



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

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before the

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Committee on Oversight and Reform
Subcommittee on Government Operations

“Overseeing the Overseers:
Council of the Inspectors General on Integrity and Efficiency at 10 Years”

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Good Morning Chairman Connolly, Ranking Member Meadows, and distinguished members of the Subcommittee. Thank you for the opportunity to testify on the important work of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) Integrity Committee (IC or Committee) and our efforts to improve transparency and accountability.

Overview of CIGIE's Integrity Committee

The timeless question, “*Quis custodiet ipsos custodiet*,” which roughly translates from Latin to “*Who Will Watch the Watchers?*” was answered for Inspectors General as agency watchdogs with the creation of the Integrity Committee, first in Executive Order No. 12993 (March 21, 1996) and then with the 2008 amendments to the Inspector General Act of 1978 that created CIGIE. The purpose of the Committee is to protect the integrity of the IG community by providing an independent and objective body to evaluate and investigate allegations of wrongdoing against IGs and designated senior OIG officials, as well as the Special Counsel and Deputy Special Counsel of the Office of Special Counsel (OSC). This self-policing of the IG community is a solemn responsibility that requires the Committee to be vigilant, independent, and transparent to maintain the trust of our key stakeholders: the public and the Congress.

Four IGs, a senior FBI official, and the Director of the Office of Government Ethics (or the Director's designee) make up the IC. The IC elects one of the four IG members as IC Chairperson, for a 2-year term of office. As the chairperson, I had the responsibility of managing the Committee's transition from the FBI to CIGIE. Previously, the FBI chaired and had program management responsibilities of the IC. The Inspector General

Empowerment Act of 2016 (IGEA) transferred these responsibilities to CIGIE, and the IC completed this transfer in FY 2018. The FBI's current and former Assistant Director of Integrity and Compliance were instrumental in the smooth transition. Throughout this changeover, the IC has remained focused on continuing to improve our processes and to enhance their rigor, timeliness, accountability, and transparency.

Integrity Committee Review Process

The IC operates pursuant to policies and procedures required by the IG Act. Incoming complaints are first reviewed by IC support staff to determine if they involve officials under the purview of the Committee. Covered officials include IGs and senior OIG officials who report to the IG. As this Subcommittee is aware, the IG Act did not intend for the Integrity Committee to handle allegations against all OIG employees but rather only those senior officials for whom "an internal investigation may not appear objective." The complaints are then reviewed by a three-member panel, the Allegation Review Group (ARG). By statute, the ARG consists of designees of the IC Chairperson, the Attorney General, and the Special Counsel. This diverse panel ensures that the equities of each agency are considered, determines where the matter is most appropriately handled, refers relevant matters to the IC, and informs the IC of referrals to the U.S. Department of Justice (DOJ) or OSC.

IC members meet at least once a month (usually more frequently) to provide a prompt and independent review of each allegation referred to the Committee. IC members often review voluminous material in advance of the meeting to engage in an informed discussion of each allegation, and make fair, consistent, timely, and impartial

dispositions. It is not unusual for the agenda to include 400 pages of records, and we have had several meetings with more than 800 pages of records. Frequently, the Committee determines that the subject of the allegations should address the allegations in a thorough and supported response to the Committee, if this can be done without compromising the identity of confidential complainants or witnesses. The Committee may also ask the complainant for additional detail or to rebut the subject's response, assuming that the complaint was not made anonymously. The IC members follow a recusal policy, as appropriate, to prevent conflicts of interest or even the appearance of conflicts.

The Committee then thoroughly discusses the matter and all accompanying materials to determine whether the allegations meet the threshold standard for serious misconduct¹ and whether an investigation is warranted. If the Committee decides to initiate an investigation, the matter is assigned to an impartial OIG of sufficient size to conduct a prompt, objective, and independent investigation. At the completion of that investigation, the investigating OIG provides the IC with a draft report on its findings. The subject is given an opportunity to review and respond to the draft report, and then the IC sends its findings and recommendations to the appointing authority for appropriate action, and to the Congressional oversight and authorizing committees.

