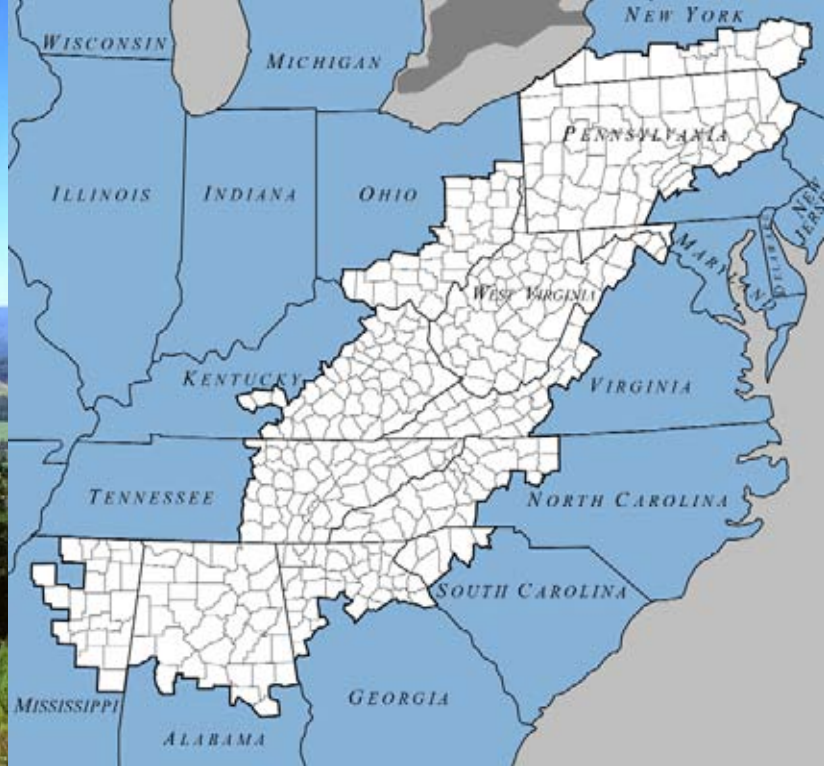




# INSPECTOR GENERAL'S SEMIANNUAL REPORT TO CONGRESS

*Appalachian Regional Commission*

*April 1, 2007–September 30, 2007*





October 2007

MEMORANDUM FOR THE FEDERAL CO-CHAIR  
SUBJECT: Semiannual Report to Congress

In accordance with the requirements of the Inspector General Act Amendments of 1988, Public Law 100-504, I am pleased to submit the Office of Inspector General Semiannual Report to Congress.

This Semiannual Report to Congress summarizes the activities of our office for the 6-month period ending September 30, 2007. During this semiannual period we issued six reports to the Appalachian Regional Commission. During this period, the Inspector General continued to serve as representative of the Executive Council on Integrity and Efficiency.

The Inspector General Act of 1978, as amended by the Inspector General Act Amendments of 1988, provides that this report be forwarded to appropriate Congressional committees within 30 days and that you provide whatever additional comments you consider appropriate.

I appreciate the Commission's and your offices' cooperation with the Office of Inspector General in the conduct of our operations.

Clifford H. Jennings  
Inspector General

Enclosure

TABLE OF CONTENTS

	<u>Page</u>
Executive Summary .....	ii
Purpose and Requirements of the OIG Semiannual Report .....	iii
I. Introduction .....	1
II. Background .....	1
Appalachian Regional Commission .....	1
Office of Inspector General .....	5
III. OIG Activity .....	6
Audits .....	6
Investigations .....	6
IV. OIG Hotline .....	7
V. Legislative & Regulatory Review .....	7
Appendices	
A. Schedule of Audit Reports Issued, April 1, 2007, through September 30, 2007	
B. Schedule of Audit Reports with Questioned or Unsupported Costs	
C. Schedule of Audit Reports with Recommendations that Funds be put to Better Use	
D. Definition of Terms Used	

## EXECUTIVE SUMMARY

During this fiscal year, the Office of Inspector General (OIG) issued 9 reports to the Appalachian Regional Commission. Audit recommendations were directed at internal financial management and internal control issues.

