



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

February 14, 2020

The Honorable Ron Johnson
Chairman, Committee on Homeland Security
and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510-6250

The Honorable Gary Peters
Ranking Member, Committee on Homeland Security
and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510-6250

Dear Mr. Chairman and Ranking Member Peters:

Section 11(d)(9) of the Inspector General Act of 1978, as amended, requires the Council of the Inspectors General on Integrity and Efficiency (CIGIE) to submit to the Congress and the President an annual report on the activities of the CIGIE Integrity Committee (IC). Enclosed is the report of the IC Chairperson, summarizing the IC activities for fiscal year 2019. The report provides information on the number, status, and disposition of complaints received by the IC during this period.

Thank you for your continued support for the work of the Inspector General community. Should your staff wish to receive any additional information concerning this report or any other CIGIE activity, please have them contact me at (202) 514-3435.

Sincerely,

Michael E. Horowitz
Chairperson

Enclosure

cc: The Honorable Margaret Weichert, Executive Chairperson
Council of the Inspectors General on Integrity and Efficiency



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

February 14, 2020

The Honorable Carolyn Maloney
Chairwoman, Committee on Oversight
and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

The Honorable Jim Jordan
Ranking Member, Committee on Oversight and
and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Ms. Chairwoman and Ranking Member Jordan:

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cc: The Honorable Margaret Weichert, Executive Chairperson
Council of the Inspectors General on Integrity and Efficiency



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INSPECTORS GENERAL
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February 14, 2020

The President
The White House
Washington, DC 20500-0000

Dear Mr. President:

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Respectfully,

Michael E. Horowitz
Chairperson

Enclosure

cc: The Honorable Margaret Weichert, Executive Chairperson
Council of the Inspectors General on Integrity and Efficiency



Council of the
INSPECTORS GENERAL
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**Council of the Inspectors General
on Integrity and Efficiency**

Integrity Committee Activities

**Fiscal Year 2019
Annual Report**

Message from Chairperson Dahl

On behalf of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) Integrity Committee (IC), I present this annual report on the activities and accomplishments of the IC from October 1, 2018, to September 30, 2019. The Inspector General Act of 1978, as amended, mandates that the IC receive, review, and refer for investigation allegations of wrongdoing made against Inspectors General (IGs), designated staff members of those IGs, and the Special Counsel and Deputy Special Counsel of the Office of Special Counsel (OSC). The IC members and the support staff continue to serve a vital role of holding senior OIG officials accountable for serious misconduct by ensuring fair, consistent, timely, and impartial disposition of allegations that fall within the IC's statutory authority.



As previously reported, the IC has seen a significant increase in case load since the enactment of the Inspector General Empowerment Act of 2016 (IGEA), from 39 cases in fiscal year (FY) 2017 to 62 cases in FY 2019. The IC met 19 times in FY 2019 and initiated seven investigations (compared to three investigations in FY 2017 and five investigations in FY 2018). The IC completed three investigations during this reporting period and issued reports to Congress for each, all originating in FY 2018.

During this reporting period the IC increased its outreach efforts to inform the IG community and congressional stakeholders about our processes and remains focused on enhancing their rigor, timeliness, accountability, and transparency. Please visit our webpage for historical records and up to date information regarding the IC and its activities at <https://www.ignet.gov/cigie/committees/integrity-committee>.

I look forward to continuing these efforts and working with our partner agencies and members of Congress to provide our nation's taxpayers with assurance of the independence and integrity of the federal oversight community.

A handwritten signature in black ink that reads "Scott Dahl".

Scott Dahl
Chairperson, Integrity Committee

Overview of the Integrity Committee

Statutory Authority, Mission and Organization

The statutory mission of the Council of the Inspectors General (CIGIE) [Integrity Committee](#) (IC) is to receive, review and refer for investigation allegations of wrongdoing made against an Inspector General (IG), certain designated senior members of an Office of Inspector General (OIG), and the Special Counsel and Deputy Special Counsel of the U.S. Office of Special Counsel (OSC), in accordance with section 11(d) of the Inspector General Act of 1978, as amended, 5 U.S.C. app. (IG Act).

