

**OVERSIGHT OF THE DEPARTMENT OF HOMELAND
SECURITY'S OFFICE OF INSPECTOR GENERAL**

HEARING

BEFORE THE

**COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES**

ONE HUNDRED SEVENTEENTH CONGRESS

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OVERSIGHT OF THE DEPARTMENT OF HOMELAND SECURITY'S OFFICE OF INSPECTOR GENERAL

Wednesday, April 21, 2021

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to notice, at 2 p.m., via Webex, Hon. Bennie G. Thompson [Chairman of the committee] presiding.

Present: Representatives Thompson, Jackson Lee, Payne, Correa, Clarke, Swalwell, Titus, Demings, Barragán, Gottheimer, Malinowski, Torres, Katko, Higgins, Guest, Bishop, Van Drew, Miller-Meeks, Harshbarger, Gimenez, LaTurner, Meijer, Cammack, Pfluger, and Garbarino.

Chairman THOMPSON. The Committee on Homeland Security will come to order.

The committee is meeting today to receive testimony on oversight of the Department of Homeland Security's Office of Inspector General. Without objection, the Chair is authorized to declare the committee in recess at any point.

The Committee on Homeland Security is meeting today to conduct oversight of the Department of Homeland Security's Office of Inspector General. Established as part of DHS in 2002, the inspector general's mission is to provide independent oversight and promote excellence, integrity, and accountability within the Department. Unfortunately, the OIG has faced challenges for some time.

The Government Accountability Office audited the OIG in 2014 and found it needed to field key senior positions, address concerns about integrity and independence, develop a process to protect the identity of those making complaints, and improve coordination and information sharing for law enforcement authority.

In 2017 and 2018 the OIG removed from its website 13 reports that inaccurately painted the Federal Emergency Management Agency's disaster response efforts in a favorable light. I said at that time that OIG must fully restore confidence in its work and the committee will be monitoring its progress. Unfortunately, the hope for progress has not been realized.

In 2019 Inspector General Cuffari was confirmed. Since then the committee has received several complaints from OIG employees about management of the office. Specifically, employees have alleged that failure to develop, implement, and adhere to management policies has resulted in decisions that are arbitrary, show favoritism or bias, hurt morale, and negatively affect operations.

In response to these allegations and continued concerns about the performance of the office, in December 2019 bipartisan leadership of this committee and the Senate Homeland Security and Government Affairs Committee asked GAO to review DOS's OIG management and operation. After a comprehensive audit, GAO issued a draft report last week to the OIG and the committee on its preliminary findings and made 21 recommendations. GAO concluded that the OIG has not adhered to a number of professional standards and key practices for effective management. For example, GAO found that the OIG has been operating without a strategic plan. Absent such a plan, DHS OIG staff may not understand oversight priorities and goals which can negatively affect operations and performance. GAO also found that the OIG did not adhere to professional standards for conducting audits, inspections, and evaluations.

The committee previously raised concerns about the quality of the OIG reports, notably those issues regarding the death of children in Customs and Border Protection custody. The report did not reflect thorough and accurate reviews of the relevant facts and failed to address critical questions about CBP's ability to care for children in custody.

Moreover, GAO confirmed what the committee had observed regarding the OIG's average time to issue reports, stating that the OIG's review time lines for work were protracted and some work products remain unapproved for months. For instance, in the Office of Audits, for fiscal year 2017 only 8 of 102 projects took more than 18 months to complete. Later, in fiscal year 2020, over half of the projects took more than 18 months to complete. More troubling, GAO noted the OIG had not taken steps to understand the delays or determine how to address them. Congress and the public depend on the OIG to help detect and prevent fraud, waste, abuse, and mismanagement of DHS programs, operations, and spending. A report that takes years to release allows problems to persist unchecked.

Overall GAO noted that while the OIG has taken steps to address some of the problems identified in the report, its efforts are incomplete or have only recently been initiated. GAO's draft report makes clear that OIG must transform its management and operation. Just yesterday, the *Washington Post* and Project on Government Oversight published reports that call into question Inspector General Cuffari's handling of politically sensitive topics. In particular, the report alleged inspector general blocked investigation proposed by a career OIG staff into the previous administration's tear-gassing of protestors in Lafayette Square and the spread of Coronavirus among Secret Service personnel. Inspectors general must not shy away from the politically sensitive topics or allow political considerations to affect their work.

The committee will be following up on these very troubling allegations. The committee expects the OIG to fulfill its mission with independence, integrity, transparency, and accountability.

I look forward to hearing from Director Currie on GAO's finding and Inspector General Cuffari about his plans to implement GAO's recommendations and reestablish confidence in the Office of Inspector General.

Be assured that the committee will be watching the OIG's response to GAO's report closely in the days ahead.
[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

APRIL 21, 2021

The Committee on Homeland Security is meeting today to conduct oversight of the Department of Homeland Security's Office of Inspector General (OIG). Established as part of DHS in 2002, the inspector general's mission is to provide independent oversight and promote excellence, integrity, and accountability within the Department. Unfortunately, the OIG has faced challenges for some time.

The Government Accountability Office (GAO) audited the OIG in 2014 and found it needed to: Fill key senior positions, address concerns about integrity and independence, develop a process to protect the identities of those making complaints and improve coordination and information sharing with law enforcement authorities.

In 2017 and 2018, the OIG removed from its website 13 reports that inaccurately painted the Federal Emergency Management Agency's disaster response efforts in a favorable light. I said at the time that the OIG must fully restore confidence in its work and the committee would be monitoring its progress. Unfortunately, the hoped-for progress has not been realized. In 2019, Inspector General Cuffari was confirmed. Since then, the committee has received several complaints from OIG employees about management of the office.

Specifically, employees have alleged that failure to develop, implement, and adhere to management policies has resulted in decisions that are arbitrary, show favoritism or bias, hurt morale, and negatively affect operations. In response to these allegations and continued concerns about the performance of the office, in December 2019 bipartisan leadership of this committee and the Senate Homeland Security and Governmental Affairs Committee asked GAO to review DHS OIG's management and operations.

After a comprehensive audit, GAO issued a draft report last week to the OIG and the committees on its preliminary findings and made 21 recommendations. GAO concluded that the OIG has not adhered to a number of professional standards and key practices for effective management. For example, GAO found that the OIG has been operating without a strategic plan. Absent such a plan, DHS OIG staff may not understand oversight priorities and goals, which can negatively affect operations and performance.

GAO also found that the OIG did not adhere to professional standards for conducting audits, inspections, and evaluations. The committee previously raised concerns about the quality of the OIG's reports, notably those issued regarding the deaths of children in Customs and Border Protection custody. The reports did not reflect thorough and accurate reviews of the relevant facts and failed to address critical questions about CBP's ability to care for children in custody.

Moreover, GAO confirmed what the committee has observed regarding the OIG's average time to issue reports, stating that the OIG's "review time lines for work were protracted and some work products remained unapproved for months." For instance, in the Office of Audits, for fiscal year 2017, only 8 of 102 projects took more than 18 months to complete. Later, in fiscal year 2020, over half of projects took more than 18 months to complete.

More troubling, GAO noted the OIG had not taken steps to understand the delays or determine how to address them. Congress and the public depend on the OIG to help detect and prevent fraud, waste, abuse, and mismanagement of DHS programs, operations, and spending. A report that takes years to release allows problems to persist unchecked. Overall, GAO noted that while the OIG has taken steps to address some of the problems identified in the report, its efforts are incomplete or have only recently been initiated. GAO's draft report makes clear the OIG must transform its management and operations.

Just yesterday, the *Washington Post* and Project on Government Oversight published reports that call into question Inspector General Cuffari's handling of politically sensitive topics. In particular, the reports allege the inspector general blocked investigations proposed by career OIG staff into the previous administration's tear-gassing of protestors in Lafayette Square and the spread of coronavirus among Secret Service personnel. Inspectors general must not shy away from politically sensitive topics or allow political considerations to affect their work. The committee will be following up on these very troubling allegations.

The committee expects the OIG to fulfill its mission with independence, integrity, transparency, and accountability. I look forward to hearing today from Director Currie on GAO's findings and Inspector General Cuffari about his plans to implement GAO's recommendations and reestablish confidence in the Office of Inspector General. Be assured that the committee will be watching the OIG's response to GAO's report closely in the days ahead.

Chairman THOMPSON. The Chair now recognizes the Ranking Member of the full committee, the gentleman from New York, Mr. Katko, for an opening statement.

Mr. KATKO. Thank you, Mr. Chairman. It is good to see you and thank you for holding this very important hearing today.

I also want to thank the witnesses, Dr. Cuffari, the DHS inspector general, and Chris Currie, a director in the Homeland Security and Justice Team for the Government Accountability Office. Thank you for both for being here, gentlemen.

Mr. Chairman, as you and I know, the most important mission of this committee is to help protect the homeland. It is that simple. That job has never been more critical or complex as it is today. With highly sophisticated adversaries only getting smarter, older, and stronger, we must not only account for the threats of today, but also the emerging risks of tomorrow. You and I spend much of our lives working to protect our Nation and hold responsible those who seek to threaten it or cause it harm.

One important aspect of that is ensuring a strong Department of Homeland Security by giving the men and women of the Department all the tools and resources they need to do their job with integrity and respect. An important element of Homeland Security, and of other Federal agencies, is the Office of Inspector General, or OIG for short. Originally created through the Inspector General Act of 1978, the Act created inspector general positions and offices in more than a dozen specific departments and agencies.

The DHS OIG was stood up by the Department after the tragic events of 9/11. The act gave these inspectors general the authority to review the internal documents of their departments or offices, investigate fraud, give policy advice, handle certain complaints by employees, and to report to the heads of their agencies and to the Congress on their activities.

Although we wish there was not waste, fraud, or abuse within Homeland Security or any Federal agency, the reality is we all know it exists. It is the mission of the IG's office to help the rest of the Department identify and address waste, fraud, and abuse as much as possible.

As a former Federal prosecutor, I am fully supportive of the role that the inspector general plays throughout the Federal Government. They are vital to ensuring accountability and transparency into each department and agency's activities. This is especially important in a department like the Department of Homeland Security with a mission so paramount and so important. DHS is tasked with safeguarding the American People, our homeland, and our values against enemies, foreign and domestic.

To do this on a daily basis, we must ensure that the men and women of the Department are able to carry out their mission, and the IG's office helps ensure that it is done with integrity and honor.

As both our witnesses and the Chairman know well, in 2019 this committee, along with others, requested that the GAO conduct key

oversight of the Department of Homeland Security's OIG's management and operations. GAO has now completed this exhaustive review, which spanned from 2015 to 2020, and has led to this hearing today. GAO evaluated the OIG's management operations against audit quality standards, the Federal standards for internal control, and leading practices for human capital management and organizational challenge. I have to say, after reading many GAO reports over the years, this one is very disturbing. I don't think that I have ever seen a GAO report that pinpoints so many weaknesses within an agency or department.

GAO made 21 specific recommendations in total. They found weaknesses in multiple areas within OIG that included organizational performance, quality assurance, reporting timeliness and coordination with the DHS components of the OIG audits. These are all things that Chairman Thompson highlighted in his opening statement.

The line that stuck out to me most was, "Without addressing these and other long-standing management weaknesses, the DHS OIG is not well-positioned to fulfill its oversight mission." This is very concerning and certainly warrants further scrutiny.

Dr. Cuffari, I know that you inherited some of these problems and have made some changes, but this is a very serious problem and one that we must address immediately for the reasons I have stated.

Without a fully functioning OIG the Department will never live up to its full potential, nor would have the full trust of the American people, something it needs to succeed and something it absolutely cannot afford to lose.