A change in audit reporting procedures is successfully bringing more oversight to grants by the program managers. Upcoming work is focusing on telecommunications and the J-1 visa waiver program. A comprehensive audit guide is being developed for use in performing J-1 visa waiver program audits now and in the future. The J-1 Visa Waiver program provides a waiver of requirements for a foreign physician to return to his/her home country after completion of medical training in the United States. ARC participates as a Federal Entity sponsor to assist Appalachian communities in providing healthcare services to medically underserved areas. The applicable ARC policies and procedures require J-1 physicians to practice 40 hours of primary care per week in a designated Health Profession Shortage Area (HPSA) in the Appalachian Region and serve for at least 3 years (unless a State has a longer period). There is no prohibition on J-1 physicians working extra hours or practicing subspecialties after fulfilling primary care requirements.

During the reporting period, the IG served on the Executive Council on Integrity and Efficiency.

**PURPOSE AND REQUIREMENTS OF THE  
OFFICE OF INSPECTOR GENERAL SEMIANNUAL REPORT**

The Inspector General Act of 1978 requires the IG to keep the Federal Co-Chair and Congress fully and currently informed about problems and deficiencies in the Commission's operations and the necessity for corrective action. In addition, the Act specifies that semiannual reports will be provided to the Federal Co-Chair by April 30 and October 31 and to Congress 30 days later.

The Federal Co-Chair may transmit comments to Congress along with the report but may not change any part of the report. The specific requirements prescribed in the Act, as amended (Public Law 100-504), are listed below.

Reporting Requirements

Section 4(a)(2)	Review of legislation and regulations	Page 7
Section 5(a)(1)	Problems, abuses, and deficiencies	Page 6
Section 5(a)(2)	Recommendations with respect to problems, abuses, and deficiencies	Page 6
Section 5(a)(3)	Prior significant recommendations not yet implemented	*
Section 5(a)(4)	Matters referred to prospective authorities	*
Section 5(a)(5) and 6(b)(2)	Summary of instances where information was refused	*
Section 5(a)(6)	Listing of audit reports showing number of reports and dollar value of questioned costs	App A
Section 5(a)(7)	Summary of each particularly significant report	**
Section 5(a)(8)	Statistical table showing number of reports and dollar value of questioned costs	App B
Section 5(a)(9)	Statistical table showing number of reports and dollar value of recommendations that funds be put to better use	App C
Section 5(a)(10)	Summary of each audit issued before this reporting period for which no management decision was made by end of the reporting period	*
Section 5(a)(11)	Significant revised management decisions	*
Section 5(a)(12)	Significant management decisions with which the Inspector General disagrees	*

\* None.

\*\* See references to Sections 5(a)(1) and 5(a)(2) for discussion of significant reports.

## **I. INTRODUCTION**

The Inspector General Act Amendments of 1988 (P.L. 100-504) provides for the establishment of an Office of Inspector General (OIG) at 30 designated Federal entities, including the ARC. The ARC OIG became operational on October 1, 1989, with the appointment of an IG and provision of budgetary authority for contracted audit and/or investigation activities.

