



MEMORANDUM FOR THE FEDERAL CO-CHAIRMAN  
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 for the period April 1, 2002, through September 30, 2002.

This Semiannual Report to Congress summarizes the activities of our office for the 6-month period ending September 30, 2002. This report covers 12 reviews, of which 11 were grant audits. There were no investigations closed during this period. Five investigative referrals were made to other governmental entities.

During the reporting period, the IG continued to serve as representative of the Executive Council on Integrity and Efficiency. Also, the IG continued to serve as the IG of the Denali Commission in line with a Memorandum of Agreement between the Appalachian Regional Commission Inspector General and the Denali Commission Federal Co-Chair.

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 cooperation with the Office of Inspector General in the conduct of our operations.

Clifford H. Jennings  
Inspector General

Enclosure

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## EXECUTIVE SUMMARY

During this reporting period, the Office of Inspector General (OIG) issued 12 reports. Recommendations in grant reviews were directed at improved reporting and eligibility of expenditures. A review of information systems security revealed certain internal vulnerabilities that were immediately addressed.

Grant reviews disclosed that projects were generally being implemented in accordance with program requirements and that grantees generally had satisfactory accounting systems and internal controls. Surveys of the J-1 Visa Waiver program were deferred during this reporting period as the Commission is performing a 100 percent validation of all doctors granted waivers. The J-1 Visa Waiver program provides a waiver of the 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 Region 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. The ARC program requires the physician to serve 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 and participated as a panelist reviewing award nominations. The IG was an active participant in matters impacting the Government Auditor Training Institute and continued as IG of the Denali Commission under a Memorandum of Agreement with the Denali Commission Federal Co-Chair.

The OIG has met with Commission staff to work towards positioning the Commission for audited financial statements. While the unique makeup of the Commission requires much research on determining the applicable standard to be used in preparing financial statements, the Commission staff has made great strides during this period in working towards a final determination of standards to be used and coming up with a standard format that will be equally acceptable to all parties. Further, the OIG has worked with Commission staff responsible for the J-1 program to gather information early in the process that will assist not only the Commission but the OIG in monitoring the program internal controls. Lastly, the Inspector General has started the process of designing an OIG portion of the Commission Management Information System which, when completed, will allow Commission managers access to OIG reports and information directly. The OIG will also work with the Commission staff to place OIG information on the Commission web site.

**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-Chairman 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-Chairman by April 30 and October 31 and to Congress 30 days later.

The Federal Co-Chairman 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 8
Section 5(a)(1)	Problems, abuses, and deficiencies	Page 3
Section 5(a)(2)	Recommendations with respect to problems, abuses, and deficiencies	Page 3
Section 5(a)(3)	Prior significant recommendations not yet implemented	*
Section 5(a)(4)	Matters referred to prosecutive 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) provided 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**