Committee Membership and Support Staff

IC membership includes four IGs and a designee each from the Office of Government Ethics (OGE) and the Federal Bureau of Investigation (FBI). The current IC members are:

- [The Honorable Scott Dahl](#), IG, U.S. Department of Labor (Chairperson)
- [The Honorable Deborah Jeffrey](#), IG, Corporation for National and Community Service
- [Kevin Winters](#), IG, Amtrak
- [Andrew Katsaros](#), IG, Federal Trade Commission
- [Dale Christopher](#), Deputy Director for Compliance, OGE
- [Catherine Bruno](#), Assistant Director, Office of Integrity and Compliance, FBI

The IC is supported by two CIGIE staff members in the CIGIE Office of General Counsel and a Department of Justice (DOJ) legal advisor, currently a senior official of the DOJ Public Integrity Section.

IC Policies and Procedures

The IC operates pursuant to its published [policies and procedures](#). Upon receipt of a complaint against a covered person, IC support staff forwards the complaint to a three-member panel that consists of a designee of the IC, DOJ, and OSC. This ensures the equities of each agency are considered prior to referring the matter to the IC for review. The IC members meet at least monthly as an independent deliberative body to review each allegation, using a threshold standard and the current policies and procedures to guide its actions (*see* enclosure 2). The IC continually strives to ensure the fair, consistent, timely, and impartial disposition of allegations. To mitigate the existence or appearance of conflicts of interest, the IC members adhere to a policy of transparency at meetings and recusal from matters, as appropriate.

Fiscal Year 2019 Data Reporting

Federal Personnel Under the Authority of the IC

Pursuant to the IG Act, the IC has the authority to investigate allegations made against the 74 Inspectors General who are members of CIGIE, the Special Counsel and Deputy Special Counsel of OSC, and IG designated staff members, collectively termed “covered persons.” For fiscal year (FY) 2019, there were approximately 444 covered persons subject to the IC’s authority, an increase from 415 covered persons in FY 2018. The IC attributes this change to the increased outreach to IGs and senior members of the IG community through multiple training sessions on IC processes and policies.

