

Offices of Inspector General and Government Shutdowns

September 29, 2023

Like other entities across the federal government, many Offices of Inspector General (OIGs) receive at least a portion of their operating funds via the annual appropriations process and, therefore, may be subject to shutdowns caused by lapses in those appropriations. This Insight provides a broad overview, with examples, of how OIGs might be affected by shutdowns and a recent congressional proposal that would ensure consistent OIG oversight of those activities that continue during a shutdown.

The amount of information readily available about OIG shutdown plans varies greatly. Some OIGs publish contingency plans based on the guidance laid out in Office of Management and Budget (OMB) [Circular No. A-11](#), while information on the status of other OIGs may be included in the contingency plans for their agencies. For instance, the [contingency plan](#) of the Department of Health and Human Services (HHS) includes its OIG, while the Railroad Retirement Board OIG has its [own plan](#). For many OIGs, however, detailed information may be entirely unavailable or not posted on the OMB [webpage for agency contingency plans](#).

As with their parent agencies, each OIG may be affected differently by a lapse in appropriations depending on the circumstances of the lapse, the sources of the OIG's funding, the duties performed by the agency and OIG, and individual decisions by OIG leadership within the parameters of the [Antideficiency Act](#) and executive branch guidance. In many offices, though, it is reasonable to expect that at least some oversight functions would be suspended in most offices during a funding gap.

Based on a review of current contingency plans for OIGs during a lapse in appropriations, it appears that many would furlough a substantial portion of their staff but maintain at least some capacity to conduct investigations and audits. For instance, while [HHS's contingency plan](#) does not provide quantitative information on how many OIG staff would be impacted by a shutdown, it does observe that oversight activities would continue and that many OIG staff would be exempt from furlough because of funding from the Health Care Fraud and Abuse Control Program, which is a mandatory expenditure program.

Other OIGs have planned for a more substantial shutdown of operations. The plan for the OIG for the Department of Housing and Urban Development calls for [only 12 out of over 550 OIG employees](#) to be excepted initially but also [anticipates](#) that circumstances may require the recall of a large number of OIG staff to address issues related to "safety of human life and protection of property."

Congressional Research Service

<https://crsreports.congress.gov>

IN12260

While many OIGs would be directly impacted by a government-wide lapse of appropriations, some would not. For instance, the Amtrak OIG reports in its [shutdown contingency plan](#) that all oversight activities would continue during a lapse in annual appropriations because Amtrak is funded by passenger revenue and federal grants rather than directly via such appropriations.

CRS has a number of published resources that address government shutdowns through a wider lens and include discussion that is generally applicable to federal offices, including OIGs:

- CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, coordinated by Clinton T. Brass;
- CRS Report R47693, *Government Shutdowns and Executive Branch Operations: Frequently Asked Questions (FAQ)*, coordinated by Taylor N. Riccard;
- CRS Report R41759, *Past Government Shutdowns: Key Resources*, by Justin Murray and Carol Wilson; and
- CRS Report R41723, *Funding Gaps and Government Shutdowns: CRS Experts*, coordinated by Dominick A. Fiorentino and Clinton T. Brass

Proposals to Exempt OIGs from Future Shutdowns

In the 118th Congress and other recent Congresses, legislation referred to as the [Keep the Watchdogs Running Act](#) has been introduced in that would allow OIGs to continue to operate during a lapse in appropriations. Under the legislation, OIGs would be able to obligate funds at the same level allowed in their most recent enacted appropriation, and OIGs would be able to perform their duties “with respect to programs and operations ... that continue during” a shutdown.

The Council of the Inspectors General for Integrity and Efficiency has also [supported legislation](#) that would have this effect and has described the effect as allowing OIGs “to continue operations during a lapse in appropriations as if they were operating under a continuing resolution” with regard to agency programs that continue during a shutdown.

Author Information

Ben Wilhelm
Analyst in Government Organization and Management

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS’s institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.