¹ IC Threshold standard: "The IC takes action on allegations of wrongdoing against a Covered Person that involve abuse of authority in the exercise of official duties or while acting under color of office, substantial misconduct, such as gross mismanagement, gross waste of funds, or a substantial violation of law, rule, or regulation, or conduct that undermines the independence or integrity reasonably expected of a Covered Person." CIGIE Integrity Committee *Policies and Procedures 2018*.

Transition Activities

Since the IGEA amendments transferred IC responsibilities from the FBI to CIGIE, the IC built a structure and operation to manage these responsibilities, including the following:

- hired staff support;
- stood up a new case and records management system to assist with timeliness and organization of complaints and investigations;
- revised CIGIE's Privacy Act and Freedom of Information Act regulations;
- published a new System of Records Notice;
- submitted a new Federal records schedule; and
- promulgated substantial revisions to the IC Policies and Procedures to improve timeliness, transparency, and accountability.

Transparency

The IC is aware of its stakeholders' interest in its deliberations. Therefore, the Committee maintains its meeting minutes in a form that can be released upon request, with modest redactions to protect confidentiality and privacy. In addition, the Committee staff has made a concerted effort to promptly respond to numerous Freedom of Information Act requests from the public, including the media, and has made significant improvements to reduce the backlog that CIGIE inherited.

Furthermore, the IC has increased our outreach to various stakeholders: 1) to Congress through personal meetings with Members and staff and enhanced reporting in our 30-day status letters and Annual Reports; 2) to the public through a more interactive,

informative, and helpful website; and 3) to IGs and senior members of the IG community through multiple training sessions on IC processes and policies. We also plan to include a link to the IC's website on oversight.gov so that complainants can more easily submit allegations through that broader platform.

In addition, the IC has been working with other stakeholders, including OSC, to ensure that allegations made against IGs and senior OIG officials under other laws and procedures are sent to the IC to ensure that there is full accountability for OIG officials and protection of whistleblowers and complainants.

Even with these improvements, the IC recognizes that it must do more to increase transparency. We must also balance efforts to increase transparency with our statutory obligation to protect the identity of confidential complainants, witnesses, and whistleblowers to the greatest extent possible. The IC and Congress rely heavily on these individuals for information, and we do not want to discourage them from having the confidence to bring forward allegations out of fear of being revealed and potentially retaliated against.

Timeliness

The IC is continually looking for ways to streamline our processes while preserving the fairness and thoroughness of our reviews and investigations. One method the IC employs to improve timeliness is to craft the scope of the investigation at the front end to focus investigative resources on the most serious allegations of wrongdoing. Also, where allegations are based solely on documentary evidence and do not require

witness interviews, the IC staff can review the evidence and prepare findings and conclusions for consideration by the IC members.

The IC regularly presses the assisting OIGs to adhere to the statutory deadlines for investigations, but it is not unusual for investigations to exceed the 150-day time-limit contemplated by the Act. Many of our investigations are complex, involve multiple allegations, and require the assembly, review, and evaluation of substantial records. In addition, the investigations typically require numerous witness interviews that must be scheduled, as well as subject interviews, which often require coordination with counsel. Other allegations of wrongdoing often arise during the investigations, which must be pursued. Some matters involve national security issues with records that are classified, extending the time for review.

We recognize that we need to do more to endeavor to meet the challenging statutory deadlines and provide timely results. We continue to look for ways to streamline our processes and to marshal additional resources to address timeliness.

Summary of Outcomes for FY 2018-2019

FY 2019 Reporting

As of August 30, 2019, IC support staff received 1,040 incoming communications in FY 2019. IC support staff determined that 94 complaints from the 1,040 communications were made against a covered person and were not duplicative. These complaints were forwarded to the ARG for review, which referred 57 cases to the IC. These cases involved 33 different agencies and 68 covered persons.

