

MEMORANDUM**TO:** DFC**FROM:** Adam Boehler, Chief Executive Officer**SUBJECT:** The Office of Inspector General's Role at DFC**DATE:** August 20, 2020

As CEO of the incredible staff here at DFC, I recognize and appreciate the passion and professionalism each of you brings to our collective mission and our shared commitment to DFC's values. In advancing DFC's mission, and in ensuring that we remain careful stewards of taxpayer dollars, we work closely with a wide spectrum of partners and stakeholders.

Created by the BUILD Act, the Office of the Inspector General (OIG) will be a key partner in this effort. The OIG plays a vital role in promoting our programs' and operations' efficiency and effectiveness, and gives taxpayers confidence their money is in good hands.

I am excited to welcome DFC's first Inspector General, Anthony "Tony" Zakel. Tony and I are committed to building and maintaining a positive, professional, and cooperative working relationship between DFC and the OIG.

Each of us has an important role to play in building this relationship. The following memo outlines the responsibilities of every DFC employee with respect to the operations of the OIG. These responsibilities should be familiar as they are consistent with our responsibilities in working with the USAID OIG.

I am proud to be working with you to advance DFC's mission. Thank you all for your dedication, hard work, and commitment to excellence.

Cooperation with the Office of Inspector General (OIG)

The OIG plays a vital role in the prevention and detection of fraud, waste, mismanagement and abuse in DFC programs. It conducts independent and objective audits, investigations, and other reviews to advance the effectiveness and efficiency of our programs and activities.

To conduct its work, the OIG needs, and is statutorily entitled to, information from all DFC offices related to its work. Among other legal authorities conferred by the Inspector General Act (IG Act), the Inspector General is authorized to “have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials” available to DFC connected to any of the programs and operations under the OIG’s oversight authority.¹ More broadly, the IG Act authorizes OIG to request any information or assistance necessary to carry out its duties, which may include access to employees, facilities, systems, and equipment.² The IG Act also provides for agencies to provide the OIG with any needed access to office space, equipment, and communications facilities at central and field office locations.³

Federal employees have a statutory duty to report evidence of crimes they encounter,⁴ and the Standards of Conduct for Federal Employees mandate that employees “disclose waste, fraud, abuse, and corruption to appropriate authorities.”⁵ Employees meet their duty in this regard by reporting such matters directly to the OIG, which is often best situated to investigate such matters arising at DFC.

As we work in support of our shared mission, all DFC employees are expected to cooperate fully with the OIG in executing its statutory mandate. DFC employees will do the following:

- Honor the OIG’s requests for interviews with program officials in a timely manner;
- Respect employees' rights to speak directly and confidentially with the OIG in accordance with legal requirements;
- Refrain from inhibiting any communication or cooperation between a DFC employee or contractor and the OIG;

¹ Section 6(a)(1) of the IG Act, as amended (5 U.S.C. App. 3).

² Sections 6(a)(3) and 6(c)(1) of the IG Act, as amended.

³ Section 6(d) of the IG Act, as amended.

⁴ 28 U.S.C. 535(b).

⁵ 5 C.F.R. 2635.101(b)(11).

- Provide promptly all materials and other information that could possibly be responsive to an OIG request; and
- Facilitate access to DFC personnel, workspace, documentation, systems, and equipment in response to OIG requests.

The OIG is entitled to classified national security information, privacy-protected materials, information protected by privileges, and other sensitive information. Because the OIG is a DFC component, DFC does not waive any statutory protections or privileges by producing such materials to the OIG. OIG employees are obligated to protect that information. Moreover, the OIG is entitled to materials that originate from agencies outside DFC. Agency employees should alert the OIG when transferring material that falls into any of the above categories. If there is any question about the status of certain materials or how to handle them, employees should consult with their supervisors or the Office of the General Counsel to ensure documents are properly identified, marked and treated; however, this should not delay delivery of materials to the OIG.

DFC employees are prohibited from concealing responsive information or obstructing audits, inspections, investigations, or other OIG inquiries. Reprisal against employees for providing information to the OIG or reporting allegations of fraud, waste or abuse to the OIG is illegal and responsible managers are subject to discipline.

In the same way the OIG has important obligations in the conduct of its audits and investigations. In particular, the OIG is responsible for the following:

- Honoring requests for confidentiality to the extent permitted by law;
- Coordinating with Agency managers and supervisors to avoid undue disruption of ongoing work;
- Making reasonable assessments about the materials and access it needs to fulfill its duties; and
- Respecting and segregating sensitive materials to avoid compromising DFC privileges and other obligations (which allows DFC to assert applicable claims prior to any production outside the Agency).

If you have questions about your obligations regarding the OIG or the OIG's authorities, please consult with your supervisor or with the Office of the General Counsel.