## **II. BACKGROUND**

### **A. APPALACHIAN REGIONAL COMMISSION**

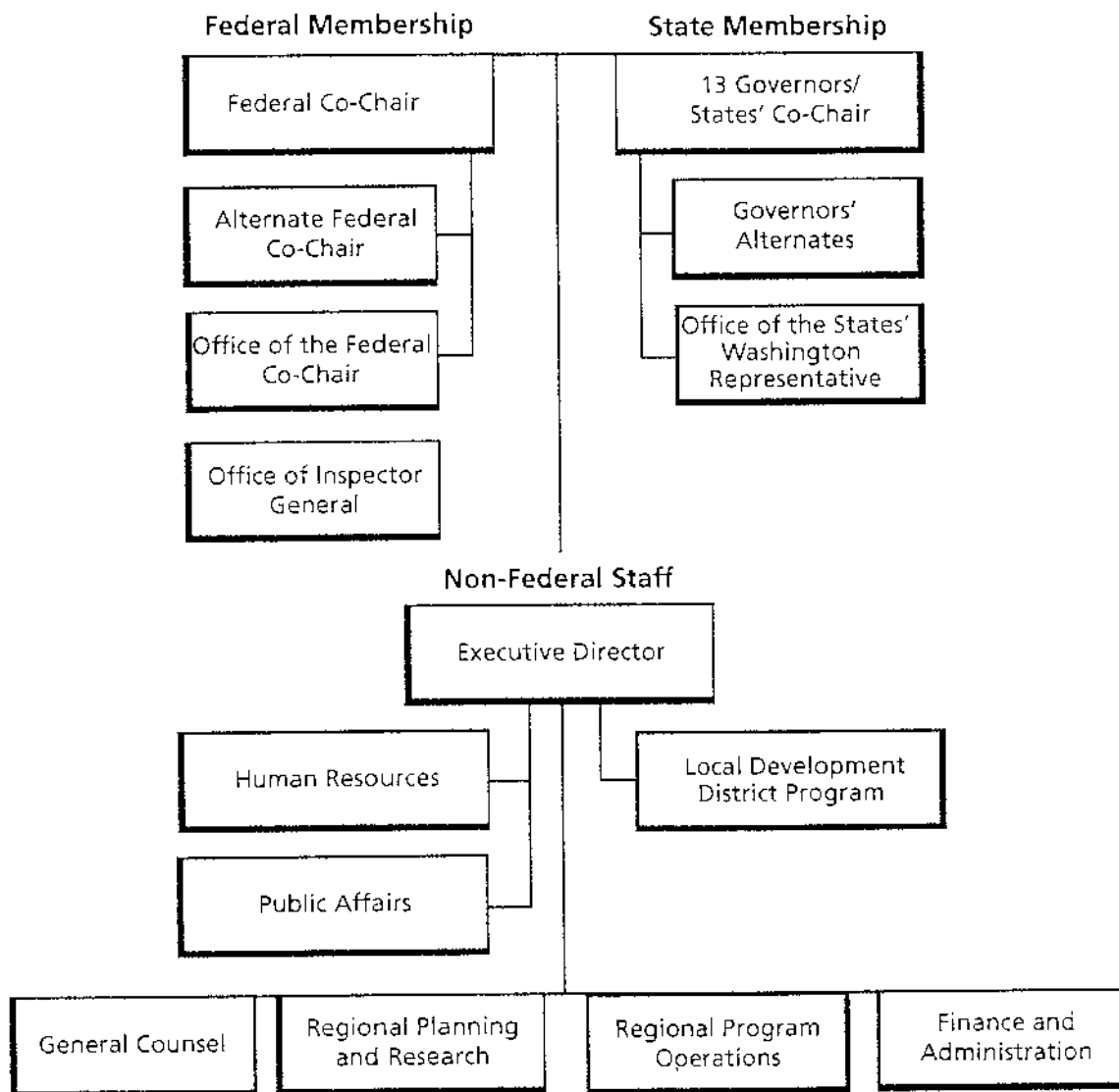
The Appalachian Regional Development Act of 1965 (P.L. 89-4) established the Appalachian Regional Commission. The Act authorizes a Federal/State partnership designed to promote long-term economic development on a coordinated regional basis in the 13 Appalachian States. The Commission represents a unique experiment in partnership among the Federal, State, and local levels of Government and between the public and private sectors. It is composed of the Governors of the 13 Appalachian States and a Federal representative who is appointed by the President. The Federal representative serves as the Federal Co-Chair with the Governors electing one of their numbers to serve as the States' Co-Chair.

- Through joint planning and development of regional priorities, ARC funds are used to assist and encourage other public and private resources to address Appalachia's unique needs. Program direction and policy are established by the Commission (ARC Code) with the vote of a majority of the State members and the affirmative vote of the Federal Co-Chair. Emphasis has been placed on highways, infrastructure development, business enterprise, and human resources programs.
- Administratively, the Office of the Federal Co-Chair, with a staff of 11, and the Commission, with a staff of 43, is responsible for ARC operations. The States maintain an Office of States' Representative (2 persons) that has primarily liaison responsibilities. All personnel are located in Washington, DC. The Commission staff's administrative expenses, including salaries, are funded jointly by Federal and State funds; the States' Representative staff is funded entirely by the States; and the Federal Office staff is funded entirely from Federal funds.
- The Commission's appropriation for FY 2007 is \$64.858 million. ARC was reauthorized in March 2002. In addition, Section 1101 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) provides annual authorizations of \$470 million for construction of the Appalachian Development Highway System (ADHS), under Section 201 of the 1965 Appalachian Regional Development Act, for a total of \$2.35 billion over the five-year period, FY 2005 through FY 2009, from the Highway Trust Fund. Although these funds are derived from the Highway Trust Fund they remain under ARC's programmatic jurisdiction.