Reports like this also impact employee morale. The men and women of DHS need to have confidence in their leadership, including the IG. I am willing, and want to hear you out on, these findings and look forward to your testimony. I want to hear what you have done, what you are doing, and your vision for the future. This matter is very important to the committee, there is no question about it. I want you to take this report and its recommendations very seriously and know that while I commit to working with you, I plan to make this one of our oversight priorities in Congress.

Mr. Chairman, I want to thank you again for holding this hearing. Thank you also, Mr. Currie, and his team at GAO, for conducting this important investigation.

Without self-examination once in a while in Government, we are never going to be able to make the Government work better. We have to understand how important this hearing is and how important that we have faith in the IG going forward.

So, Dr. Cuffari, it is up to you to convince us that you have that vision going forward that is going to allow us to keep the faith in the homeland security in particular, but also in the OIG office.

With that, I yield back.

[The statement of Ranking Member Katko follows:]

STATEMENT OF RANKING MEMBER JOHN KATKO

Thank you for holding this important hearing, today, Mr. Chairman, and thank you to our witnesses: Dr. Cuffari, the DHS inspector general, and Chris Currie, a director in the Homeland Security and Justice Team from GAO.

Mr. Chairman, as you and I know, the most important mission of this committee is to help protect the homeland. That job has never been more critical or complex as it is today. With highly sophisticated adversaries only getting smarter, bolder, and stronger, we must not only account for the threats of today but also the emerging risks of tomorrow.

You and I have spent much of our lives working to protect our Nation and hold responsible those who seek to threaten it or cause harm. One important aspect of that is ensuring a strong Department of Homeland Security by giving the men and women of the Department all the tools and resources they need to do their jobs with integrity and respect.

An important element of DHS, and of other Federal agencies, is the Office of Inspector General, or OIG. Originally created through the Inspector General Act of 1978, the act created inspector general positions and offices in more than a dozen specific departments and agencies. The DHS OIG was stood up with the Department after 9/11. The act gave these inspectors general the authority to review the internal documents of their departments or offices, investigate fraud, give policy advice, handle certain complaints by employees, and to report to the heads of their agencies and to Congress on their activities.

Although we all wish there was not waste, fraud, or abuse within DHS, the reality is we all know it exists. It is the mission of the IG's office to help the rest of the Department identify and address waste, fraud, and abuse as much as possible.

As a former Federal prosecutor, I am fully supportive of the role that the IGs play throughout the Federal Government. They are vital to ensuring accountability and transparency into each department or agency's activities.

This is especially important in a department like DHS with a mission so paramount. DHS is tasked with safeguarding the American people, our homeland, and our values, against enemies foreign and domestic. To do this on a daily basis, we must ensure that the men and women of the Department are able to carry out their mission, and the IG's office helps ensure that this is done with integrity and honor.

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GAO has now completed this review, which spanned from 2015–2020, and has led to this hearing today.

GAO evaluated the OIG's management and operations against audit quality standards, relevant Federal standards for internal control, and leading practices for human capital management and organizational change.

I have to say, after reading many GAO reports over the years, this one is very disturbing. I don't think that I have ever seen a GAO report that pinpoints so many weaknesses within an agency or department. GAO made 21 recommendations in total.

GAO found weaknesses in multiple areas within the OIG that included: Organizational Performance, Quality Assurance, Reporting Timeliness, and Coordination with the DHS components of the OIG audits.

The line that stuck out to me the most was, "Without addressing these and other long-standing management weaknesses, the DHS OIG is not well-positioned to fulfill its oversight mission." This is very concerning and certainly warrants further scrutiny.

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Reports like this also impact employee morale. The men and women of DHS need to have confidence in their leadership, including the IG.

I am willing and want to hear you out on these findings and look forward to your testimony. I want to hear what you have done, what you are doing, and your vision for the future.

This matter is very important to the committee. I want you to take this report and its recommendations very seriously and know that, while I commit to working with you, I plan to make this one of our oversight priorities this Congress.

Mr. Chairman, thank you again for holding this hearing. Thank you, also, to Mr. Currie and his team at GAO for conducting this important investigation. I look forward to hearing from our witnesses.

Chairman THOMPSON. Thank you. The gentleman yields back.

Other Members of the committee are reminded that under the committee rules opening statements may be submitted for the record.

[The statement of Honorable Jackson Lee follows:]

STATEMENT OF HONORABLE SHEILA JACKSON LEE

APRIL 21, 2021

Chairman Thompson, and Ranking Member Katko, thank you for convening this opportunity for the Homeland Security Committee to investigate “Oversight of the Department of Homeland Security’s Office of Inspector General.”

I join my colleagues in welcoming today’s witnesses:

- Mr. Christopher P. Currie, director, Homeland Security and Justice, U.S. Government Accountability Office (GAO), and
- The Hon. Joseph V. Cuffari, inspector general (IG), U.S. Department of Homeland Security (DHS).

I look forward to today’s hearing because of the important role that inspector generals fill throughout the Federal Government to guard our Nation and its people from waste, fraud, and abuse by Government agencies and contractors.

The Department of Homeland Security (DHS) has a vital mission: To secure the Nation from the many threats we face.

To secure the Nation requires the dedication of more than 240,000 employees in jobs that range from aviation and border security to emergency response, which engages a range of professionals from cybersecurity analyst to chemical facility inspectors.

DHS has a presence in the lives of the traveling public, those who fly commercially, or travel across the border, but the agency does much more.

DHS provides immigration services to all those seeking to enter the country whether as students, visitors, or new citizens.

DHS also protects our ports from threats and keeps commerce moving to markets within the United States and around the world.

DHS responds to disasters, whether it is a hurricane, an earthquake, a flood, or a terrorist attack—when an emergency happens DHS is there, working side-by-side with local leaders and residents to help communities respond and recover.

DHS is in charge of protecting the United States from cyber attacks on our important, computer-connected technologies and critical infrastructure.

The most important thing that DHS does is stopping terrorists from attacking our people or this great Nation before an incident occurs.

All of these jobs make DHS indispensable to our National security and for this reason it is important that the agency chief internal investigator be free of bias or favor when carrying out the duties of the IG’s office.

As a senior Member of this committee, and Chair of the Judiciary Committee’s Subcommittee on Crime, Terrorism, and Homeland Security, I have learned a great deal about the capacity and strength of the men and women who work at the Department of Homeland Security.

I hold them in the highest regard for their dedication and service to our country.

This Nation depends on the men and women of the Department of Homeland Security (DHS) to protect citizens from those who wish to do them harm.

Because of the dedication of DHS professionals, we are better prepared to face these challenges as one Nation united against a common foe.

The Department of Homeland Security was not created to protect the Nation from desperate people escaping violence and poverty, seeking asylum in our country, or the ravages of a virus attacking and killing over half a million Americans.

It was created to prevent attacks against our Nation such as the one carried out by foreign terrorists who used commercial planes as missiles to destroy the World Trade Center Towers, and a section of the west side of the Pentagon, and would have killed more if not for the heroic acts of the passengers on Flight 93 to stop the attackers from reaching their ultimate destination right here at our Nation’s Capitol.

In 2002, Congress established the DHS Office of Inspector General (OIG) to provide independent oversight and promote excellence, integrity, and accountability within DHS.

The Council of the Inspectors General on Integrity and Efficiency (CIGIE) is an independent entity established within the Executive branch to address integrity, economy, and effectiveness issues that transcend individual Government agencies

and aid in the establishment of a professional, well-trained, and highly-skilled workforce in the Offices of Inspectors General.

CIGIE sets quality standards for inspectors general throughout the Federal Government.

Those standards set forth qualities like objectivity, independence, and the obligation to be “impartial, intellectually honest, and free of conflicts of interest.”

CIGIE notes that “without independence, both in fact and in appearance, objectivity is impaired.

Unfortunately, the DHS OIG has suffered from several long-standing issues with appearance of objectivity and being free of conflict when carrying out the work of the office.

Like many DHS agencies, employee morale at the OIG remains low.

The DHS OIG has also seen management crises caused by the actions of IGs serving in that office.

For example, a former acting DHS IG was removed for jeopardizing the independence of the office.

Charles Edwards was removed from his interim post on the DHS Science and Technology staff following the release of a Senate report detailing his inappropriate socializing and sharing of draft documents with managers of the employees he was investigating.

Edwards had been the subject of a year-long probe by a Senate Homeland Security and Governmental Affairs subcommittee.

The subcommittee found that Mr. Edwards jeopardized the independence of the OIG and had an “inadequate understanding of the importance of OIG independence” which was reflected in his personal relationships with senior DHS officials.

Mr. Edwards also did not recuse himself from audits and inspections that had a conflict of interest related to his wife’s employment.

Edwards was ultimately cleared of several allegations, such as abuse of Government resources in travel and charges of nepotism, the subcommittee found.

Allegations that he destroyed records and favored certain employees and retaliated against others were not substantiated, said the Senate report, which was sent to the Council of the Inspectors General on Integrity and Efficiency.

The larger issue in the Edward’s case was the appearance that he was not independent of bias or favor toward others within DHS, which caused harm to the office of the OIG and impacted the morale of the office.

Last year, the GAO was asked to look into the issue of the DHS OIG and its handling of matters regarding agency components in matters of public trust and accountability.

On April 12, 2021, GAO issued a draft report to Congressional requesters discussing challenges and making 21 recommendations.

The report will be released publicly in the coming weeks.

The draft report identified the following challenges:

- DHS OIG has operated for 4 of the past 6 years without a strategic plan, which limits its ability to implement other organizational performance management activities, such as annual planning and performance assessment;
- With an effective system of internal quality insurance, DHS OIG has no way of knowing if its internal processes ensure that its: (1) Work adheres to its policies and (2) meets established standards of performance; and
- The time it takes to complete projects has significantly increased, and DHS OIG has not taken steps to understand the causes of such increases or determine how to address them.

GAO concludes that if the OIG fails to address these operational and management weaknesses, it will be ill-positioned to fulfill its oversight mission.

Among the 21 recommendations, the GAO report recommends that the OIG must:

- develop and implement an annual work planning process, as part of a risk-based planning system;
- develop and implement a process to allocate human capital resources based on the organization’s current and emerging strategic objectives and priorities;
- evaluate the structure of the organization and clearly define the responsibilities of each division and program office to ensure they are aligned with the OIG’s strategic objectives and priorities; and
- develop and implement an organization-wide quality assurance program.

There are underlying concerns about the current OIG that are reminiscent of the issues raised regarding Edwards the previous IG who was removed from office.

Committee staff investigation of JG Cuffari’s past actions have raised serious concerns about whether his management of the OIG meets CIGIE’s standards, including whether politics have influenced decisions on the OIG’s work product, delayed

access to high-level DHS officials for on-going investigations, and adopted policies that restrict reports produced to Congress or released publicly.

For example, his handling of the on-going investigation of the “I’m 10–15” Facebook group, which included current and former Border Patrol agents and personnel, appears to have been mishandled, prompting concerns about whether actions were motivated by political considerations.

An email provided to committee by a whistleblower indicates that IG Cuffari was concerned about the demands an interview would impose on senior DHS leadership.

In conflict with standard investigatory practices, IG Cuffari also suggested that inspectors avoid any questions already publicly commented on by those leaders.

In one troubling example of what occurred in the OIG under Cuffari, according to the former director of the Whistleblower Protection Unit (WPU), Brian Volsky (who left in January 2021), an OIG employee disclosed the identity of a whistleblower to the commandant and vice commandant of the U.S. Coast Guard despite the fact that WPU staff conducted research concluding that the law did not permit disclosure of the whistleblower’s identity to DHS.

The IG’s chief of staff concurred with this recommendation, but on the same day called the commandant and vice commandant to provide a “heads-up” about the investigation.

While the chief of staff did not specifically name the whistleblower, the vice commandant thanked her for providing enough information to identify who they were speaking about.

Additionally, according to Mr. Volsky, the IG’s chief of staff attempted to hide the existence of this phone call from him.

