

Opening Statement

Committee on Science & Technology Subcommittee on Investigations and Oversight

THE CULTURE OF OVERZEALOUS OVERSIGHT: THE ALLEGED MISCONDUCT OF ROBERT COBB, NASA’S INSPECTOR GENERAL

There is a line between good governance and interference, and I think we may have crossed it. Without commenting on the merits of any of the investigations, I note that Robert Cobb is one of four inspector generals (IGs) currently under investigation. These investigations are in addition to three investigations that recently forced IGs to resign. All seven of these investigations are in addition to the countless investigations of executive branch officials outside of the IG community. The current culture in Washington is becoming one of overzealous oversight.

Inspectors General are our agency watchdogs. Of course, these watchdogs need to be watched—accountability is a hallmark of good government. But when holding officials accountable is more about press releases and personal congratulations, oversight becomes more of an interference than a benefit.

Endless investigations have consequences, even beyond the unnecessary expense to taxpayers. Congressional investigators demand that IGs act independently, but constant investigations undermine that independence. In drafting the Inspector General Act, Congress gave IGs substantial freedom to develop audits and conduct investigations. Congress clearly expected IGs to act independently and rely on their own judgment to determine an effective agenda. But that independence is undermined by constant investigations. It is as if we have placed our IGs in front of a firing squad and told them to “speak freely.” An IG cannot act independently if she is under constant fear of investigation. One of today’s witnesses, Professor Paul Light with New York University, recognized this problem and argued that IGs’ agendas were detrimentally influenced by outside powers:

Compliance monitoring not only generates a much greater volume of findings of failure . . . and thus more opportunities for credit claiming by the Congress and the administration, but also produces recommendations for actions that are less expensive, more politically palatable, cleaner jurisdictionally, and faster to implement.

Frederick M. Kaiser, Paul C. Light, *Monitoring Government and the Search for Accountability* 23 (1993).

IGs already have the unenviable task of criticizing powerful agency heads, Congressional leaders, and the President, himself—but this minefield is inherent in the geography of the IG Act—but the difficulty is compounded if we continue to perpetuate this culture of overzealous oversight.

Beyond the systemic damage it causes, investigations cripple the individual offices under investigation. Robert Cobb was under investigation by the Investigative Committee (IC) of the President Council for Integrity and Efficiency (PCIE) for over a year. As soon as that investigation was behind him, Congressional investigators began their own investigation. Throughout this entire period, NASA's Office of the Inspector General (OIG) has been in a state of uncertainty. Congress and the public have been unsure of whether the office is reliable, OIG staff has been unsure of the future of the office, and Cobb, himself, has been uncertain of his own future. Some investigations are, of course, necessary, but there are drawbacks, so they should not be undertaken lightly, and the conclusions should not be pre-ordained.

Who would willingly enter this landscape? Endless investigations will, if they have not already, discourage public service. Congress demands that only the most highly qualified individuals serve as IGs, but constant investigations are making the positions ones that qualified individuals are wise to avoid. The job is simply too political, and too unstable.

The balance between good Congressional oversight and overzealous investigations should be struck by examining the Executive Branch's processes for holding IGs accountable. Robert Cobb was not exonerated by the IC, but neither did the IC recommend his removal from office. The Subcommittee's Majority has been critical of NASA for discounting the IC's conclusions and formulating its own course of action, but the Majority has

done the same thing. While the IC stopped short of recommending Cobb's removal from office, the Majority has ignored that recommendation and has been demanding his removal for months.

The Majority's second-guessing of the Administration's investigation is especially problematic because, while today's hearing is setting out to prove that Cobb must be removed from office, it is not examining the process that determined that he should not be. The executive branch should be given some leeway over its personnel. In the present case, the Administration conducted a costly and thorough investigation of Robert Cobb, NASA's Inspector General. A hearing that condemns the results of a decision-making process without considering the process itself, is fundamentally flawed. A hearing that examined the process by which IGs are investigated would have global benefits to the IG community and would eliminate many of the detriments caused by overzealous investigations. Examining the process may not produce bold headlines, but it does produce good government.