

FEDERAL MARITIME COMMISSION

Office of Inspector General



**INTRODUCTION TO
THE OFFICE OF INSPECTOR GENERAL**

January 2010

THE OFFICE OF INSPECTOR GENERAL

The FMC's Office of Inspector General (OIG) was established in 1989 as required by the Inspector General Act Amendments of 1988 (5 U.S.C. app. § 8G). Under the Inspector General Act, the OIG is responsible for conducting audits and investigations relating to the programs and operations of the FMC. Audits are conducted for the purpose of finding and preventing fraud, waste and abuse and to promote economy, efficiency and effectiveness within the agency. OIG investigations seek out facts related to allegations of wrongdoing on the part of FMC employees and individuals or entities having contracts with or obtaining benefits from the agency.

The Inspector General Act provides that the OIG shall have access to all agency records and may subpoena records from entities outside of the agency in connection with an audit or investigation.

The OIG is required by law to prepare a semiannual report summarizing its audits and investigations during the immediately preceding six-month period. The report is sent to the FMC Chairman, the President of the Senate, the Speaker of the House, and FMC's appropriating and authorizing committees. This dual reporting requirement facilitates and ensures the independence of the OIG.

OIG INVESTIGATIONS

The OIG conducts investigations to establish the facts relating to an allegation of wrongdoing. OIG investigations address administrative, civil and criminal violations of laws and regulations. The Inspector General Act requires employees to report suspected waste, fraud, abuse or mismanagement of FMC programs, operations, or assets. Examples of wrongdoing that should be reported include abuse of authority, government ethics violations, time and attendance fraud, irregularities in contract, grants or procurements, and theft and/or misuse of government property (including government credit or travel cards and IT resources).

The subject of an OIG investigation can be any agency employee, an FMC contractor, consultant or a person or entity involved in alleged wrongdoing affecting FMC programs and operations. An employee who is the subject of an OIG investigation is afforded his or her rights regarding representation and self incrimination. All OIG investigations are conducted in accordance with "Quality Standards for Investigations," published by the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

FMC employees have a duty to cooperate with the OIG and must respond to questions posed by an OIG investigator unless they have been advised that they are the subject of a criminal investigation. Intentional falsification or concealment of a material fact in connection with an OIG investigation could constitute a violation of law and result in disciplinary action or criminal prosecution.

At the conclusion of an OIG investigation, the OIG investigator prepares a report that sets forth the allegations and an objective description of the facts developed during the investigation.

The investigative report does not include recommendations. The OIG refers investigative reports that identify criminal activity or fraud to the Department of Justice for possible prosecution or recovery of monetary damages and penalties. If administrative misconduct is found, the OIG forwards the report to the appropriate management official for consideration of disciplinary action. OIG investigative reports are not public documents and are not available on the OIG website.

OIG AUDITS AND EVALUATIONS

The Office of Inspector General is required by the Inspector General Act of 1978, as amended, to conduct audits, evaluations and reviews of agency programs and activities. In general, these activities involve an examination and analysis of FMC bureaus or offices, programs or operations. The auditor may analyze and verify agency records and obtain information by interviews, questionnaires, and physical inspections. Audits are selected based on a number of factors, including (i) statutory requirements, (ii) materiality of the activity, (iii) agency staff comments regarding perceived vulnerabilities or inefficiencies, and (iv) complaints from individuals outside the agency, including Congress, the media and the public.

The audit process involves the following steps:

1. Written notification followed by an entrance meeting with pertinent FMC managers before the audit begins;
2. Audit fieldwork;
3. An exit meeting with management to discuss the audit results;
4. A draft audit report to FMC management for comment;
5. A final audit report presenting the results of the audit along with applicable findings and recommendations;
6. A management decision after an evaluation of the audit findings and recommendations; and
7. The final action taken to resolve the audit findings and recommendations.

The OIG performs its audits and evaluations in accordance with applicable standards issued by the Comptroller General of the United States. Final audit reports are generally provided to the Commission and management officials responsible for implementing the audit recommendations. Audit reports are public documents and are available on the OIG's website.

The OIG also prepares an annual report of the top management challenges facing the agency. This report is included in the agency's annual Performance and Accountability Report to Congress.

CONTACTING THE OIG

FMC employees and the public may contact the OIG regarding suspected incidents of fraud, waste, abuse or wrongdoing as follows:

OIG Office: (202) 523-5863
OIG Hotline: (202) 523-5865 (confidential)
Office E-mail: OIG@FMC.gov
Anonymous E-mail:
<https://www2.fmc.gov/oigcomplaints/>
Fax: (202) 566-0043

You may write to:
Federal Maritime Commission
Office of Inspector General
800 North Capitol Street, N.W.
Room 1054
Washington, D.C. 20573-0001

When making a complaint, please include as much information as possible about the alleged event, e.g., 1) who was involved; 2) when the event occurred; 3) where the event occurred; 4) what type of wrongdoing occurred; 5) what harm, if any, was done; and 6) what, if anything, was done to remedy the harm. A complete and candid report is critical to an effective investigation—this is particularly important for anonymous complaints, since the OIG is unable to contact the complainant for additional information.

The identity of an FMC employee who reports waste, fraud, abuse or wrongdoing to the OIG will be protected from disclosure consistent with provisions of the Inspector General Act. In addition, the Inspector General Act and the Whistleblower Protection Act (5 U.S.C. § 2302(b)(8)) prohibit reprisals against employees for complaining to or cooperating with the OIG.

CONFIDENTIALITY

Where a complainant has requested confidentiality, the OIG will make every effort to honor that request. However, the OIG has authority to reveal the identity of a complainant if it is deemed unavoidable in the course of an investigation. The Inspector General will extend and protect confidentiality as appropriate, including obtaining permission or making a determination that release is necessary to the investigation or audit, before disclosing the complainant's identity.

THE OIG WEBSITE

Information about the FMC OIG is available through the FMC intranet and at <http://www.fmc.gov>. A visitor to the OIG home page can download OIG Semiannual Reports to Congress and can link to other pertinent government sites.