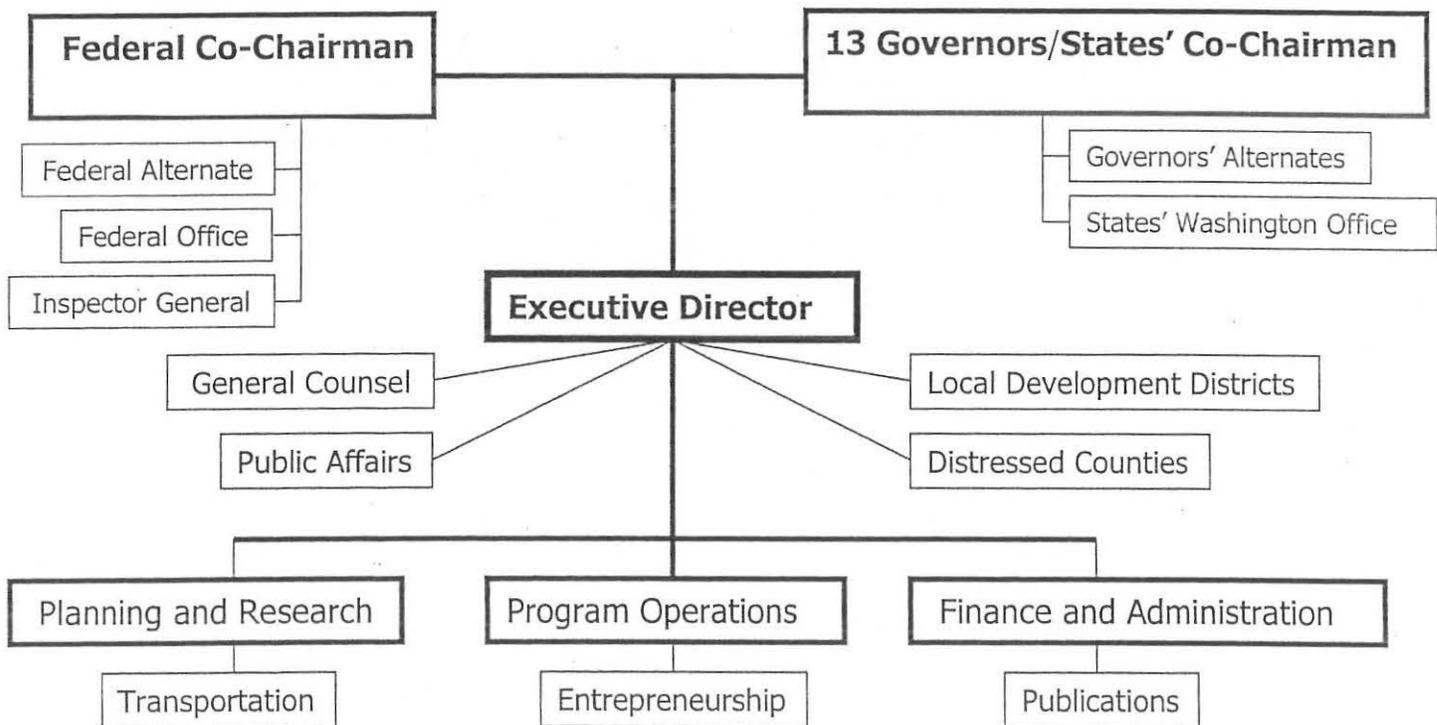
### **A. APPALACHIAN REGIONAL COMMISSION**

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-Chairman with the Governors electing one of their number to serve as the States' Co-Chairman.

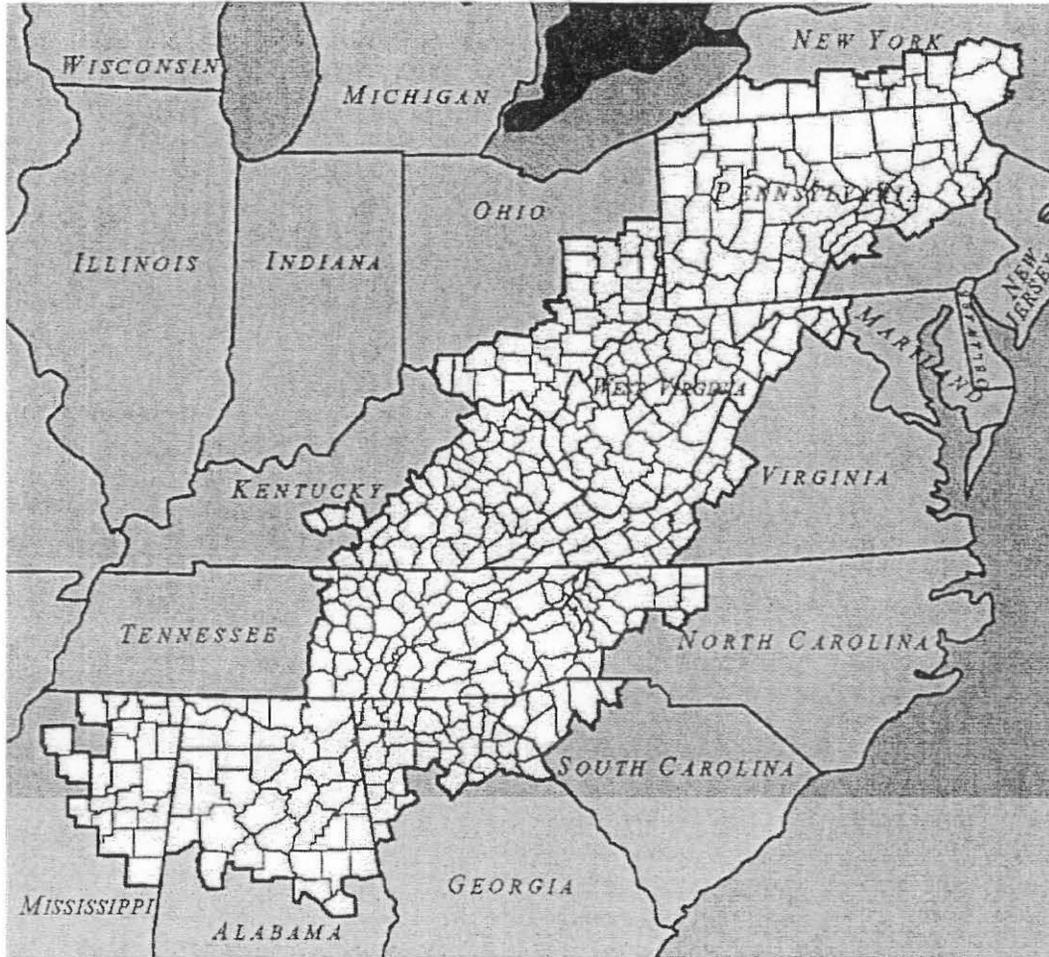
- Through joint planning and development of regional priorities, ARC funds are used to assist and encourage other public and private resources to address Appalachia's unique needs. Program direction and policy are established by the Commission (ARC Code) by the vote of a majority of the State members and the affirmative vote of the Federal Co-Chairman. Emphasis has been placed on highways, infrastructure development, business enterprise, and human resources programs.
- Administratively, the Office of the Federal Co-Chairman, with a staff of 11, and the Commission, with a staff of 48, are responsible for ARC operations. The States maintain an Office of States' Representative (3 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 2002 was \$71 million. ARC was fully reauthorized by Congress in FY 1999, for the first time since 1982, and reauthorized in March 2002. Also, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) authorized \$2.25 billion for the construction of the Appalachian Development Highway System (ADHS) under Section 201 of the 1965 Appalachian Regional Development Act. Enacted in 1998, TEA-21 authorizes \$450 million to be appropriated from the Highway Trust Fund annually from FY 1999 through FY 2003. These funds are derived from the Federal Highway Trust Fund but remain under ARC's programmatic jurisdiction.