Program funds are distributed to State and local entities in accordance with an allocation formula intended to provide fair and reasonable distribution of available resources. ARC staff has responsibilities for program development, policy analysis and review, grant development, technical assistance to States, and management and oversight.

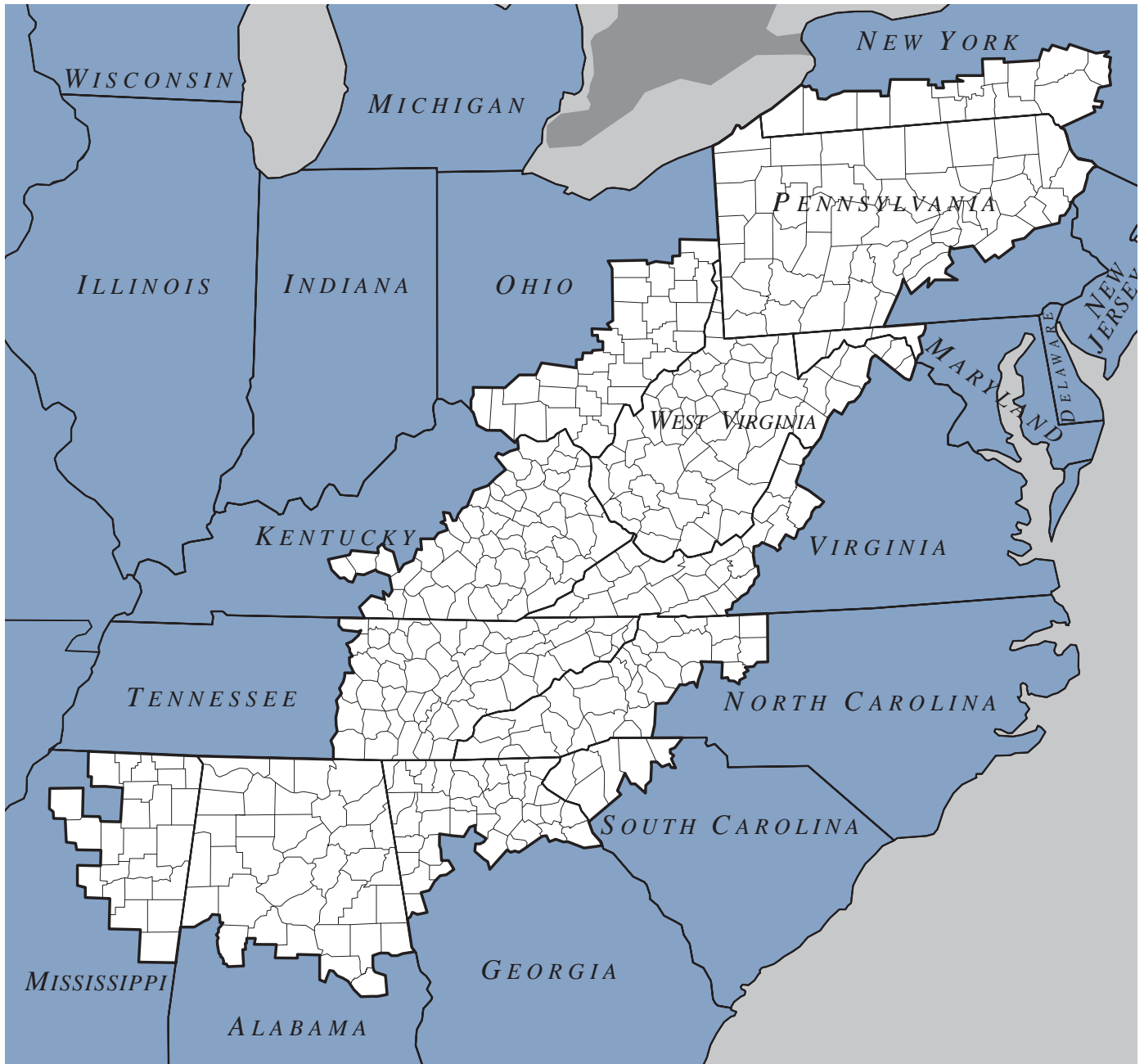
- In order to avail itself of Federal agency expertise and administrative capability in certain areas, ARC often relies on other departments and agencies for program administration, especially with respect to highways and infrastructure projects. For example, the Appalachian Regional Development Act authorizes the Secretary of Transportation to administer the Commission's highway programs with the Commission retaining responsibility for priorities, highway locations, and fund allocations.