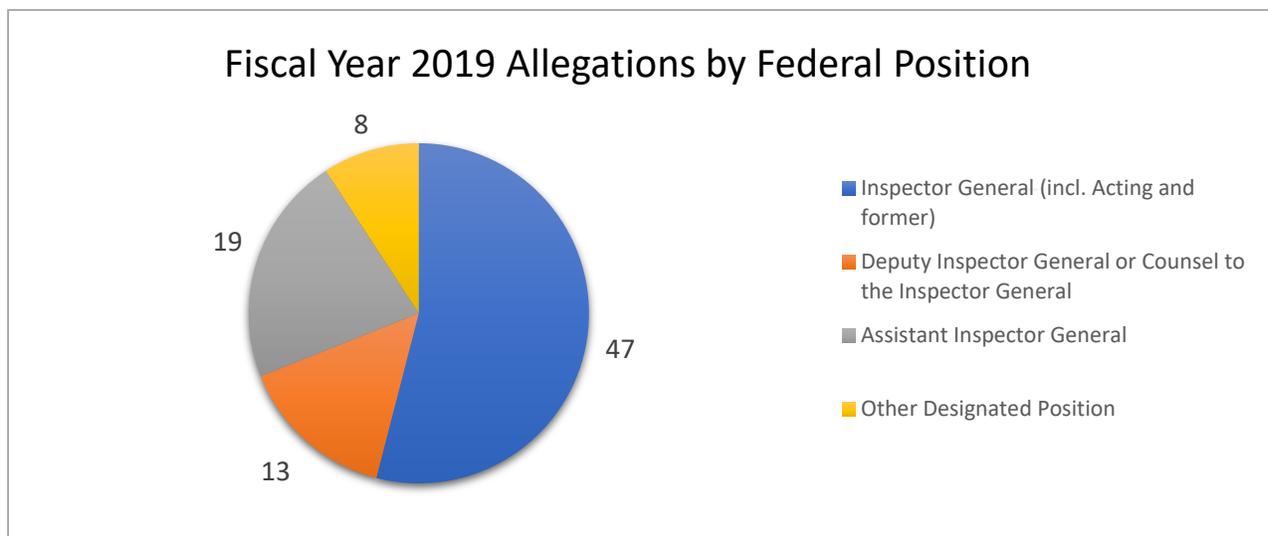


Figure 1. Fiscal Year 2019 Allegations by Federal Position

Disposition of FY 2019 Complaints

In FY 2019, the IC received approximately 1035 incoming communications, a significant increase from the 385 communications in FY 2018, which may be attributed to IC’s increased outreach to the public and the implementation of a more interactive, informative, and helpful website. The communications were screened to remove duplicates, objectively unreliable information, and complaints determined to be completely outside of the IC’s authority. The remaining complainant communications were consolidated into 69 complaints and forwarded to the Allegation Review Group (ARG). Upon referral from the ARG, the IC support staff further consolidated the complaints into 62 IC cases, which involved 37 different agencies and 63 covered persons. The IC initiated seven investigations, requested additional information for seven cases, and sought responses from ten respondents for eight cases.

Typically, each case contains multiple allegations of wrongdoing against one or more covered persons within an OIG or OSC, averaging over 50 pages of substantive information for IC review per closed case.

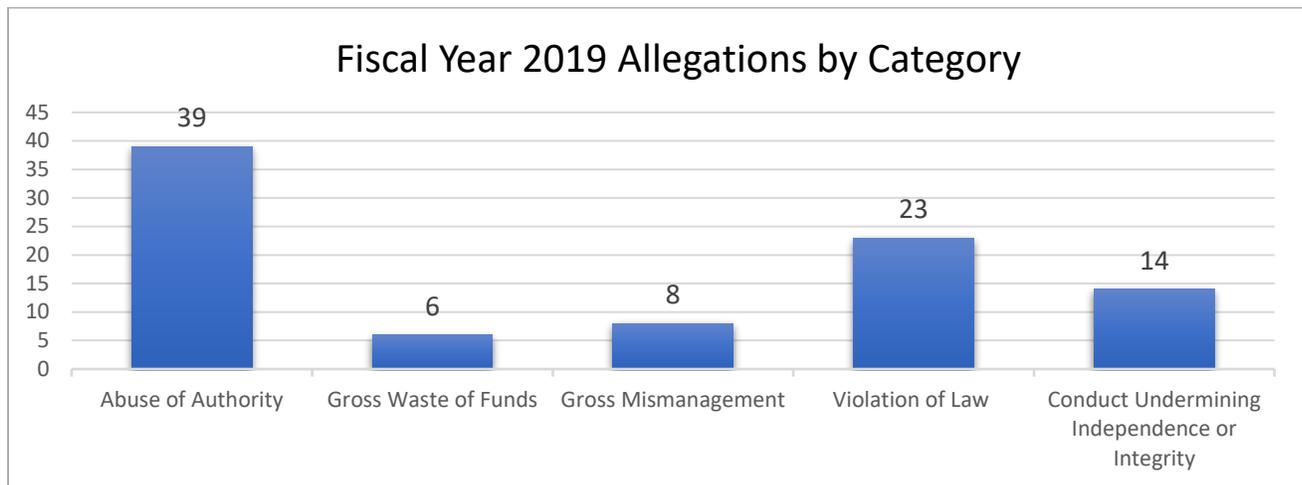


Figure 2. Fiscal Year 2019 Allegations by Category

Summary Disposition of FY 2019 Complaints

FY 2019 Case Disposition: The IC opened 62 cases.

- The IC initiated seven investigations in FY 2019 and closed three investigations (*see* Enclosure 1).
- The IC had eight investigations, arising from nine underlying cases, pending completion at the end of the reporting period.
- The IC closed 42 cases with no referral for investigation.
 - The IC referred 12 cases to heads of agencies for any action deemed appropriate:
 - nine to the relevant IG,
 - one to the Special Counsel of OSC, and
 - two to the CIGIE Chairperson.
 - The IC closed the remaining 30 allegations without external referral. *These cases either contained no apparent allegations of wrongdoing and/or the IC threshold standard was not met. Additionally, to protect whistleblower identity, the IC will not refer an allegation to another agency of jurisdiction without the complainant's consent.*
- The IC had 17 FY 2019 cases pending review and initial determination at the end of the reporting period.