One of the areas that is of interest to Members of this committee are the timely delivery of reports often mandated by Federal law.

It has come to the attention of the committee through reports from current and former managers at the OIG who report that delays were caused by IG Cuffari and his chief of staff sitting on reports.

IG Cuffari and his chief of staff told the Chairman that the delays were due to the poor quality of drafts requiring substantive edits.

However, the committee has reviewed drafts of a select group of reports, including those on family separation and conditions at Immigration and Customs Enforcement facilities, and found minimal edits with no reasonable explanation for extensive delays.

The GAO was not able to assess the reason for these delays at the front office because the OIG does not track this information.

However, GAO auditors expressed incredulity with respect to the fact that senior managers received no explanation for why drafts reports sat with the front office for months at a time.

These reports are troubling, and it is good that IG Cuffari is present to provide information to the committee.

As Members of this committee many of us have seen first-hand the consequences of previous administration’s asylum policy along the border and the Muslim ban.

The Trump administration’s policy of intentionally separating thousands of children from their parents at the U.S.-Mexico border—resulted in conditions that, despite concentrated efforts by advocates and the Biden administration to reunite families, has resulted in hundreds remaining separated even today—provides an important case study of why accountability is necessary and how it may be achieved.

The DHS IG report into this matter did not adequately address key questions that remain to be answered regarding individual and collective accountability for the deaths of 7 children while in U.S. custody.

Further, the IG office should have adequately protected the whistleblower Dawn Wooten, a registered nurse who worked full-time at the Irwin County Detention Center until July 2020, after she outlined her allegations of unwanted and unnecessary medical procedures being performed on women at that facility that effected reproductive health with several women claiming that hysterectomies were performed.

Ms. Wooten detailed her allegations in a complaint filed with DHS IG by a coalition of advocacy groups, but there are questions about retaliation against Ms. Wooten because of her role as a whistleblower.

In another matter involving the Irwin County Detention Center a Ms. Pauline Nadege Binam who was born in Cameroon who has lived in the United States for 30 years since the age of 2 years was being held.

Ms. Binam has a 12-year-old daughter.

She has a mother, father, and 4 sisters, 2 are U.S. citizens and 2 are DACA. She has no immediate relatives living in Cameroon.

On July 12, 2019 she was ordered removed from the United States and her appeal was denied on January 21, 2020.

Her attorney filed an emergency stay of removal with ICE on September 15, 2020. She has been in ICE custody for the past 3 years, since October 2017 until now. While in the Irwin County Detention Center in Georgia, the individual was told she needed a D&C procedure, which removed tissue from inside the uterus.

The need for the D&C procedure alone raises questions regarding the conditions of her detainment in the Irwin County Detention Center.

However, during what should have been a D&C procedure, she was put under anesthesia, and the doctor performed a salpingectomy instead, which removed one of her fallopian tubes without the individual's knowledge or consent.

Ms. Binam was never told why her fallopian tube was removed and was eventually transferred to the Montgomery Processing Center in Texas.

The IG office was charged with investigating the details surrounding her treatment and the medical treatment provided to other women at that facility.

On September 14, 2020, the nonprofit Project South, along with 3 other nonprofits, Georgia Detention Watch, Georgia Latino Alliance for Human Rights, and South Georgia Immigrant Support Network, filed a complaint on behalf of detained immigrants at the Irwin County Detention Center and Nurse Wooten who worked at the facility.

Despite this, ICE continued to carry through with Ms. Binam's deportation. Knowing this, I intervened on September 16, 2020, and disrupted her removal while in process from the United States.

She has remained in the country while these and other matters regarding that facility are investigated.

I look forward to the testimony of today's witnesses.

Thank you.

Chairman THOMPSON. Members are also reminded that the committee will operate according to the guidelines laid out by myself and the Ranking Member.

I welcome our panel of witnesses. Our first witness is Mr. Christopher Currie, director of the U.S. Government Accountability Office, Homeland Security and Justice Team. Mr. Currie has worked at GAO for nearly 20 years. His portfolio consists of emergency management, DHS management, and emergency and disaster preparedness, response, and recovery issues.

Our second witness is the Honorable Joseph B. Cuffari. He was confirmed as the Department of Homeland Security inspector general on July 25, 2019. Dr. Cuffari has previously served as a policy advisory for military and veteran affairs for the Governor of Arizona. He also served more than 40 years in the United States Air Force.

Without objection, the witnesses' full statements will be inserted in the record.

I now ask each witness to summarize his statement for 5 minutes, beginning with Mr. Currie.

STATEMENT OF CHRIS CURRIE, DIRECTOR, HOMELAND SECURITY AND JUSTICE TEAM, GOVERNMENT ACCOUNTABILITY OFFICE

Mr. CURRIE. Thank you, Chairman Thompson and Ranking Member Katko, for the opportunity to discuss our upcoming report on the DHS Office of Inspector General.

Inspector generals have a very difficult job. They provide independent oversight of sensitive and controversial issues, they have to be firm, they have to be fair, and they also have to be balanced. The DHS OIG oversees the third-largest Federal department and some of the most fragmented, sensitive, and publicly-scrutinized issues in all of Government.

As the country's National auditor, we at GAO work to ensure that IGs and audit agencies are as effective as possible. We are all

in the business of keeping Government accountable and ensuring that taxpayer dollars are spent effectively.

Our review has identified, as you mentioned, a wide range of challenges at the Office of Inspector General. To be clear, these challenges are long-standing and span multiple leaders and multiple administrations. As a result, blame rests with no one person, but on years of inconsistent and poor management, discipline, and practices, in our view.

Today, I am going to provide some examples of these challenges, not to focus on the past, but just to be clear about what the root causes are and, more important, to identify what we think is needed to address them and transform this organization into what you and we all think it should be.

Audit work is governed by very strict standards to ensure independence, quality, and timeliness. These standards are developed and accepted by the audit community because they work and because they help to avoid problems. Unfortunately, we found that the IG Office lacks many of these policies and procedures, which has led to concerns with the quality of their work and other challenges, such as demoralized staff and turnover.

Specifically, we found that the office lacked a clear quality assurance program and process, which led to flaws in some of its work. For example, in 2018 a peer review led by the Council of Inspector Generals on Integrity and Efficiency gave the DHS IG a rating of pass with deficiencies. Just to be clear, in the auditing world, this is not the passing grade that you want. This means that the peer reviewers had concerns about the quality of the work and that some work did not meet auditing standards.

We have also found problems related to timeliness, as you have mentioned in your opening statement. For example, projects taking 2 years or more to complete have increased since 2017. This leads to several specific problems. First, reports sometimes lack the most current information from the agency and policies once they are finally issued. This in turn makes the findings and recommendations less useful to DHS and you, the Congress.

The challenges also affect the OIG's relationship and credibility with the Department in audits. To be straight, if an OIG is doing an effective job, there will always be some disagreement and friction. However, there is a level of credibility and trust between the auditor and the auditee by conducting work with integrity in accordance with standards. This relationship is critical to ensuring that the Department actually implements recommendations made to improve effectiveness and efficiency.

The lack of policies and consistency also led to DHS and its components raising questions about report quality. For example, we found that DHS expressed concern about inaccurate information or facts in about 23 percent of reports the OIG issued in fiscal year 2020.

These are just a few of the areas we identified where there were challenges. There are many more that we will talk about in the full report. We are planning numerous recommendations to address them.

We are currently waiting for the IG's formal response to our recommendations and will issue that report very soon. However, I

want to close with one very important and clear point, our recommendations are not just intended to be improvements around the margin. Collectively the OIG must treat these as a multi-year transformation effort in our view.

The good news is the IG has hundreds of dedicated public servants who take pride in their oversight mission. We talked to many of these folks during our work. Involving and communicating with every single person in the organization will be key. This is not just my opinion, this is what we at GAO know after decades of looking at successful transformations across the Government.

This completes my statement and I look forward to your questions.

[The prepared statement of Mr. Currie follows:]

PREPARED STATEMENT OF CHRIS CURRIE

APRIL 21, 2021

GAO HIGHLIGHTS

Highlights of GAO–21–452T, a testimony before the Committee on Homeland Security, House of Representatives.

Why GAO Did This Study

DHS OIG has a critical role in providing independent and objective oversight of DHS, which encompasses multiple operational and support components. OIGs are expected to maintain high standards of professionalism and integrity in light of their mission, according to quality standards developed by the community of Federal inspectors general. However, DHS OIG has faced a number of challenges that have affected its ability to carry out its oversight mission effectively.

This statement is based on GAO’s draft report on DHS OIG’s management and operations, which is currently at the agency for comment. It provides preliminary observations on DHS OIG’s strategic planning processes; quality assurance processes; and reporting time frames for work from DHS OIG’s offices of Audits and Special Reviews and Evaluations.

To develop these preliminary observations, GAO reviewed relevant Federal laws and quality standards for Federal OIGs as well as DHS OIG documentation, including organizational policies; internal communications such as emails and memoranda; and DHS OIG’s semiannual reports to Congress and published reports. GAO also analyzed DHS OIG project data from fiscal years 2015 through 2020, and interviewed DHS OIG leaders and other staff.

What GAO Recommends

GAO will complete its review and make recommendations, as appropriate, in the final report.

DHS OFFICE OF INSPECTOR GENERAL.—PRELIMINARY OBSERVATIONS ON LONG-STANDING MANAGEMENT AND OPERATIONAL CHALLENGES

What GAO Found

GAO’s preliminary work has identified a number of management and operational challenges, including frequent leadership turnover, since fiscal year 2015 that have impeded the overall effectiveness of the Department of Homeland Security (DHS) Office of Inspector General (OIG). DHS OIG senior leaders have acknowledged that these challenges have contributed to organizational weaknesses, and have taken steps to begin addressing some of them. GAO’s preliminary work has identified issues in the following areas, among others:

- *Strategic planning.*—DHS OIG has not consistently developed strategic plans, which are a necessary input for developing the organization’s other guiding documents and governance framework. Specifically, DHS OIG has operated for 4 of the past 6 years without a strategic plan, and the plan it adopted for fiscal years 2018–2019 included some, but not all, of the elements considered standard for Federal entities. In 2020, DHS OIG contracted with a nonprofit academy of Government experts to develop a strategic plan for fiscal years 2021–2025, with expected delivery in June 2021.

- *Quality assurance.*—Internal and external reviews have reported on concerns about quality assurance in some of DHS OIG’s work. In 2017 and 2018, after an internal review found that some reports issued by DHS OIG may not have adhered to the professional standards cited, DHS OIG retracted 13 audit reports that had been issued over a 5-year period. In 2018, an external review determined that DHS OIG needed to improve its system of quality control. Though DHS OIG concurred with all of the recommendations from that external review, it did not fully implement them. In addition, DHS OIG has not established roles and responsibilities for an organization-wide quality assurance program. Moreover, GAO’s preliminary work indicates that current staff allocations may limit DHS OIG’s quality assurance reviews to focusing on audit work and not on the other types of work it produces, including inspections, evaluations, special reviews, and management alerts.
- *Timeliness.*—DHS OIG project time frames for work from its offices of Audits and Special Reviews and Evaluations have increased over the 4 fiscal years GAO assessed. For example, in fiscal year 2017, 79 of 102 Office of Audits projects were completed in 1 year or less and 8 of 102 took more than 18 months. In fiscal year 2020, 7 of 67 reports were completed in 1 year or less and more than half (35 of 67) took more than 18 months. In addition, DHS OIG has not assessed time frames for work completed by these offices, though timeliness in reporting is a key element of effective oversight and DHS OIG staff considered it an organizational weakness.

GAO will complete its evaluation of these and other management and operational areas, and will issue a final report in the coming months.

Chairman Thompson, Ranking Member Katko, and Members of the committee: Thank you for the opportunity to discuss preliminary observations from our work on the management and operations of the Department of Homeland Security’s (DHS) Office of Inspector General (OIG).