### ARC ORGANIZATION CHART





## APPALACHIAN REGION



Appalachia, as defined in the legislation, from which the Appalachian Regional Commission derives its authority, is a 200,000-square-mile region that follows the spine of the Appalachian Mountains from southern New York to northern Mississippi. It includes all of West Virginia and parts of twelve other states: Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia.





# APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

September 30, 2007



Open to Traffic

Not Open to Traffic

Interstate System

## **B. OFFICE OF INSPECTOR GENERAL**

The ARC OIG is an independent audit and investigative unit. An independent Inspector General who reports directly to the Federal Co-Chair heads the OIG.

### **Role and Authority**

The Inspector General Act of 1978 (P.L. 95-452), as amended in 1988, states that the IG is responsible for (1) audits and investigations; (2) review of legislation; and (3) recommendation of policies for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, the program and operations of the establishment. In this regard, the IG is responsible for keeping the Federal Co-Chair and Congress fully informed about the problems and deficiencies in ARC programs and operations and the need for corrective action. The IG has authority to inquire into all ARC programs and activities that are federally funded. The inquiries may be in the form of audits, surveys, investigations, personnel security checks, or other appropriate methods. The two primary purposes of these inquiries are (1) to assist all levels of ARC management by identifying and reporting problem areas, weaknesses, or deficiencies in procedures, policies, program implementation, and employee conduct and (2) to recommend appropriate corrective actions.

### **Relationship to Other Principal ARC Offices**

The States' and Federal Co-Chairs, acting together as the Commission, establish policies for ARC's programs and its administration. These policies are codified in the ARC Code and implemented by the Commission staff, which is responsible for monitoring project performance and providing technical assistance as needed. The Federal Co-Chair, as the Federal fiscal officer, is responsible for the proper use and protection of Federal funds, for ensuring compliance with applicable Federal laws and regulations, and for taking appropriate action on conditions needing improvement, including those reported by the OIG. The operations of the OIG neither replace established lines of operating authority nor eliminate the need for the Commission offices to take reasonable measures to protect and enhance the integrity and effectiveness of their operations. All Commission offices are responsible for monitoring and evaluating the programs entrusted to them and reporting information or incidences needing further audit and/or investigation to the IG.

### **Funding and Staffing**

The OIG funding level for FY 2007 is \$472,000 after a \$5000 rescission. For FY 2007, approximately 44 percent was used for contract audit services, 46 percent for salaries and benefits, 2 percent for travel, and 8 percent for all other activities (training, equipment, space, supplies, etc.). There were some additional expenses as we modernized some equipment to coincide with an office move to another location within the building. Some additional security was also be purchased as we will now be co-located with the rest of the commission staff.

Staffing consists of the Inspector General, an auditor, and a confidential assistant. Grant review activities continue to emphasize use of contracted services (e.g., independent public accounting firms or other OIG offices) supplemented by programmatic and performance reviews directed by OIG staff. Investigative assistance is provided by other OIG offices on an as-needed basis through

memoranda of understanding. This approach is deemed the most appropriate to date in view of the nature of ARC operations and limited resources. During the current period, the Department of Homeland Security (DHS) OIG conducted a computer security review of ARC operations at our request.

### **III. OIG ACTIVITY**

#### **A. AUDITS & RECOMMENDATIONS**

During the reporting year, nine reports were issued dealing with financial and internal controls. Other ongoing reviews are in their final stages. The division of OIG resources results in audit work being performed by a combination of permanent and contractor staff.

Audit staff has worked closely with the agency in dealing with the parent/child provisions of OMB Circular A-136. ARC and OIG staffs have worked closely with OMB staff and others in an attempt to deal with the issue where many material ARC items are immaterial to those who must report them to ARC. ARC has used many innovative methods in attempting to acquire the many staff years needed to resolve the issue in a timely manner so as not to affect the outcome of the current years financial statement audit.

#### **Revolving Loan Funds (RLF)**

ARC currently has a total of 47 RLF grants which were audited during the prior year. Findings were mainly recommendations to strengthen internal controls. The responses by the grantees were considered generally responsive to the recommendations of the audit reports. All ARC RLF's have now been currently audited. The RLF program at ARC is now considered to be in good shape with excellent oversight.