The IC reviewed each of these 57 allegations in detail. As is common with complaints submitted to our individual IG Hotlines, many complaints submitted to the IC are not actionable, because they do not reach the threshold standard of wrongdoing. These complaints include management decisions within the reasonable discretion and authority of the IG, general disagreements about investigations or audits (absent, for example, alleged independence issues), simple employment disputes, anonymous allegations that are frivolous on their face or provide insufficient detail, or other matters that fall below the IC threshold standard.

In FY 2019 to date, following thorough review and deliberation, the IC sought substantive responses from the subjects in six cases and initiated seven investigations. Six of these required support from an impartial OIG, and one was conducted internally under my direction as the IC Chairperson because it involved a straightforward written record.

FY 2018 Reporting

In FY 2018, the IC staff received 385 communications that were then consolidated into 86 complaints. The ARG further reduced these complaints to 63 that were then forwarded to the IC. These 63 cases involved 34 different agencies and 87 covered persons. Responses were sought from 27 subjects for 21 out of the 63 cases. The IC initiated five investigations.

Select Investigations

We received a complaint alleging that an OIG covered person wrongfully sought and accepted a performance-based cash award, which would not be permitted for this

official. The IC Chairperson completed the investigation and substantiated the allegation. The IC determined that the facts developed in the investigation were supported by a preponderance of the evidence. The Committee concluded that the subject engaged in substantial misconduct that undermined the independence and integrity reasonably expected of a covered person and submitted the findings and recommendations to the appointing authority.

The IC received another complaint that alleged a covered person wrongfully: 1) reduced the scope of an ongoing audit after meeting privately with agency management to appease them; 2) attempted to remove an OIG staff member for aggressively pursuing investigations against senior agency officials and for discriminatory reasons, and 3) sought and relied upon legal advice from the agency's Office of General Counsel thereby compromising IG independence. The IC Chairperson engaged the assistance of an investigating OIG, which after a thorough investigation, did not substantiate the allegations. The IC sent the findings to the appointing authority.

Transparency and Accountability Efforts in Individual OIGs

Beyond the Integrity Committee, individual IGs are responsible under the IG Act for promoting accountability and transparency in their larger departments. I want to take a moment to highlight an effort we recently made in my office at the U.S. Department of Labor (DOL) to further accountability and transparency. In July, my office launched an online OIG Recommendation Dashboard on our external website to highlight the recommendations for improvement of DOL programs and operations that had not been timely implemented by DOL, some dating back several years. We followed the lead of

the U.S. Department of Transportation OIG and several other OIGs in developing a Dashboard that provides up-to-date information regarding the status of all OIG recommendations. The Recommendation Dashboard holds both DOL and the OIG accountable for the status of recommendations while providing stakeholders real-time, on-demand information about program improvements. DOL leadership has embraced this new tool, and the Dashboard has fostered a culture of accountability and transparency of our work. Since alerting DOL leadership about the development of the Dashboard, DOL agencies have closed 141 out of 318 unimplemented recommendations, a 44 percent reduction. We continue to work with the Department's leadership to further reduce the number of unimplemented recommendations.

Conclusion

Mr. Chairman, our stakeholders look to the IC to provide fair, timely, and impartial disposition of allegations. We will continue to work with this Subcommittee to strengthen the integrity of the IG community and improve the transparency and timeliness of our processes. We appreciate this Subcommittee's support of our work and in particular, the Chairman's abiding interest in ensuring that the IG community upholds the central value of integrity.

I would like to take a moment to publicly thank my fellow members of the Integrity Committee and support staff for their dedicated service and devoting considerable time to our deliberations, especially my esteemed Vice Chair, the Honorable Deborah Jeffrey, Inspector General for the Corporation for National and Community Service. I

would also like to thank DOJ's Public Integrity Section for their longstanding expert legal counsel to the IC.

I welcome any questions you or other members of the Subcommittee may have.