Investigation. Any person disclosing such information may be subject to disciplinary action and/or criminal penalties.
  - D. For interviews concerning criminal Investigations, a “Miranda Warning” consistent with an individual’s U.S. Constitution Fifth Amendment protection against self-incrimination shall be issued to individuals in custody. If the individual is a Federal employee and not in custody, a “Garrity Warning” concerning Fifth Amendment protection against self-incrimination may be issued. The individual shall be allowed to have a representative present when questioned.
  - E. For interviews concerning non-criminal Investigations that may result in an adverse action, a “Kalkine Warning” limiting the use of truthful information obtained during questioning may be issued. If the subject of the interview is a Library bargaining unit (union) employee, the individual is entitled to have a union or other representative present during questioning. A non-bargaining unit Library employee may also have a representative present during questioning.
  - F. Upon completion of a criminal, civil, or administrative Investigation or when a prosecutor declines prosecution, the Inspector General will inform an employee who is the subject of an Investigation of the final outcome when the employee is aware of the Investigation, if such notification does not adversely affect the integrity of any ongoing Investigation.
  - G. The Inspector General will provide a Report of Administrative Inquiry to Library management and copy the Library’s Director of Human Resources when the Inspector General finds substantial evidence that an employee has violated a law, rule, regulation, or Library policy. The Director of Human Resources will provide the Inspector General quarterly reports on the status and final disposition of all matters referred by the Inspector General.
  - H. The Inspector General can decline to investigate a complaint when in his judgment an Investigation is not warranted.
  - I. The Inspector General will maintain a record of all Hotline activity and disposition of investigative cases.

## **Section 10. Audits**

- A. The Inspector General will prepare an annual Audit plan that identifies the subjects for Audits. The plan will describe (1) the program, activity, or operation chosen for Audit, (2) the general objectives of the Audit, and (3) how the Audit relates to the Library's strategic goals and objectives.
- B. The Inspector General will issue draft reports communicating the results of Audits and containing specific findings and recommendations for corrective action. Library managers must respond with written comments within 15 calendar days stating agreement or disagreement with each recommendation made in a draft Audit report and the specific reason(s) for any disagreement. The written response to the draft will be incorporated into the final report, which will be sent to the Librarian within 15 calendar days after receiving a response to the draft, with copies to the Library managers directly responsible for the area reviewed. A response to a draft Audit report begins the Audit Resolution process (see section 11). Accordingly, managers should be specific about corrective actions planned or taken in response to Audit recommendations and provide time frames for Final Action. If a manager disagrees with a recommendation, documentation or other information supporting the manager's position should be submitted with the draft report response.
- C. Library service units, directorates, divisions, offices, or any other organizational components of the Library shall not contract or in any other way arrange for Audits or similar Reviews independently of the Office of the Inspector General.

## **Section 11. Audit Resolution**

- A. Audit Resolution is initiated when Library management responds to the draft Audit report. If the respondent proposes appropriate action for specific Audit recommendations, the Inspector General will state in the transmittal memorandum for the final Audit report that those specific recommendations are resolved. Any recommendations not specifically addressed in the response to the draft report must be addressed in a Corrective Action Plan submitted to the Inspector General within 30 calendar days of issuing a final Audit report. If a Management Decision has not been made on all recommendations when the Corrective Action Plan is submitted, a written status report will be submitted to the Inspector General every 30 days after submission of the initial Corrective Action Plan. A Management Decision must be made on all recommendations within 6 months of the date of the final Audit report. Responses to Audit reports should include agreement or disagreement with Questioned Costs and Funds to be Put to Better Use. The Inspector General will notify management officials in writing when all recommendations pertaining to a specific Audit are resolved.
- B. The Library's Audit Resolution Official (the Deputy Librarian) is responsible for (1) ensuring that Library managers and employees comply with the Audit Resolution requirements of this regulation, (2) coordinating responses to Inspector General Audit reports that affect more than one service unit, and (3) reviewing the

- Management Decision when there is disagreement between Library managers and the Inspector General concerning Audit recommendations.
- C. If Library management disagrees with a recommendation and the Inspector General does not accept the Library manager's reason(s) for disagreeing, the issue will be brought to the Audit Resolution Official within 15 calendar days for review. As stated in section 8, the Inspector General will include in the semiannual report to Congress any disagreements he has with a Management Decision, including those Management Decisions endorsed by the Audit Resolution Official.
  - D. Library managers will complete Final Action on each Management Decision resulting from Inspector General reports within 12 months of the date of the final report.

## **Section 12. Responsibilities of Library Employees**

- A. No officer or employee of the Library shall prevent or impede the Inspector General from initiating, carrying out, or completing any Audit, Investigation, or other Review.
- B. Service unit heads, directors, and division and office chiefs are responsible for (1) administering their programs and activities to avoid waste, fraud, and abuse, and (2) considering, replying to, and implementing Inspector General recommendations.
- C. All Library employees shall (1) report as soon as possible to the Library's Inspector General suspected illegal activities and incidents of waste, fraud, abuse, and mismanagement relating to Library programs or operations, and (2) cooperate fully in any Review conducted by the Inspector General including furnishing, upon request by the Inspector General, all records pertaining to the functions, organization, operations, and personnel of the program or activity. Library employees should report suspected (1) contract and grant fraud, (2) serious environmental health and safety violations, (3) computer crimes, (4) bribery, kickbacks, and gratuities, (5) false statements and claims, (6) conflicts of interest and ethics violations, (7) travel fraud, (8) theft and mutilation of collections materials, (9) theft of Library property, (10) misconduct, (11) workers compensation fraud, and (12) any other suspected violation of Federal laws and regulations.
- D. Any Library official or employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or threaten to take any action against a Library employee as a reprisal for making a complaint or an allegation, or for disclosing information to the Inspector General, unless the complaint or allegation was made or the information disclosed with knowledge that it was false or with willful disregard for its truth or falsity. Any person who thinks that he or she has been treated in such a manner, or is aware that another has been subjected to such treatment, should immediately contact the Inspector General.