#### **Other**

ARC's J-1 Visa Waiver Program allows recommendations to the State Department for foreign physicians trained in the United States to continue living here; provided they agree to serve in a designated medically underserved area of Appalachia for three years. During the period, we recommended that ARC's issue a press release when a J-1 physician became available. This will serve to notify the residents of the underserved area of the added availability of medical care. Additionally, it will serve as an oversight tool as all in the area will know the requirements that go along with the placement.

#### **B. INVESTIGATIONS**

The Inspector General Act of 1978, as amended, provides that the IG may receive and investigate complaints or information concerning the possible existence of an activity constituting a violation of law, rules, or regulations; mismanagement; gross waste of funds; or abuse of authority. The OIG does not employ criminal investigators. When the need has arisen, the matter would be referred to the Federal Bureau of Investigation or assistance would be contracted with another Federal OIG.

Also, the results of investigations may be referred to the appropriate Federal, State, or local prospective authorities for action.

As a result of the computer security review performed by the DHS OIG, an investigation was opened and certain personnel actions taken. The investigation is still awaiting the resolution of a referral to another law enforcement agency. ARC itself has taken all necessary actions resulting from the audit and subsequent investigation.

In 2006, the OIG referred a case involving \$500,000 in ARC funding and potential contracting violations and kickbacks to the Tennessee Valley Authority's OIG for investigation. The investigation is still ongoing and may expand to include the Tennessee Attorney General's Office, investigating the usage of approximately \$500,000 in local matching funds.

#### **IV. OIG HOTLINE**

A region wide toll-free hotline was previously established to enable direct and confidential contact with the ARC OIG in line with governmental and longstanding OIG initiatives as identified in the IG Act of 1978; to afford opportunities for identification of areas subject to fraud, waste, or abuse. However, contacts with the ARC OIG relative to public complaints or concerns continue to be primarily received through ARC staff, on regular OIG phone lines, or from other OIG offices.

Also, numerous hotline calls were received with respect to matters for which other agencies have jurisdiction. This resulted primarily from the ARC OIG hotline apparently being the first such OIG listing in some telephone directories, resulting in ARC OIG being contacted by citizens who did not know the appropriate agency for handling their concerns. The ARC OIG facilitated the complaint process by identifying the applicable agency based on complainant information and providing the correct OIG hotline number.

#### **V. LEGISLATIVE AND REGULATORY REVIEW**

Primary efforts in this area continued to be related to potential legislative initiatives with respect to OIG operations. The ARC OIG continues to support legislation that would provide improved protections for IGs, including appointee and career IGs, by consideration of alternatives such as removal for cause criteria and term limits as well as the prohibition of acceptance of bonuses.

APPENDIX A

SCHEDULE OF AUDIT REPORTS ISSUED APRIL 1, 2007 TO SEPTEMBER 30, 2007

Report No.	Entity and Title	Program Dollars or Contract/Grant Amount*	Questioned/Unsupported Costs**	Funds to Better Use***
07-04	Memorandum Report on Review of Alabama Department of Education Access Alabama – Connecting Classrooms, Educators & Students Statewide, Montgomery, AL	\$899,895		
07-05	Memorandum Report on Review of Alabama Department of Education access Alabama – Connecting Classrooms, Educators & Students Statewide, Montgomery, AL	\$558,971		
07-06	Memorandum Report on Review of the Alabama Department of Economic and Community Affairs (ADECA), Alabama Strategic Plan for Telecommunications in Appalachia	\$88,432		
07-07	Evaluation of the Appalachian Regional Commission's System Security Program			
07-08	Memorandum Report on Review of the Center for Technology Enterprise, Inc. (CITE) Bowling Green, KY	\$5,400	\$1,200	\$22,140
07-09	Memorandum Report on Review of the Central Alabama Regional Planning & Development Commission (CARPDC) GIS Data Share for Elmore County	\$20,000		\$1,730
TOTALS		\$2,210,592	\$1,200,00	\$23,870

\* Grant amounts reported are for ARC grant amounts and do not include matching funds.

\*\* A cost the Office of Inspector General has questioned because of an alleged violation of law, regulation, contract, or other agreements governing the expenditure of funds; such cost is not supported by adequate documentation; or the expenditure of funds for the intended purpose is unnecessary or unreasonable. Includes required matching contributions.