FY 2019 Case Timeliness

The IC takes seriously its obligation to act promptly on matters before us; however, the deadlines established by the IG Act continue to pose a challenge due to the complexity of the cases. We appreciate that Congress created flexibility for the IC to handle such important matters. Pursuant to the IG Act, the IC issued 12 letters to notify Congress of the need to extend the 30-day IC review period and the 150-day IC investigation period allowed by statute. Nineteen cases exceeded the initial 30-day IC review period due to the classified nature of the material, a lack of quorum for IC determinations, requests for additional information, and the 20 days given by IC policy to each subject who is asked to respond to the allegations. Five investigations exceeded the 150-day IC investigation period due to the large number and volume of documents reviewed, the large number of witnesses interviewed for each case, national security classification issues, and, in some cases, the investigation of additional allegations of wrongdoing that arose during an ongoing investigation or a lack of cooperation by the subject.

Summary Disposition of FY 2017 and FY 2018 Complaints in FY 2019

The IC continued work on two cases from FY 2017 and 14 cases from FY 2018.

- The IC had one investigation, arising from two underlying cases that originated in FY 2017, pending completion at the end of the reporting period.
- The IC had three investigations originating in FY 2018 pending completion at the end of the reporting period.
- The IC closed ten cases from FY 2018.
 - The IC completed an investigation for case 918/919/972 and substantiated findings of wrongdoing (enclosure 1).
 - The IC completed an investigation for case 954 and substantiated findings of wrongdoing (enclosure 1).
 - The IC completed an investigation for case 966 and did not substantiate wrongdoing (enclosure 1).
 - The IC closed the remaining five cases and, upon consent from the complainant, forwarded the cases, as appropriate, to the relevant IG, the Special Counsel, or other authority for any action they deem appropriate.

Other IC Activities and Efforts for Increasing Transparency

During this reporting period, the IC continued to implement the necessary changes that resulted from the transfer of the IC's program management responsibilities from the FBI to CIGIE in accordance with the IGEA. These changes included revising the CIGIE Freedom of Information Act regulations and publishing a new federal records schedule.

While there are limitations on what the IC can include in its annual report due to privacy laws and regulations, the IC provided multiple briefings to congressional staff as part of its efforts to increase stakeholder outreach and transparency and presented at multiple meetings throughout the year to improve awareness of the IC's mission in the IG community. Additionally, the IC

conducted a major overhaul of its website, making it a more user-friendly platform that includes the IC's policies and process, guidance for complainants and answers to frequently asked questions, and access to the IC's annual reports and, in the very near future, the IC's meeting minutes.

Enclosure 1. FY 2019 Investigation Summaries

IC Case 918/919/972: Office of the Inspector General for the Intelligence Community (ICIG)

The IC received a complaint alleging a covered person (subject): 1) failed to follow policies and procedures in handling whistleblower complaints made pursuant to Presidential Policy 19 (PPD-19); 2) took deliberate actions to undermine the ICIG whistleblower program; 3) was derelict in their duties, resulting in gross mismanagement; 4) misused government resources; and 5) abused their authority by initiating a retaliatory investigation against an employee because that employee openly questioned a decision made by the subject. The IC referred the case to the IC Chairperson for investigation. The IC Chairperson engaged the assistance of the U.S. Department of Homeland Security OIG and completed the investigation. The investigation substantiated the allegations that the subject was derelict in the performance of their official duties, resulting in gross mismanagement, and the subject abused their authority by initiating a retaliatory investigation against an employee.

Upon consideration of the investigative report and the underlying evidence, the IC determined that the facts set forth in the report were supported by a preponderance of the evidence. The IC concluded that the subject's dereliction in the performance of their official duties resulted in gross mismanagement of the ICIG and that the subject's investigation of an employee was without basis and constituted retaliation. This determination was based on the subject's participation in a program that caused the subject to be out of the office with limited classified information, which significantly impacted the ICIG's ability to accomplish its mission, and the subject's use of a retaliatory investigation of an employee as a pretext to remove that employee from the ICIG.