DHS OIG has a critical role in strengthening accountability throughout DHS and a responsibility to provide independent and objective oversight of the Department and its 15 operational and support components, approximately 240,000 staff, and tens of billions of dollars in budgetary resources. However, in the past 6 years, DHS OIG has faced a number of challenges that have affected its ability to carry out its oversight mission effectively.

In 2017 and 2018, DHS OIG retracted 13 audit reports issued between fiscal years 2013 and 2017 after an internal review found those reports may not have adhered to Government auditing standards.¹ In 2018, peer reviewers, organized under the Council of the Inspectors General on Integrity and Efficiency (CIGIE), gave DHS OIG a “pass with deficiency” rating for its audit work, indicating that the peer review team concluded DHS OIG did not have reasonable assurance that its work conformed with applicable professional standards in one important respect.² The rating was based on the peer reviewers’ determination that DHS OIG’s processes did not assure compliance with Government auditing standards.

In addition, there have been allegations of improper conduct against DHS OIG senior leaders. For example, in the summer of 2020, the inspector general announced the termination of a member of the office’s leadership team and that another member had been placed on administrative leave. DHS OIG hired a law firm to review the conduct of these 2 individuals, as well as a third former leader. The investigation concluded that 1 DHS OIG senior leader, with the assistance of the other 2 individuals, engaged in unprofessional conduct to the detriment of DHS OIG and its mission.³

¹ *Government Auditing Standards* provides a framework for conducting high-quality audits with competence, integrity, objectivity, and independence. GAO, *Government Auditing Standards 2018 Revision*, GAO-18-568G (Washington, DC: July 17, 2018).

² CIGIE’s mission is to support the work of Federal inspectors general by, among other things, developing policies, standards, and approaches to aid inspectors general in their oversight work. CIGIE also administers a peer review program to support Federal OIGs in their compliance with professional standards and statutory requirements. For a given period under review, peer reviewers determine whether the audit organization’s system of quality control was suitably designed and whether the audit organization is complying with that system. External peer reviews of an OIG must be performed by an audit entity of the Federal Government (for example, another OIG). Inspector General Act of 1978, Pub. L. No. 95-452, §1A4(b)(2), 92 Stat. 1103, as amended.

³ According to the report of investigation, the law firm reviewed 88 allegations pertaining to these senior leaders and found evidence that 1 leader, with the assistance of the others, engaged in unprofessional conduct that elevated individual interests over those of the public. The inves-

DHS OIG has also experienced frequent leadership turnover in recent years. During fiscal years 2015 through 2020, DHS OIG had 4 confirmed or acting inspectors general. Several key leadership positions—including the assistant inspector general for audits, assistant inspector general for investigations, assistant inspector general for special reviews and evaluations, and counsel—had similarly high turnover.⁴

DHS OIG senior leaders have acknowledged that these challenges have contributed to organizational weaknesses, and have taken steps to begin addressing some of those weaknesses, as we describe later in this statement.

My statement today is based on our draft report on DHS OIG’s management and operations, which is currently at the agency for comment. Specifically, this statement provides preliminary observations on DHS OIG’s:

1. strategic planning processes;
2. quality assurance processes; and
3. reporting time frames for work from its offices of Audits and Special Reviews and Evaluations.

We focused on DHS OIG management and operations from fiscal year 2015 through fiscal year 2020 and included more recent information on the status of ongoing efforts. To develop our preliminary observations in all 3 areas, we reviewed relevant Federal laws about the management and operations of Federal OIGs, as well as applicable CIGIE quality standards.⁵ We also reviewed documentation about DHS OIG’s organizational policies; internal communications such as emails and memoranda; and public documents, such as DHS OIG’s semiannual reports to Congress and published reports.⁶ We interviewed DHS OIG senior leaders—members of the Senior Executive Service—as well as leaders of divisions or functions and other staff knowledgeable about the organization’s operations, referred to us by senior leaders we interviewed.⁷ We also reviewed and analyzed DHS OIG internal assessments of strengths, weaknesses, opportunities, and threats conducted in fiscal year 2017 and fiscal year 2019.

To describe the timeliness of work by the offices of Audits and Special Reviews and Evaluations, we analyzed project time frames for projects initiated after the beginning of fiscal year 2015 and completed by the end of fiscal year 2020 using data in DHS OIG’s project tracking system.⁸ To assess the reliability of these data, we reviewed the information for obvious errors and interviewed knowledgeable agency officials about processes for collecting, maintaining, and checking the accuracy of these data. Based on the information we collected, we determined that the data were sufficiently reliable for us to report on the start and end dates for DHS OIG projects.

We requested technical comments from DHS OIG on this statement, but none were provided.

We are conducting the work upon which this statement is based in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

tigation did not find evidence substantiating many of the other allegations, including that these individuals engaged in illegal conduct.

⁴DHS OIG leadership created the Office of Special Reviews and Evaluations in 2018. It includes the former Office of Inspections and Evaluations. The Office of Inspections and Evaluations also had high leadership turnover.

⁵For the purposes of our draft report and this statement, the scope of our work on quality assurance processes and time frames includes work from the Offices of Audits and Special Reviews and Evaluations. We did not include work completed by the Office of Investigations because our methodology relied on reviewing publicly-available reports—both for content related to professional standards and information to inform data reliability of time frames for completing work. Investigative reports are generally not made publicly available. Additionally, we could not evaluate the time frames for completing investigations because the scope and timing of most investigations are determined by the allegations of misconduct and, unlike other OIG work such as audits, are not planned or scoped in advance.

⁶The Inspector General Act of 1978 requires OIGs to report twice yearly to Congress about significant problems, abuses, and deficiencies relating to the administration of programs and operations at the agency for which it provides oversight; a description of the recommendations for corrective action made; and a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted, among other requirements. Inspector General Act of 1978, Pub. L. No. 95–452, § 5(a), 92 Stat. 1103, as amended.

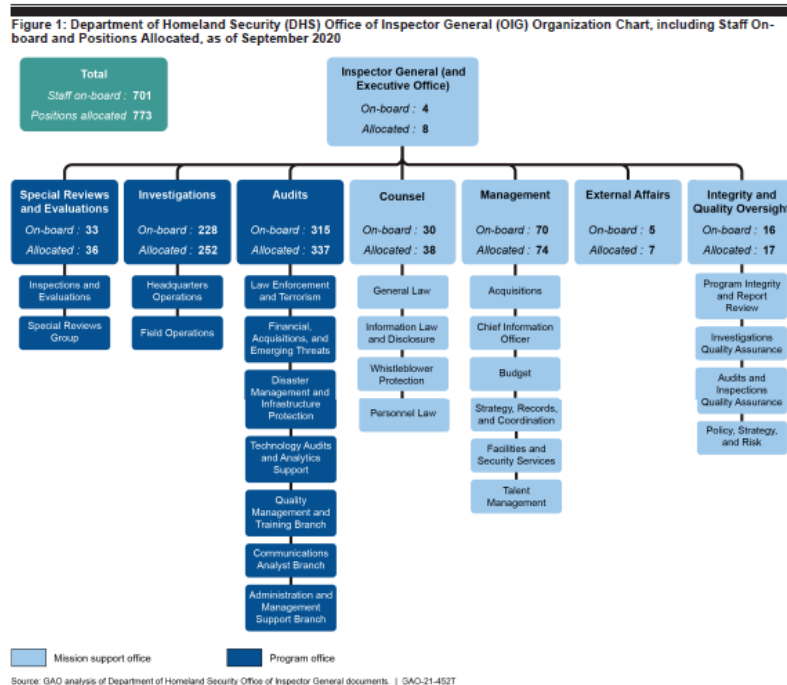
⁷We conducted our interviews between March 2020 and February 2021 with officials who were employed by DHS OIG at the time we interviewed them.

⁸We reviewed data for projects initiated after October 1, 2014 and completed by September 30, 2020.

BACKGROUND

DHS OIG

DHS OIG is led by an inspector general, who serves under the general supervision of the Secretary of Homeland Security. By statute, inspectors general have a dual and independent reporting relationship to the agency head and to the Congress.⁹ With about 700 employees on board as of September 2020, DHS OIG is structured as shown in figure 1.



Note: There are 769 positions allocated across DHS OIG's offices. According to Office of Inspector General documentation, there are 4 vacant staff positions not assigned to an office by the Inspector General, for a total of 773 positions allocated to the organization.

DHS OIG includes 3 offices whose primary mission is to directly conduct oversight of DHS components, programs, and activities.

- *Office of Audits.*—Plans, conducts, and reports the results of financial and performance audits, attestation engagements, and inspections and evaluations across DHS and its components. Provides services in support of program office work, including system testing, data analytics, and statistical analysis.
- *Office of Special Reviews and Evaluations.*—Plans, conducts, and reports the results of inspections, evaluations, and special reviews across DHS and its components.
- *Office of Investigations.*—Investigates allegations of criminal, civil, and administrative misconduct involving DHS employees, contractors, grantees, and programs, which may result in criminal prosecutions, fines, and personnel actions, among other outcomes.

DHS OIG also includes 5 offices that support oversight activities and management of the organization. They are: (1) Executive Office, (2) Office of Counsel,¹⁰ (3) Office

⁹ Inspector General Act of 1978, Pub. L. No. 95-452, § 5(d), 92 Stat. 1103, as amended.

¹⁰ In addition to support activities, the Office of Counsel also investigates allegations of whistleblower retaliation.

of External Affairs, (4) Office of Management, and (5) Office of Integrity and Quality Oversight.¹¹

CIGIE AND FEDERAL OIG QUALITY STANDARDS

Composed of 73 inspectors general, CIGIE is an independent entity within the Executive branch that was statutorily established by the Inspector General Reform Act of 2008.¹² CIGIE’s mission is to support the work of Federal inspectors general by, among other things, developing policies, standards, and approaches to aid inspectors general in their oversight work. CIGIE also facilitates the peer review process for OIGs’ audit, investigation, and inspection and evaluation work.

The community of Federal inspectors general, organized through CIGIE, collectively formulated and adopted CIGIE quality standards for OIGs to guide the management, operations, and conduct of Federal OIGs. CIGIE quality standards for OIGs include professional standards for planning, establishing an efficient and effective organization, managing risk, maintaining quality assurance, and ensuring staff possess the requisite qualifications to produce quality work, among others.¹³

CIGIE quality standards for OIGs also state that OIGs are expected to maintain high standards of professionalism and integrity in light of their mission, as independent and objective units, to review agency activities. CIGIE developed and adopted these quality standards to guide the conduct of OIGs because of that expectation for the OIG community.

DHS OIG HAS NOT CONSISTENTLY DEVELOPED STRATEGIC PLANS

Our preliminary work indicates that DHS OIG did not have a strategic plan in fiscal years 2015, 2016, 2017, and 2020, and the plan it adopted for fiscal years 2018–2019 included some, but not all, of the elements considered standard in strategic plans for Federal entities.¹⁴ As of April 2021, DHS OIG has actions under way to develop a strategic plan for fiscal years 2021–2025.

The strategic plan for fiscal years 2018–2019 articulated DHS OIG’s mission, strategic goals, and the associated objectives, but did not include the strategies to achieve those goals or a description of the organizational risks that might affect achievement. According to DHS OIG officials we interviewed, the strategic plan for fiscal years 2018–2019 was intended to guide the organization in the short-term while DHS OIG staff built the capability to develop a 3- to 5-year strategic plan that is more common.¹⁵

In addition, the strategic plan for fiscal years 2018–2019 did not articulate performance goals, though DHS OIG later developed performance output targets that were documented elsewhere. Specifically, the strategic plan for fiscal years 2018–2019 did not include specific, quantifiable, and measurable targets that were aligned to the overall strategy and against which DHS OIG could measure progress and identify areas for improvement.¹⁶ The plan included a section for organization-level

¹¹One of 4 divisions in the Office of Integrity and Quality Oversight conducts oversight reviews of DHS component internal affairs offices in addition to reviews of DHS OIG investigations offices. The other 3 divisions conduct oversight of DHS OIG, according to OIG documentation.