\*\*\* Funds the Office of Inspector General has identified in an audit recommendation that could be used more efficiently by reducing outlays, deobligating program or operational funds, avoiding unnecessary expenditures, or taking other efficiency measures, such as timely use of funds.

**SCHEDULE OF AUDIT REPORTS WITH  
QUESTIONED OR UNSUPPORTED COSTS**

(\$ in thousands)

	<u>No. of Reports</u>	<u>Questioned Costs</u>	<u>Unsupported Costs</u>
A. For which no management decision was made by the commencement of the reporting period	3	\$ 440	\$ 88*
B. Which were issued during the reporting period	2	\$ 3	\$ 0
Subtotals (A + B)	5	\$ 443	\$ 88
C. For which a management decision was made during the reporting period			
(i) dollar value of disallowed costs	2	\$ 3	\$ 0
(ii) dollar value of costs not disallowed	0	\$ 0	\$ 0
D. For which no management decision has been made by the end of the reporting period	3	\$ 440	\$ 88
E. Reports for which no management decision was made within 6 months of issuance	3	\$ 440	\$ 88

\* Adjusted disclosure from prior periods..

**SCHEDULE OF AUDIT REPORTS WITH  
RECOMMENDATIONS THAT FUNDS BE PUT TO BETTER USE**

	<u>No. of Reports</u>	<u>Dollar Value (\$ in thousands)</u>
A. For which no management decision was made by the commencement of the reporting period	0	\$ 0
B. Which were issued during the reporting period	2	\$ 24
Subtotals (A + B)	2	\$ 24
C. For which a management decision was made during the reporting period		
(i) dollar value of recommendations that were agreed to by management	2	\$ 24
--based on proposed management action	2	\$ 24
--based on proposed legislative action	0	\$ 0
(ii) dollar value of recommendations that were not agreed to by management	0	\$ 0
D. For which no management decision has been made by the end of the reporting period	0	\$ 0
E. Reports for which no final management decision was made within 6 months of issuance	0	\$ 0

**DEFINITIONS OF TERMS USED**

The following definitions apply to terms used in reporting audit statistics:

<b>Questioned Cost</b>	A cost which the Office of Inspector General (OIG) questioned because of an alleged violation of a provision of a law, regulation, contract, or other agreement or document governing the expenditure of funds; such cost is not supported by adequate documentation; or the expenditure of funds for the intended purpose is unnecessary or unreasonable.
<b>Unsupported Cost</b>	A cost which the OIG questioned because the cost was not supported by adequate documentation at the time of the audit.
<b>Disallowed Cost</b>	A questioned cost that management, in a management decision, has sustained or agreed should not be charged to the Commission.
<b>Funds Be Put To Better Use</b>	A recommendation made by the OIG that funds could be used more efficiently if management took actions to implement and complete the recommendation.
<b>Management Decision</b>	Management's evaluation of the findings and recommendations included in the audit report and the issuance of a final decision by management concerning its response to such findings and recommendations, including actions concluded to be necessary. Interim decisions and actions are not considered final management decisions for the purpose of the tables in this report.
<b>Final Action</b>	The completion of all management actions that are described in a management decision with respect to audit findings and recommendations. If management concluded that no actions were necessary, final action occurs when a management decision is issued.



**THE OFFICE OF INSPECTOR GENERAL  
APPALACHIAN REGIONAL COMMISSION**

**serves American taxpayers  
by investigating reports of waste, fraud, or abuse  
involving Federal funds.**

**If you believe an activity is  
wasteful, fraudulent, or abusive of Federal funds,  
please call  
toll free 1-800-532-4611  
or (202) 884-7667 in the Washington metropolitan area**

**or write to:**

**Office of Inspector General  
Appalachian Regional Commission  
1666 Connecticut Avenue, NW, Rm 215  
Washington, DC 20009-1068**

**Information can be provided anonymously.  
Federal Government employees are protected from reprisal,  
and anyone may have his or her identity held in confidence.**

Appalachia, as defined in the legislation from which the Appalachian Regional Commission derives its authority, is a 200,000-square-mile region that follows the spine of the Appalachian Mountains from southern New York to northern Mississippi. It includes all of West Virginia and parts of 12 other states: Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia.

Front cover: Photographs by Ann Hawthorne (top left) and Ken Murray.

**Appalachian Regional Commission**

Office of Inspector General  
1666 Connecticut Avenue, NW, Suite 700  
Washington, DC 20009-1068