- Program funds are distributed to State and local entities in line with an allocation formula intended to provide fair and reasonable distribution of available resources. ARC staff have 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, the 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. Under this arrangement, the Commission retains responsibility for priorities, highway locations, and fund allocations.

## Appalachian Regional Commission

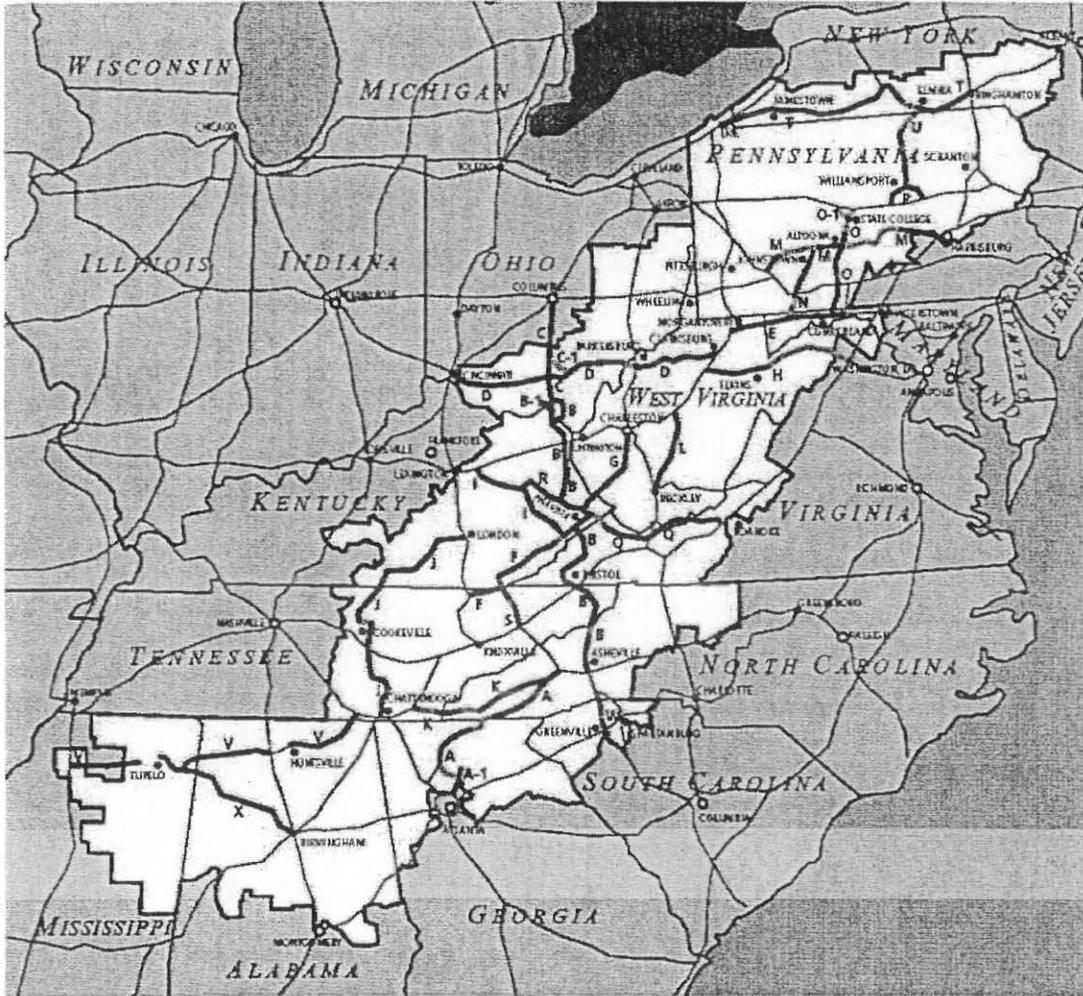


## The Appalachian Region



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



-  Adequate or Complete--September 30, 2001
-  To be Completed
-  Interstate System

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

The ARC OIG is an independent audit and investigation unit. An Inspector General who reports directly to the Federal Co-Chairman 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-Chairman 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 the Federal Co-Chairman, 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-Chairman, 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 2002 was \$466,000. For FY 2002, approximately 28 percent was for contract audit services; 59 percent, for salaries and benefits; 7 percent, for travel; and 6 percent, for all other activities (training, equipment, space, supplies, etc.).

Initial OIG operations included authorization for an Inspector General and a Confidential Assistant. A senior auditor was employed in the latter half of FY 1991; no additional staff has been employed. 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. This approach has been deemed the most appropriate to date in view of the nature of ARC operations and limited resources

### **III. OIG ACTIVITY**

#### **A. AUDITS**

During the reporting period, 12 reports were issued, including 11 individual grant reviews and a program reviews. The division of OIG resources results in audit work being performed by a combination of permanent and contractor staff. Emphasis will continue to be placed on surveys of ARC operations and programs, completion of grant audits, audit resolution and followup, and physician compliance with J-1 Visa Waiver program requirements.

With the cooperation of the Treasury OIG, a series of vulnerability assessments were conducted against a sample of ARC information system resources. The audit was performed primarily using two commercially available scanning tools. These tools were launched against 60 devices on the network and against a selected sample of servers. ARC has in place a robust firewall that serves to protect the network from outside attacks. The audit itself did not restrict itself to scanning from outside but rather from inside as well. The audit detected a number of internal vulnerabilities. ARC acted immediately to replace vulnerable servers. Further, ARC moved its website offsite where it will have no connection to the ARC network operations. Lastly, ARC plans to have standards in place for account policies, password policies and other security procedures in place and enforced during the first quarter of FY 2003.

#### **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 prosecutive authorities for action.

During this reporting period, the OIG has made five referrals and has utilized the services of criminal investigators from another Federal OIG.

### **IV. AUDIT PLANNING**

The OIG will be alert for new or revised areas of ARC operations based on the priorities and emphasis of ARC management, including results of strategic planning initiatives. Audit planning will include consideration of such initiatives with the overall goal being to ensure coverage of high priority, including high dollar, areas in order to assist management to fulfill their responsibilities for effective and efficient program operations.

Of particular importance is maintaining the flexibility of the audit plan to address changing needs and priorities. Coordination with ongoing ARC efforts to implement an entity-wide strategic plan is considered an important element of planning, and discussions with ARC management have identified several areas for review.

The OIG's strategies and objectives for the next 5 years are defined in a strategic plan. The FY 2002 Annual Plan provides the operational details for OIG activities during FY 2002-2005 to implement this strategic plan. We expect to revise this strategic plan periodically until our experiences validate our planning assumptions and we have achieved a comfort level with how we have programmed activities over this extended time period.

Planned FY 2003 audit work includes about 50 individual grant audits in the Appalachian States; additional followup on grants with completed budget periods, grant extensions, and project results; and tests of the J-1 Visa Waiver program. Continued emphasis will be placed on audit followup and corrective action plans, including working with agency management to address open issues and achieve audit resolution and closure. Further emphasis will be placed on audits performed prior to grant completion. This method will allow the auditors to spot problems during the period of performance and will allow the grantees, who are usually smaller entities, to correct problems mid-stream and avoid grant closeout problems that, in many cases, the grantee cannot afford to remedy. The proactivity with the grantees serves not only the grantee but also the Commission as it allows for a better use of funding and a greater likelihood of mission accomplishment.