¹²Pub. L. No. 110–409, § 7(a), 122 Stat. 4305; 5a U.S.C. § 11. All inspectors general whose offices are established under Section 2 or Section 8G of the Inspector General Act of 1978, including those that are Presidentially-appointed and Senate-confirmed and those that are appointed by agency heads (designated Federal entities), are members of CIGIE. 5a U.S.C. § 11.

¹³CIGIE standards also incorporate by reference the professional standards for audit, investigation, and inspection and evaluation work, as well as Standards for Internal Control in the Federal Government.

¹⁴The Government Performance and Results Act of 1993 (GPRA), which was amended and expanded by the GPRA Modernization Act of 2010 (GPRAMA) includes an organizational performance management framework that describes strategic plan content and publication time lines in relation to strategic planning standards. GPRAMA requirements to develop a strategic plan apply at the Departmental level (e.g., DHS), and do not explicitly apply to DHS OIG. However, we have previously stated that GPRAMA requirements can serve as leading practices at lower organizational levels within Federal agencies, such as individual divisions, programs, or initiatives, which would include an OIG. For example, see *Chemical Assessments: Annual EPA Survey Inconsistent with Leading Practices in Program Management*, GAO–21–156, (Washington, DC: Dec. 18, 2020).

¹⁵OMB Circular A–11 Preparation, Submission, Execution of the Budget, which provides guidance on implementing GPRAMA, directs agencies to establish strategic goals and objectives in their strategic plans for a period of not less than 4 years forward from the fiscal year in which it is published (Section 230.4 of Circular A–11).

¹⁶OMB Circular A–11 Preparation, Submission, Execution of the Budget describes the standard content of a strategic plan, which includes performance goals (Section 210.4 of Circular A–11), and defines such goals as a statement of the level of performance to be accomplished within

performance indicators. However, the items listed described expected improvements and not measurable outcomes linked to a performance goal and strategic objective, as indicators in this context are generally defined.¹⁷ For example, DHS OIG's performance indicators included: (1) Products that identify more efficient and effective ways for DHS to carry out its mission and (2) employee feedback tool that improves operations and enhances employee satisfaction. For 2019, DHS OIG developed quantitative output goals for the heads of some DHS OIG offices and aligned them to the strategic plan to supplement the descriptive outcomes. These output goals included goals for: (1) Reports published and (2) employee engagement improvements implemented.

In the spring of 2019, DHS OIG took some steps to prepare a successor strategic plan, but ultimately changed course following a leadership change. Specifically, DHS OIG staff initiated strategic planning activities and in the summer of 2019, staff drafted a short-term strategic plan for fiscal years 2020–2022. Those staff recommended developing 4-year plans thereafter, starting in fiscal year 2023. However, the inspector general did not adopt the draft strategic plan for fiscal years 2020–2022 and instead initiated a process to contract with the National Academy for Public Administration to develop DHS OIG's next strategic plan.¹⁸

As of April 2021, DHS OIG has actions under way to develop a long-term strategic plan, but will have operated for almost 2 years without a strategic plan when the new plan is delivered in June 2021. DHS OIG finalized a contract for strategic planning work in August 2020 and, based on the contract's terms, the contractor is expected to deliver a strategic plan to cover fiscal years 2021–2025 in June 2021. According to one DHS OIG senior leader, the inspector general sees value in the rigorous strategic planning process that the contractor is facilitating and in having a plan that is reflective of his priorities.

We have previously reported that effective management of staff performance includes aligning individual performance to the organization's goals, which cannot be done if those goals have not been defined.¹⁹ A strategic plan is also a necessary input for developing the organization's other guiding documents and governance framework that collectively provide reasonable assurance that its objectives will be achieved.

DHS OIG HAS NOT IMPLEMENTED A QUALITY ASSURANCE PROGRAM

Quality Assurance Program

Our preliminary work indicates that DHS OIG has not established roles and responsibilities for an organization-wide quality assurance program, and particularly for internal quality assurance activities—that is, the activities DHS OIG undertakes to ensure the objective, timely, and comprehensive appraisal of its operations.²⁰ A quality assurance program aims to ensure DHS OIG's work: (1) Adheres to established policies and procedures; (2) meets established standards of performance, including applicable professional standards; and (3) is carried out economically, efficiently, and effectively.

DHS OIG leadership established the Office of Integrity and Quality Oversight as the organization's quality assurance office; however, its role has not been clearly defined. In 2013, DHS OIG created the Office of Integrity and Quality Oversight to enhance organizational independence and oversight of DHS OIG's operations. Officials from the Office of Integrity and Quality Oversight told us that it is their understanding that the office is to lead quality assurance efforts, including ensuring that the OIG's structure supports alignment with professional standards and that quality assurance elements, such as training, supervision, and risk assessment are in place. However, the scope of the office's responsibilities has not been formalized in a quality assurance program.

a time frame, expressed as a tangible, measurable objective or as a quantitative standard, value, or rate (Section 200.14 of Circular A–11).

¹⁷OMB Circular A–11 Preparation, Submission, Execution of the Budget defines performance indicators as the measurable values that are used to track progress toward a goal or target within a time frame (Section 200.15 of Circular A–11).

¹⁸The National Academy for Public Administration is a Congressionally-chartered, non-partisan, nonprofit academy whose mission is to provide Government leaders with expert support in building and managing more effective, efficient, equitable, accountable, and transparent organizations.

¹⁹GAO, *Results-Oriented Cultures: Creating a Clear Linkage between Individual Performance and Organizational Success*, GAO–03–488 (Washington, DC: March 14, 2003).

²⁰By contrast, external quality assurance refers to the reviews conducted by outside entities of an OIG's audits, investigations, inspections, evaluations, and other activities. The peer reviews organized under CIGIE are an example of an external quality assurance activity.

Office of Integrity and Quality Oversight staff have taken steps to formally establish such an OIG-wide quality assurance program, however, senior leaders have not taken action to implement such a program. In the fall of 2019, staff in the Office of Integrity and Quality Oversight wrote a draft directive to establish policies and procedures for maintaining an overarching quality assurance program and shared that draft directive with DHS OIG leadership. However, DHS OIG senior leaders told us that they prioritized issues other than implementing a quality assurance program. As of April 2021, DHS OIG had not implemented that directive and there is no organization-wide quality assurance program in place.

In addition, our preliminary work indicates that resource constraints in the Office of Integrity and Quality Oversight may affect the scope of DHS OIG's internal quality assurance efforts. As of September 2020, 4 staff were assigned to the division responsible for internal quality assurance reviews of DHS OIG's audit, inspection, and evaluation work. According to officials in the Office of Integrity and Quality Oversight, as a result of resource constraints, their quality assurance reviews have generally focused on audit work conducted under Government auditing standards and have not focused on other types of work, including inspections, evaluations, special reviews, and management alerts.

Quality Assurance for Audits

Our preliminary work also indicates that internal and external reviews have reported on concerns about quality assurance in some of DHS OIG's audit work conducted under Government auditing standards. Although there are recent indications of improvement, including updated guidance for audit staff, officials told us that staff are still developing the skills necessary to produce high-quality audit work.

For example, in 2018, peer reviewers organized under CIGIE gave DHS OIG a "pass with deficiency" rating for its audit work. In their report, the peer reviewers made 4 recommendations to DHS OIG: (1) Identify the root cause for departures from audit standards in certain work; (2) update its policies and procedures to address the deficiencies; (3) verify that changes in the system of quality control resolved the deficiencies; and (4) schedule an off-cycle peer review to verify that the changes provide reasonable assurance that its work is adhering to audit standards.

DHS OIG concurred with all of the recommendations and considered them resolved, but we found that some were not fully implemented.²¹ For example, in response to the second and third recommendations, the Office of Audits updated its audit manual and established the Quality Management and Training Branch. The Quality Management and Training Branch was to provide additional quality oversight of audit work and perform in-process quality reviews of audit work to evaluate the effectiveness of the Office of Audits' corrective actions.²² However, officials in this branch told us that they stopped doing in-process quality reviews for approximately 10 months in fiscal year 2020 to focus on other priorities—including completion of the audit manual and related job aids. Eight in-process quality reviews were affected by this reprioritization, including 4 reviews that were under way as of October 2019 and were not completed until September 2020. As a result, in 2020, audit teams issued draft and final reports that did not incorporate the in-process quality reviewers' findings. As of January 2021, Office of Audits officials told us that they continue to conduct in-process quality reviews and that such reviews are a priority for their office.

TIME FRAMES FOR DHS OIG'S WORK HAVE INCREASED IN RECENT YEARS

Our preliminary work indicates that the time DHS OIG Office of Audits and Office of Special Reviews and Evaluations teams take to complete their work—that is, from the time a team initiates a project until it publishes the final report—increased for reports completed between fiscal year 2017 and 2020.²³ In addition, DHS OIG has not assessed time frames for completing such work, though report timeliness

²¹ According to DHS OIG's semiannual reports to Congress, DHS OIG closed all of the 2018 audit peer review's recommendations, as of September 2020. DHS OIG, *Semiannual Report to the Congress: October 1, 2019–March 31, 2020* (Washington, DC: 2020) and DHS OIG, *Semiannual Report to the Congress: April 1, 2020–September 30, 2020* (Washington, DC: 2020).

²² In-process quality reviews refers to an assessment of an on-going project's documentation to determine whether the project team is conducting the project consistent with relevant professional standards and DHS OIG procedures prior to publication so the team could take corrective action, if needed.

²³ We reviewed project tracking data for projects initiated after October 1, 2014 and completed by September 30, 2020. In order to compare time frames for completed reports across years, we identified the first year in which reports initiated after October 1, 2014 were completed. We determined that 2017 was the first such year. As a result, we report on time frames for reports initiated after October 1, 2014 and completed in fiscal year 2017 through fiscal year 2020.

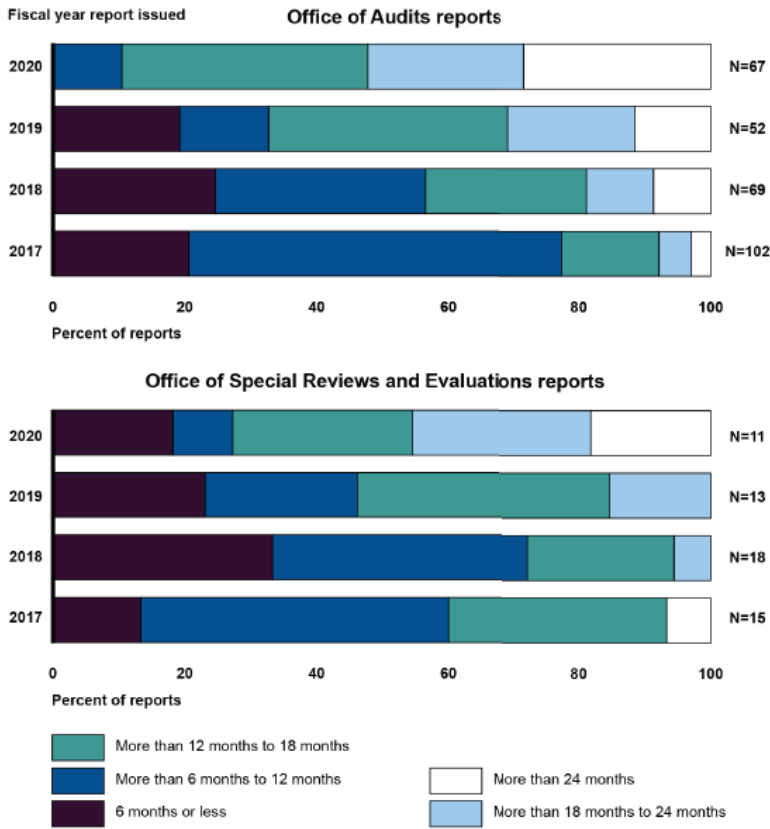
is a recognized problem for DHS OIG. For example, a 2019 internal report summarizing the results of interviews with DHS OIG staff from across the organization noted that staff considered report timeliness a weakness for the organization.