IC Case 954: Export-Import Bank (EXIM) OIG

The IC received a complaint alleging a covered person (subject) used their public office for private gain; may have been, and may continue to be, impaired from independence; improperly duplicated EXIM OIG information in their doctoral dissertation; and engaged in conduct that undermined the integrity of their position. The IC determined the record was sufficient to make investigative findings and referred the case to the IC Chairperson for investigation. The investigation substantiated the allegations that the subject engaged in conduct that undermines the independence and integrity reasonably expected of a senior OIG official.

Upon consideration of the investigative report and the subject's response to the preliminary findings and conclusions, the IC determined that the facts set forth in the report were supported by a preponderance of the evidence. The IC concluded that the subject engaged in substantial misconduct that undermined the independence and integrity reasonably expected of a covered person. This determination was based on the subject's improper duplication of substantial portions (over 90%) of EXIM OIG information in the subject's doctoral dissertation and the subject's lack of candor in responses to the IC.

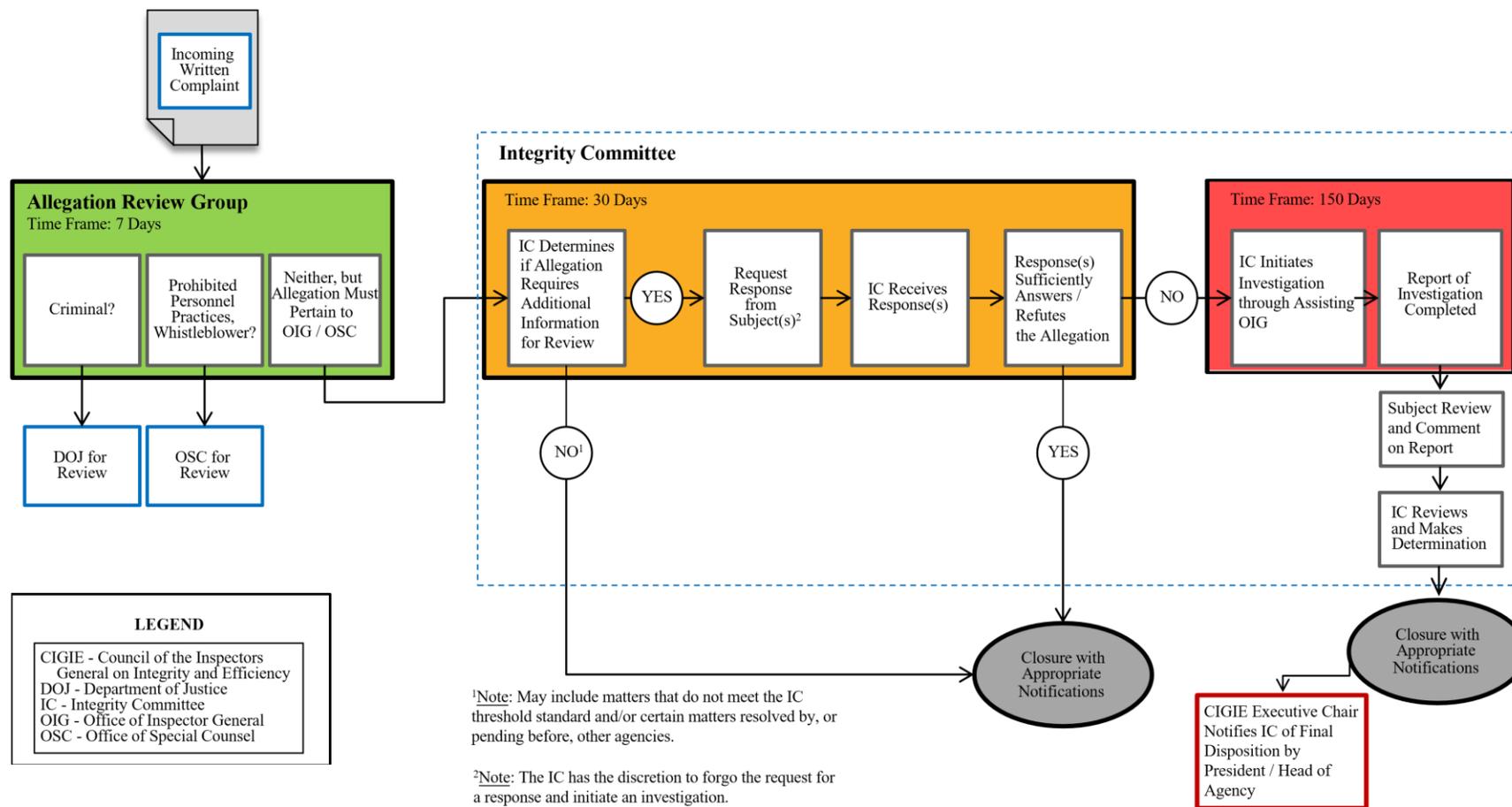
IC Case 966: National Labor Relations Board (NLRB) OIG