In order to maximize use of available resources directed at reviewing ARC activities, emphasis will continue to be placed on nonstandard reporting formats including memorandum, letter, and survey reports. Although such reporting formats reduce the time and resources necessary for review completion, the results and information included in such reports is based on evidence and supporting documentation consistent with generally accepted auditing standards.

## **V. OIG HOTLINE**

A nationwide 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. During the reporting period, followup action was initiated on calls identifying concerns with actions by several grantees.

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. The ARC OIG Hotline also serves as the hotline for the Denali Commission. During this period, the ARC OIG made one referral to another OIG based on information provided on the hotline.

## **VI. 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 designated and career IGs, by consideration of alternatives such as removal for cause criteria and term limits. The IG disagrees with current proposals about consolidation of designated IG offices.

## **VII. OTHER**

The Inspector General has met with Commission staff to work towards positioning the Commission for audited financial statements. While the unique makeup of the Commission requires research on determining the applicable standard to be used in preparing financial statements, the Commission staff has made great strides during this period in working towards a final determination of standards to be used and coming up with a standard format that will be equally acceptable to all parties. Further, the Inspector General has worked with Commission staff responsible for the J-1 program to gather information early in the process that will assist not only the Commission but also the OIG in monitoring the program internal controls. Lastly, the Inspector General has started the process of designing an OIG portion of the Commission MIS which, when completed, will allow Commission managers access to OIG reports and information directly. The OIG will also work with the Commission staff to place OIG information on the Commission web site.

The Inspector General continued to serve on the Executive Council on Integrity and Efficiency. The IG continued to serve as the IG of the Denali Commission in line with a Memorandum of Agreement between the ARC IG and the Denali Commission Federal Co-Chairman.

APPENDIX A

SCHEDULE OF REPORTS ISSUED APRIL 1 TO SEPTEMBER 30, 2002

Report No.	Entity and Title	Program Dollars or Contract/Grant Amount	Questioned/Unsupported Costs*	Funds to Better Use**
02-21	Georgia Regional Initiatives	\$ 317,000		\$132,821
02-25	Meigs County, Ohio, Dental Program	200,000		
02-28	ARC Computer Network/Systems' Security	N/A		
02-30	Walker County, Georgia School Mentoring	50,712		1,077
02-31	Northwest Georgia Strategic Telecommunications Design	85,300		
02-32	Parents, Children, Teachers Force 3 Project	88,600		
02-33	Chattooga County, Georgia Telecommunications	254,899		
02-34	Next Generation Entrepreneurial Schools Kentucky	200,000		
02-35	Hickory Flat Clinic Health Care Equipment, Mississippi	99,960		
02-36	Mississippi Governor's Initiative for Classroom Technology	174,000		
02-37	Mississippi State University Virtual Entrepreneurial Incubator	86,350		
02-38	Tupelo Middle School SELECT, Mississippi	205,500		
TOTALS		\$1,762,321		\$133,898

\* 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	4	\$ 65	\$
B. Which were issued during the reporting period	<u>0</u>	<u>\$</u>	<u>\$</u>
Subtotals (A + B)	4	\$ 65	\$
C. For which a management decision was made during the reporting period	3	\$ 35	\$
(i) dollar value of disallowed costs	3	\$ 35	\$
(ii) dollar value of costs not disallowed		\$	\$
D. For which no management decision has been made by the end of the reporting period	1	\$ 30	\$-
E. Reports for which no management decision was made within 6 months of issuance	1	\$ 30	\$-

**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	1	\$ 1 <u>1/</u>
B. Which were issued during the reporting period	2	\$ <u>133</u>
Subtotals (A + B)	3	\$ 134 <u>1/</u>
C. For which a management decision was made during the reporting period		\$ 134
(i) dollar value of recommendations that were agreed to by management	3	\$ 134
--based on proposed management action	3	\$ 134
--based on proposed legislative action	-	\$ -
(ii) dollar value of recommendations that were not agreed to by management		\$
D. For which no management decision has been made by the end of the reporting period		\$
E. Reports for which no final management decision was made within 6 months of issuance		

Notes:

1/ Report issued at end of reporting period identified open grants with balances of \$4.1 million for followup. Based on prior reports and management actions, it is estimated about \$1 million will be deobligated for use on other projects. This report was closed upon issuance and should not have been listed in previous semiannual as not having a management decision made.

**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.**