Based on our preliminary work, the time it takes DHS OIG teams to complete reports has increased over the 4 fiscal years we assessed.²⁴ DHS OIG's project tracking system captures certain project milestones, such as the start date of projects and date reports are issued, and acts as the office's system of record for reviewing and distributing reports and other work products. Our analysis of Office of Audits and Office of Special Reviews and Evaluations project time frames using data from this system found that time frames for individual projects vary. However, the proportion of projects taking 18 to 24 months and more than 24 months generally increased from fiscal year 2017 to 2020, as shown in figure 2.²⁵

²⁴For the purposes of this analysis, the Office of Audits includes time frames for reports completed by the Office of Audits, the former Office of Information Technology Audits, and the former Office of Emergency Management Oversight. The Office of Specials Reviews and Evaluations includes time frames for reports completed by the former Office of Inspections and Evaluations and the former Special Reviews Group.

²⁵These time frames correspond to reports published in the stated fiscal year. Reports published in fiscal year 2020, for example, may have been initiated in fiscal year 2020 or in any prior fiscal year. Office of Audits officials told us that the longer time frames are because the Office of Audits now conducts performance audits of the Federal Emergency Management Agency, which take longer than the compliance audits of grant applicants that the office conducted in the past. As illustrated in figure 2, a small portion of Office of Audits reports took more than 18 months to complete in fiscal year 2017. In fiscal years 2019 and 2020, respectively, a significantly larger portion of Office of Audits reports took more than 18 months to complete, although fewer reports were completed in those years compared to 2017.

Figure 2: Time Frames for Department of Homeland Security (DHS) Office of Inspector General (OIG) Reports Issued from Fiscal Year 2017 through Fiscal Year 2020



Source: GAO analysis of DHS OIG project tracking data. | GAO-21-452T

Note: For the purposes of this analysis, the Office of Audits includes time frames for reports completed by former DHS OIG offices that were consolidated into the Office of Audits during this period—specifically, the former Office of Information Technology Audits and the former Office of Emergency Management Oversight. The Office of Special Reviews and Evaluations includes time frames for reports completed by former DHS OIG units that were merged to create the Office of Special Reviews and Evaluations—specifically the former Office of Inspections and Evaluations and the former Special Reviews Group. These time frames correspond to reports published in the stated fiscal year. Reports published in fiscal year 2020, for example, may have been initiated in fiscal year 2020 or in any prior fiscal year.

As shown, 79 of 102 reports the Office of Audits completed in fiscal year 2017 (about 77 percent) took 1 year or less, and 8 of 102 (about 8 percent) took more than 18 months. In fiscal year 2020, in contrast, 7 of 67 Office of Audits reports (about 10 percent) took 1 year or less and 35 of 67 (about 52 percent) took more than 18 months. Time frames for Office of Special Reviews and Evaluations projects have increased similarly over time, although the office is smaller and completes far fewer projects each year. In fiscal years 2017 and 2018, the Office of Special Reviews and Evaluations issued 15 and 19 reports, respectively. In each year, one report took more than 18 months to complete. In fiscal year 2020, 5 of the 11 reports the office issued took more than 18 months.

Our preliminary work also indicates that DHS OIG has not comprehensively evaluated timeliness at the organization or program office level to provide assurance

that its work is timely. Program office leaders we spoke with told us that the reasons for increased project time frames varied because each project is different. However, according to these officials, neither DHS OIG nor program office leaders have systematically assessed the timeliness of the office's work. A project team within the Office of Audits developed and, as of February 2021, is piloting a project tracking dashboard to visually represent project statuses and milestones. This initiative is a positive step and, in the future, could be a way for DHS OIG to centrally monitor project time frames and better understand factors contributing to them.

We will complete our review of these and other management and operational areas and make recommendations, as appropriate, in our final report, which will be published in the coming months.

Chairman Thompson, Ranking Member Katko, and Members of the committee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

Chairman THOMPSON. Thank you for your testimony.

I know recognize Inspector General Cuffari to summarize his statement for 5 minutes, but he is having some technical difficulties and he will be giving that testimony at this point on telephone until the problems are resolved.

Dr. Cuffari.

**STATEMENT OF JOSEPH V. CUFFARI, INSPECTOR GENERAL,
U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. CUFFARI. Thank you, Chairman Thompson.

Chairman Thompson, Ranking Member Katko, and Members of the committee, before I begin I offer you my condolences on the loss of your colleague, Representative Hastings. I understand many of you were attending his memorial earlier today.

Thank you for the opportunity to testify about the Department of Homeland Security Office of Inspector General, our important mission, and my on-going efforts to make it a model workplace.

Throughout my more than 40 years in public service I have worked hard to find process improvements, efficiencies, and better ways of doing business at every station. This includes considering feedback from important oversight agencies, such as the GAO. I am also very grateful for this committee's support. I have had the pleasure to meet personally with the Chairman, Ranking Member, and more than half of this committee Members to keep you apprised of our important work. With your support and confidence in our office we have made significant strides.

Since this time last year we have had many accomplishments to be proud of. Most notably, we maintained our efficiency and momentum despite the pandemic. Our Fiscal Year 2020 Federal Employee Viewpoint Survey scores hit a 5-year high. We increased productivity and enhanced quality. We adopted a data-driven, risk-based, decision-making model. We have more than 90 on-going audits, inspections, and evaluations, including remote unannounced inspections of immigration detention facilities, and we recently passed 3 CIGIE peer reviews within the last 12 months.

We have left behind a tumultuous 5-year period in the IG's brief history and our ship is heading in the right direction. For the past 21 months I have worked diligently to build my senior leadership team and to identify, understand, and address the issues that have plagued our office. Since my confirmation I have met with more than 70 Members of Congress, and over the past several months I have also had very productive meetings with then-President-Elect

Biden's DHS transition team and several one-on-one discussions with Secretary Mayorkas.

I have also adopted initiatives to improve employee morale, including increased communication through weekly update messages, more than 60 small group meetings with my IG staff, I have had several town hall meetings, and I have increased flexibility by implementing a 100 percent telework policy and expanded schedule so all my employees can address challenges brought on by the pandemic.

We appreciate the work that Mr. Currie and his team at GAO have done. We view GAO's recommendation as a tool to aid our office's continuing progress and we appreciate GAO's input and professionalism. Even prior to receiving GAO's draft report, my office was already in the process of implementing improvements. For example, we contracted with the Congressionally-chartered National Academy of Public Administration to create a 5-year strategic plan which will anchor our planning efforts. We have also expanded an option on our NAPA contract to help us implement many of GAO's recommendations.

I have made several recent organizational adjustments, creating 2 new offices, the Office of Integrity and the Office of Innovation. This change better aligns DHS IG's organizational structure with our larger peer agencies, such as the DOD IG and Health and Human Services IG. We follow GAO model practices to implement these changes, which will improve our quality assurance.

I present the committee with these final thoughts. The issues within DHS IG that GAO identified in its draft report did not manifest overnight. Therefore, it would be presumptuous to suggest that these issues could be fixed overnight. But I am so wholly committed to the staff of the DHS IG, this committee, Congress, and the American people, that I will spare no effort to build a stronger and better organization. Our improvements over the last 21 months show we are headed in the right direction and I have every confidence in our future success.

This concludes my testimony, Mr. Chairman, and I look forward to answering your questions.

[The prepared statement of Mr. Cuffari follows:]

PREPARED STATEMENT OF JOSEPH V. CUFFARI

Chairman Thompson, Ranking Member Katko, and Members of the committee: Thank you for the opportunity to testify today about the Department of Homeland Security Office of Inspector General (DHS OIG), our important mission, and my ongoing efforts to make it a model workplace.

I look forward to discussing with you the Government Accountability Office's (GAO) draft report about our office, GAO's observations and recommendations, and the ways in which DHS OIG will continue to strive for excellence. Throughout my more than 40 years in public service—in the U.S. Air Force, the Reserves, the Air National Guard, and as a career civil servant—I have worked hard to find process improvements, efficiencies, and better ways of doing business at every station. This includes considering feedback from important oversight agencies such as GAO.

I am also grateful for this committee's support of our office. I have had the pleasure to meet personally with the Chairman, Ranking Member, and over half of the Members of this committee to keep you apprised of our important work. With your support and confidence in our office, we have made significant strides since my confirmation in July 2019.

A great example of our forward progress is the report that we released today on the Department's deployment of law enforcement officers to Portland, Oregon last summer. In this report, we assessed the authority, preparation, and activities of

DHS law enforcement officers deployed to Portland to protect Federal property. We concluded that DHS did not properly exercise its authority to designate and deploy DHS component law enforcement officers to help the Federal Protective Service (FPS) protect Federal facilities. Moreover, DHS was unprepared to effectively execute cross-component activities in Portland. Specifically, not all officers had completed required training, had the necessary equipment, or used consistent uniforms, devices, and operational tactics.

We have maintained our efficiency and momentum despite a myriad of challenges due to COVID-19. We have increased productivity and enhanced quality, adopted a data-driven, risk-based decision-making model, and passed 3 Council of the Inspectors General on Integrity and Efficiency (CIGIE) peer reviews within a 12-month span. Our recently released Fiscal Year 2020 Federal Employee Viewpoint Survey scores hit a 5-year high. In short, we have left behind a tumultuous 5-year period (2014–2019) in DHS OIG’s brief history, and our organization’s compass is now pointing in the right direction.

OIG—THEN AND NOW

Prior to my confirmation in July 2019 as only the third Senate-confirmed DHS Inspector General, DHS OIG was an office beset with persistent structural, morale, and ethical challenges. As the committee noted in December 2019 correspondence to me, morale was low, work products were not always produced to the standards required by CIGIE, and I was inundated with internal employee complaints about senior leadership. I was faced with innumerable challenges as the new leader of DHS OIG—most notably repairing the troubling situations that occurred prior to my confirmation:

- A former acting inspector general and 2 information technology managers are alleged to have taken actions that led to their indictment on Federal criminal charges for stealing OIG database information.
- Under the supervision of another acting inspector general, DHS OIG was forced to rescind over a dozen audit reports in 2017 and 2018 because the reports did not meet required CIGIE standards.
- In June and July 2019, a member of OIG leadership falsely held herself out as the acting inspector general for 6 weeks.

For the past 21 months, I have worked diligently to build my senior leadership team and to identify, understand, and address the issues that have plagued our office. Starting in August 2019, I began speaking with Members of this committee, your colleagues, and staff members on a bipartisan basis about these issues. Since my confirmation, I have met with over 70 Members of Congress from our House and Senate oversight committees, as well as numerous members of the Senate Whistleblower Protection Caucus. Over the last several months, I have also had very productive meetings with then President-Elect Biden’s DHS transition team and several one-on-one discussions with Secretary Mayorkas.

Sitting before you today, I am proud to discuss the following accomplishments we have achieved in my short time as Inspector General.