The IC received a complaint alleging a covered person (subject) wrongfully discriminated against agency employees; lacked independence or objectivity; and abused their authority in the conduct of official duties. The IC referred the case to the IC Chairperson for investigation. The IC Chairperson engaged the assistance of the U.S. Department of Interior OIG and completed the investigation. The investigation did not substantiate the allegations.

Upon consideration of the investigative report, the IC determined that the facts set forth in the report were supported by a preponderance of the evidence. The IC concluded that the subject did not engage in substantial misconduct since the facts determined through investigation did not substantiate the allegations.

On-going Investigations: The IC had eight investigations pending completion at the end of the reporting period. The IC does not provide substantive information on pending investigations.

Enclosure 2. Generic Integrity Committee Process for Allegations Received Against Covered Persons



Enclosure 3. IC Case Open and Disposition Dates for Fiscal Year 2019

Case #	Date Opened/ Referred to IC	Date Closed	Case #	Date Opened/ Referred to IC	Date Closed	Case #	Date Opened/ Referred to IC	Date Closed
973	10/2/2018	11/15/2018	1000	4/29/2019	5/2/2019	1027	8/27/2019	Pending
974	10/11/2018	11/15/2018	1001	4/15/2019	Pending	1028	8/29/2019	Pending
975	10/16/2018	10/25/2018	1002	5/2/2019	5/23/2019	1029	9/5/2019	Pending
976	10/17/2018	12/6/2018	1003	5/3/2019	5/23/2019	1030	9/11/2019	Pending
977	11/14/2018	12/6/2018	1004	5/13/2019	5/23/2019	1031	9/13/2019	Pending
978	11/21/2018	12/6/2018	1005	5/20/2019	5/23/2019	1032	9/17/2019	Pending
979	11/27/2018	12/6/2018	1006	5/22/2019	6/20/2019	1033	9/23/2019	Pending
980	12/3/2018	12/6/2018	1007	5/24/2019	6/20/2019	1034	9/26/2019	Pending
981	12/7/2018	1/17/2019	1008	5/27/2019	6/20/2016			
982	12/18/2018	2/7/2019	1009	6/5/2019	9/5/2019			
983	12/19/2018	1/17/2019	1010	6/7/2019	6/20/2019			
984	12/24/2018	1/17/2019	1011	6/7/2019	8/1/2019			
985	12/26/2018	1/17/2019	1012	6/19/2019	7/11/2019			
986	12/28/2018	Pending	1013	6/20/2019	9/5/2019			
987	1/3/2019	1/17/2019	1014	6/21/2019	7/11/2019			
988	1/16/2019	2/7/2019	1015	7/1/2019	Pending			
989	1/18/2019	Pending	1016	7/2/2019	9/5/2019			
990	1/21/2019	5/23/2019	1017	7/8/2019	Pending			
991	1/29/2019	2/7/2019	1018	7/23/2019	8/1/2019			
992	2/4/2019	3/21/2019	1019	7/23/2019	9/5/2019			
993	2/22/2019	2/28/2019	1020	7/25/2019	Pending			
994	3/12/2019	3/21/2019	1021	7/29/2019	9/5/2019			
995	3/26/2019	4/11/2019	1022	8/1/2019	9/5/2019			
996	4/9/2019	4/11/2019	1023	8/9/2019	Pending			
997	4/15/2019	6/20/2019	1024	8/12/2019	9/5/2019			
998	4/23/2019	5/2/2019	1025	8/22/2019	Pending			
999	4/23/2019	5/2/2019	1026	8/22/2019	Pending			