Improved Morale

Our fiscal year 2020 Federal Employee Viewpoint Survey scores hit a 5-year high, demonstrating that employee morale is heading in the right direction. Improvements were noted in employee engagement overall, and specifically in the areas of leadership, supervision, intrinsic work experience, and global satisfaction. These results were not by chance. Since my confirmation, I have implemented the following initiatives to improve employee morale:

- *Increased communication.*—I send weekly and ad hoc messages to all OIG staff with updates from senior leadership and highlights of noteworthy accomplishments.
- *Small group meetings.*—I conducted over 60 small group meetings with OIG staff. These virtual meetings typically involved 10–15 employees at a time, where I updated staff on a range of topics including our budget, laptop refresh, organizational changes, and status of work products. All OIG employees were invited to a small group meeting and were provided the opportunity to send questions in advance or ask them in an open forum.
- *Town Hall meetings.*—Since July 2019, I have held 2 town hall-style meetings, in November 2019 and June 2020, where all OIG employees were invited to attend. I anticipate scheduling another town hall meeting this summer.
- *Increased flexibility.*—Understanding the additional stress this unprecedented global pandemic has put on almost everyone, I maximized workplace flexibility options for OIG employees. In March 2020, I implemented a 100 percent telework policy as well as a work schedule we refer to as “any-80.” This entitles

employees to work any 80 hours within a 2-week pay period. I have received positive feedback from many employees who say this flexibility has helped with unforeseen burdens brought on by the pandemic, such as child care needs, virtual schooling, and aiding older family members.

Improved Work Products

A small percentage of our past work products were identified as not meeting OIG community standards. Although that percentage was small, one unacceptable report is still one too many. We took several actions to rectify this issue, including:

- *Bolstered Review Process.*—Implementation of rigorous review of all reports to ensure the quality of our work. Even with this enhanced review process, we increased our productivity of audit and inspection reports issued from 64 in fiscal year 2019 to 80 in fiscal year 2020. Our workload projections show that we are on track to meet or exceed fiscal year 2020 productivity in fiscal year 2021.
- *Passing Peer Reviews.*—Consistent with CIGIE requirements, our office underwent 3 peer reviews within the last 12 months (Yellow Book, Blue Book, and Investigations). Our office earned a score of “pass” for all 3 reviews, which is an important improvement from the “pass with deficiencies” score DHS OIG received in 2018 for our Yellow Book review.
- *Engagement Planning.*—With a Department of nearly 500,000 employees and contractors to oversee, it is imperative that we select projects that will be the most meaningful and impactful. I adopted a data-driven, risk-based decision-making model for the selection of audit and inspection work which helps us prioritize our oversight. Audit and inspection proposal discussions culminate in a bi-weekly strategy meeting with senior leadership where we actively discuss and select the audits and inspections that our office conducts.
- *Strategic Planning.*—Recognizing the importance of an aggressive but attainable plan for our future, in August 2020, we contracted with the National Academy of Public Administration (NAPA) to assist us in developing a 5-year strategic plan. We awarded this contract because it is the right way to bring about real change. We plan to exercise an option in our contract for NAPA to help us implement various GAO recommendations.
- *Business Systems Modernization.*—We have contracted with the Homeland Security Systems and Development Institute contractor, MITRE, to modernize, integrate, and streamline our business information systems and automate redundant and antiquated manual tasks. This will significantly improve the efficiency and quality of our work by leveraging available technology.

Office Reorganization

After I was confirmed and arrived at DHS OIG, I discovered that our Human Resource Management Division was positioned within the Office of Counsel, thereby creating conflicts of interest. Therefore, in January 2020 I moved the Division to our Office of Management—where it was originally located and where I believe it can best serve our organization.

Second, I learned our Whistleblower Protection Unit (WPU), which handles sensitive and legally complex investigative cases of whistleblower retaliation, was positioned within the Office of Special Reviews and Evaluations. I returned attorneys from WPU to our Office of Counsel, where it originally resided, so they would receive appropriate supervision and leadership. I also assigned a subject-matter expert to oversee the unit and ensure it applies appropriate legal standards. In my ongoing commitment to reduce the WPU’s backlog of retaliation cases, I reassigned 4 attorneys from another division to supplement the WPU’s work and right-size the unit. I am confident WPU’s backlog will continue to decline.

I continuously review our organizational structure to ensure that our programs and offices are strategically aligned to efficiently achieve our mission. Last week, I announced the creation of 2 new DHS OIG offices: The Office of Innovation and the Office of Integrity.

The Office of Innovation will plan and lead change across the organization, focusing on our business practices, information systems, and use of data analytics. The Office of Integrity will uphold professional standards through a multidisciplinary approach of inspections and investigations. We are recruiting for 2 senior executives to lead these offices. As part of this reorganization, we retitled some of our senior executive positions to more closely align with the practices of our fellow OIGs in large agencies, such as the Department of Defense OIG and Health and Human Services OIG. We followed GAO model practices to implement this realignment.

Addressing Senior Leadership Vacancies and Challenges

- *Filling Senior Leadership Vacancies.*—Since my confirmation, I have filled the following senior leadership positions: Principal deputy inspector general, chief

of staff, general counsel, deputy IG for investigations, deputy IG for inspections and evaluations, and assistant IG for investigations. We are in the process of filling remaining vacancies including for the deputy IG for audits, assistant IG for inspections and evaluations, and deputy counsel.

- *Addressing Misconduct.*—I have made it clear to all OIG staff that I will not tolerate misconduct at any level of our organization. Making good on that commitment, I have been transparent and forthcoming with information on the investigation into the misconduct of former senior officials within our office—information that I have also shared with this committee.

GAO’S DRAFT REPORT

In March 2020, 8 months after I was confirmed as the inspector general of DHS OIG, GAO notified us it would be conducting an engagement on “Challenges Facing the Department of Homeland Security (DHS) Office of Inspector General (OIG).”

At the time, understanding the challenges DHS OIG faced prior to my confirmation, I welcomed an independent review of these issues. Throughout this engagement, we have been responsive to GAO’s requests for documents and access to employees for interviews.

Only 10 days ago, on Monday, April 12, we received GAO’s draft report. The draft report contains 21 recommendations. We are in the process of fully digesting the draft report, evaluating its recommendations, and drafting our management response which is due to GAO on May 12. With respect to the report’s recommendations, 3 themes have emerged: Strategic planning, report timeliness and procedures, and quality assurance.

Prior to receiving the report, my office implemented changes that address several of the recommendations in these areas. For example, we are leveraging our contract with NAPA to incorporate improvements into our 5-year strategic plan which will anchor our work and human resource planning efforts. Some of the previously discussed strategic changes to our organizational structure are aimed at bolstering quality assurance. We view GAO’s recommendations as a tool to aid our office’s continued progress, and we appreciate GAO’s input and professionalism.

ON-GOING WORK

Today’s discussion would not be complete without including a sample of DHS OIG’s recently completed and on-going work in areas of interest to the committee.

Pandemic Response Oversight

I serve as 1 of 9 statutory IGs who are members of the Pandemic Response Accountability Committee (PRAC), created by the CARES Act, and we are coordinating closely with the PRAC when necessary. We have also given training to the PRAC and other IGs on some of our innovative investigative and inspection techniques. For example, we developed an analytical dashboard to identify fraudulent Federal Emergency Management Agency’s (FEMA) vendors who were contracted to provide Personal Protective Equipment (PPE) for the National stockpile. The effort resulted in high-impact investigations across the country.

To date, the DHS OIG has proactively generated or received a significant number of COVID–19 fraud complaints Nation-wide. We have more than 60 on-going criminal investigations and are working with U.S. Attorney’s Offices around the country on several COVID–19 fraud task forces, including the Department of Justice (DOJ) National Stimulus Funds Fraud Working Group, the DOJ National Unemployment Insurance Fraud Task Force, the DOJ Procurement Collusion Strike Force, the DOJ Grant Fraud Working Group, and the National Center for Disaster Fraud.

We recently announced, with the U.S. Attorney’s Office for the Eastern District of Virginia, a 9-count indictment of 4 defendants charged with:

(1) Conspiracy to commit fraud in connection with major disaster benefits; (2) fraud in connection with major disaster benefits; and (3) mail fraud. The defendants are accused of facilitating a scheme to file almost \$500,000 in fraudulent unemployment insurance (UI) claims on behalf of prison inmates in Virginia.¹ Our office is co-leading a task force with the Department of Labor OIG to investigate fraudulent UI claims, which have a DHS nexus because funding was provided through FEMA’s Disaster Relief Fund under the CARES Act.

In February 2021, our office, along with the Veterans Affairs (VA) OIG and the U.S. Attorney’s Office for the Eastern District of Virginia, announced the guilty plea of a defendant for making false statements in order to fraudulently obtain more

¹ Press Release, *Four Individuals Indicted for Fraudulently Obtaining Pandemic Unemployment Benefits for Virginia Prison Inmates*, April 9, 2021.

than \$38 million in VA and FEMA contracts for PPE that he and his company did not possess and could not supply.²

We also have numerous on-going audits and inspections of DHS's pandemic response, including:

- *ICE's Efforts to Prevent and Mitigate the Spread of COVID-19 in its Facilities*
- *DHS Prioritization of Front-line and Mission-Critical Employees for COVID-19 Vaccines*
- *Audit of USCIS's Ability to Process and Administer Immigration and Naturalization Benefits Requested During the COVID-19 Pandemic*
- *Review of DHS's Priority Telecommunications Services and Capabilities During the COVID-19 Pandemic*
- *FEMA's Federal Coordination Efforts in Response to COVID-19*
- *FEMA's Federal Medical Supply Chain in Response to COVID-19*
- *FEMA's Administration of CARES Act Funding for the Emergency Food and Shelter Program*
- *FEMA's Contracting Practices During the COVID-19 Disaster Declaration*
- *FEMA's Controls of Mission Assignments in Response to COVID-19*
- *Physical Storage and Security of COVID-19 Vaccines.*

ICE Detention Oversight

We have a robust body of oversight work on-going regarding ICE detention, including:

- *Unannounced Inspections of ICE Detention Facilities*
- *Allegations about Inadequate Medical Care and Other Concerns at the Irwin County Detention Center*
- *Evaluation of ICE's Oversight and the Use of Segregation in ICE Detention Facilities*
- *Inadequate Prenatal Care and Staffing Deficiencies at ICE IHSC-run Facilities*
- *Medical Vacancies at ICE Detention Facilities*
- *Review of Removal of Separated Alien Families*
- *Audit of ICE's Government Service Contracts.*

We recently published the results of our first virtual unannounced inspection, *Violations of Detention Standards Amidst COVID-19 Outbreak at La Palma Correctional Center in Eloy, Arizona*. We were able to adapt to pandemic conditions that—for the safety of detainees, detention facility employees, and DHS OIG employees—limited our ability to conduct in-person inspections.

Border Security Oversight

Earlier in my career, I gained extensive experience on the border as a special agent with the DOJ OIG, where I was a member of a team responsible for unannounced inspections of U.S. Border Patrol's quality of care of unaccompanied children and other migrants, for which I received a PCIE award in 2002. Today, I am personally drawing on that experience as inspector general.

Members of my senior staff and I traveled to the Southwest Border during the first week of April to meet with OIG staff in the field and personally observe conditions. This followed a similar visit that we made to the Southwest Border in October 2019. Observations from our recent visit resulted in 2 new projects, listed below, and will continue to inform our audit and inspection work in this area. Currently, we have the following projects on-going:

- *ICE's Contract to House Migrants in Hotels*
- *DHS Border Admissibility Screening Operations During the 2021 Migrant Surge*
- *Extent of CBP's Testing or Plans to Test Migrants for COVID-19 at the U.S. Border with Mexico*
- *Review of a February 16, 2020 Childbirth at the Chula Vista Border Patrol Station*
- *CBP's Procedures for Detained Migrants Experiencing Serious Medical Conditions*
- *DHS DNA Collection*
- *DHS Management and Oversight of Immigration Hearings in Temporary Courts along the Southwest Border*
- *ICE's Enforcement Efforts to Combat Human Trafficking*
- *CBP Leadership's Knowledge of and Actions to Address Offensive Content Posted on Facebook by CBP Employees*
- *CBP's Free and Secure Trade (FAST) Program*
- *CBP's Searches of Electronic Devices at Ports of Entry*
- *CBP Management of Aviation Fleet*

²Press Release, *CEO Pleads Guilty to Defrauding Multiple Federal Agencies*, Feb. 3, 2021.

- *CBP's Management of Radiation Portal Monitors.*

We recently published 2 reports likely to interest the committee: *DHS's Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention During the 2019 Surge* and *CBP Has Improved Southwest Border Technology, but Significant Challenges Remain*. We look forward to sharing the results of our on-going work with you when it is complete.

Events of January 6, 2021

We initiated 2 reviews to examine the role and activity of DHS and its components in preparing for and responding to the events at the U.S. Capitol on January 6, 2021. We are evaluating DHS's responsibility for providing intelligence to law enforcement and the role of DHS law enforcement components in responding to the attack. We also recently initiated a review of DHS's role in preventing and protecting the Nation from domestic terrorism and violent extremism.

CONCLUSION

The issues within DHS OIG that GAO identified in its draft report did not manifest overnight. They happened over the course of many years. Therefore, it would be presumptuous to suggest that I can fix all of these issues overnight. I am wholly committed to the staff of DHS OIG, this committee, Congress, and the American people that I will spare no effort to build a stronger and better DHS OIG. I believe our improved morale, superior work products, and revitalized leadership over the past 21 months demonstrate that DHS OIG is now headed in the right direction. I have every confidence in our future success.

Thank you for the opportunity to discuss the important work of the OIG and our plans to work with the GAO to improve our operations. This concludes my testimony, and I look forward to answering any questions you may have.

APPENDIX A.—DECEMBER 6, 2019 LETTER FROM THE SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON HOMELAND SECURITY

BOB JOHNSON, MISSOURI, CHAIRMAN
 BOB PORTMAN, OHIO
 MIKE PENCE, INDIANA
 JAMES LANKFORD, OKLAHOMA
 MIKE ROONEY, PENN.
 BOB SCOTT, FLORIDA
 MICHAEL B. LEE, KY/MISSISSIPPI
 JOSH HARTLEY, MISSOURI
 GARY C. PETERS, MICHIGAN
 THOMAS R. COTTRELL, ILLINOIS
 MARGIE HANCOCK, NEW HAMPSHIRE
 BARBARA J. BOHRER, CALIFORNIA
 SYRILLA SENECA, ARIZONA
 JACQUEE ROSEN, NEVADA

United States Senate

COMMITTEE ON
 HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
 WASHINGTON, DC 20510-6250

SHERRILL D'AMICO SHERRILL, STAFF DIRECTOR
 DAVID M. WOODBURN, SECURITY STAFF DIRECTOR

December 6, 2019

Joseph Cuffari
 Inspector General
 Department of Homeland Security
 Office of the Inspector General
 245 Murray Lane S.W.
 Washington, D.C. 20528-0305

Dear Inspector General Cuffari:

As the Chairmen and Ranking Members of the undersigned committees, we want to congratulate you on your unanimous Senate confirmation in July. You have our collective commitment to ensuring that you have the resources and authorities you need to provide independent oversight and promote integrity and accountability within the Department of Homeland Security (DHS). We write today to express serious concern about the cumulative effect of longstanding management and operational challenges within the Office of the Inspector General (OIG) that threaten to undermine that critical mission.

DHS's OIG is responsible for the oversight of an agency with a budget of more than \$70 billion divided across dozens of components tasked with securing the homeland, including border security, cybersecurity, terrorism prevention, and emergency response preparedness. Allegations have come to our attention that the office has been plagued by ongoing bureaucratic infighting and competing allegations of misconduct that threaten OIG's ability to conduct effective oversight.

We have been concerned for some time about DHS OIG's ability to perform its statutory mission.¹ In April 2014, a bipartisan congressional investigation found allegations of misconduct by the then-Acting Inspector General that "contributed to an office environment characterized by low morale, fear, and general dissatisfaction with [] leadership."² In September

¹ Pub. L. 113-126.
² Letter and Report on Investigation into Allegations of Misconduct by the Former Acting and Deputy Inspector General of the Department of Homeland Security from Claire McCaskill, Chairman, and Ron Johnson, Ranking Member of the Subcommittee on Financial and Contracting Oversight, Senate Committee on Homeland Security & Governmental Affairs, to The Honorable Phyllis K. Fong, Chair, Council of the Inspectors General on Integrity and Efficiency (Apr. 23, 2014), available at <https://www.hogac.senate.gov/imo/media/doc/2014-04-24%20FCO%20Letter%20and%20Investigation%20Report%20into%20Allegations%20of%20Misconduct%20by%20the%20Former%20Acting%20and%20Deputy%20Inspector%20General%20of%20the%20Department%20of%20Homeland.pdf>.



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2014, the Government Accountability Office issued a report recommending changes to address organizational, management, and independence issues within the OIG.³

Unfortunately, problems have apparently persisted and in some cases worsened. Over the past year, we have received numerous complaints from whistleblowers of alleged misconduct within DHS OIG that leave us concerned about the office's ability to conduct timely, independent, and fact-based audits and inspections of DHS.

Three issues stand out. First, it has come to our attention that DHS OIG employees have filed numerous complaints of misconduct against each other over the past few years, which appear to have had significant implications for the office's operations. Relatedly, it is our understanding that prior to your confirmation, DHS OIG inexplicably moved the human resources operations out of the office of management to the general counsel's office. Although this may be an accepted practice at small organizations, it is difficult to imagine a general counsel fulfilling both positions effectively and without a conflict of interest.

Second, we understand that, between your nomination (November 18, 2018) and confirmation (July 25, 2019), DHS OIG filled a number of senior management staff and other vacant positions. We are concerned that filling numerous senior management positions while your nomination was under active consideration by the Senate deprived you of the opportunity to install lasting and coherent leadership. Additionally, we are concerned that this rash of hiring may have contributed to the OIG's multi-million dollar budget shortfall.⁴

Third, employee morale within DHS OIG remains low. In the 2018 Federal Employee Viewpoint Survey (FEVS), DHS OIG ranked 303 of 415 component agencies that operate as part of larger agencies.⁵ Unfortunately, this represents a decline of 4.7 points from 2017, and is consistent with its positioning near the bottom of the list for the past several years.⁶

Congress and the American people depend on DHS OIG to be our eyes and ears on the ground and to serve as a reliable outlet for whistleblowers at DHS. To ensure that DHS OIG can operate efficiently to carry out its mission, including preventing and detect waste, fraud, and abuse,⁷ please respond to the following no later than December 20, 2019:

³ U.S. Gov't Accountability Office, GAO-14-726, *Inspectors General, DHS OIG's Structure, Policies, and Procedures Are Consistent with Standards, but Areas for Improvement Exist* (Sept. 2014), available at <https://www.gao.gov/assets/670/666087.pdf>.

⁴ 31 U.S.C. § 1341.

⁵ *Best Places to Work in the Federal Government*, Agency Report, Office of the Inspector General, <https://bestplacetowork.org/rankings/detail/DHS15>.

⁶ *Id.*

⁷ Pub. L. No. 113-126.



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Department of Homeland Security

Inspector General Cuffari
December 6, 2019
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1. For each of the last five years, please provide:
 - a. The total number of staff employed by the DHS OIG at the beginning of each fiscal year.
 - b. All organizational charts and other materials that document the structure of DHS OIG and, if available, a breakdown of staffing totals for each office and division.
 - c. All final budgets and budget requests prepared by DHS OIG.
2. For the last year, please provide a list of all DHS OIG staff members who were hired or reassigned, including for each the date of hire or reassignment and the GS/SES level and series.
3. For each of the last five years, please provide all raw FEVS data provided to DHS OIG by the Office of Personnel Management. Please provide the data in the most disaggregated format available.
4. For each of the last five years, please provide a breakdown by division (audits, inspections, and investigations) of the number of products issued.
5. Please provide a breakdown by division (audits, inspections, and investigations) of the number of products you expect to have completed in 2019.
6. Please provide a copy of all internal employee complaints provided to DHS OIG since January 2017.
 - a. Please provide the status of each of the complaints and the estimated date of resolution.

Thank you for your attention to this important matter. If you have any questions about this request, please contact Michelle Woods of Chairman Johnson's staff (202-224-4751) and Alexei Noruk of Ranking Member Peters' staff (202-224-2627) for the U.S. Senate Committee on Homeland Security and Governmental Affairs, and Allison Northrop of Chairman Thompson's staff (202-226-2616) and Forrest McConnell for Ranking Member Rogers' staff (202-226-8417) for the U.S. House Committee on Homeland Security.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Inspector General Cuffari
December 6, 2019
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Sincerely,

Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs
U.S. Senate

Gary Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs
U.S. Senate

Bennie G. Thompson
Chairman
Committee on Homeland Security
U.S. House of Representatives

Mike Rogers
Ranking Member
Committee on Homeland Security
U.S. House of Representatives

Chairman THOMPSON. I thank both witnesses for their testimony. I would remind each Member that he or she will have 5 minutes to question the panel.

I will now recognize myself for questions.

Mr. Currie, I understand that the soon-to-be-released report you referenced in your testimony challenges and looks at the Department Office of Inspector General for several years and that you make 21 recommendations. Is this normal in terms of recommendations, or is that an unusually high number of recommendations?

Mr. CURRIE. Thank you, sir.

This is a very large number of recommendations, particularly when we look at one specific office or sub office within a department. It is not out of the question that we would make this many recommendations in one report, especially if the scope is very large, but this is definitely a very large number of recommendations when looking at the management of one entity in the Government.

Chairman THOMPSON. I assume you have presented these recommendations to the IG's office?

Mr. CURRIE. Yes, sir.

Chairman THOMPSON. When do you expect a response back?

Mr. CURRIE. The final response is due back by May 12.

Chairman THOMPSON. OK. Thank you very much.

Dr. Cuffari, as I assume we both are aware, on August 4, 2020 GAO found that Acting Secretary Wolf and Acting Deputy Secretary Cuccinelli were serving in those roles pursuant to an invalid order of succession. GAO referred that the DHS IG for questions. In a September 2020 letter to this committee, the OIG declined GAO's referral and disputed its conclusion.

Now, I understand that at an August 19, 2020 meeting you informed senior staff that you would meet with Acting Secretary Wolf to discuss the GAO report before making a decision on how to proceed. Did Secretary Wolf tell you not to accept the GAO referral?

Mr. CUFFARI. Mr. Chairman, just to clarify, I don't believe I actually had a meeting with the Secretary reference that matter. It was probably regarding other on-going investigations that we had. I did make a decision to review the GAO report. My determination after considering input from my career professional staff was that it would—that matter of question would best be addressed as an inter-branch dispute by the Judiciary Branch. As a matter of fact, I believe 6 U.S.—they are district courts, have been looking at that issue and have ruled. Four additional ones are embarking on the same issue.

Chairman THOMPSON. So you are saying that to say what?

Mr. CUFFARI. I am just filling in the blanks, sir. I don't believe I had a meeting with the Secretary involving this. My Office of Counsel may have spoken with their counsel's office, but I don't believe I had a meeting with the Secretary about that. I issued my conclusions.

Chairman THOMPSON. So you do understand the appearance of a conflict in something this sensitive goes to the credibility of the Inspector General's Office. If there is any communication around this issue for which you were asked by GAO to look into?

Mr. CUFFARI. Yes, sir. Well, I just go back to my record. You know, it speaks for itself. We have improved our FEVS scores, we have increased productivity during the pandemic, and I have increased the quality of my reports. I just got done passing 3 peer reviews.

I am—again, I believe in July of last year this question may have come up about outside influence of our office. Again, I will commit to you and the other Members of this committee, and to Congress at large, that I get no outside influence regarding my decisions to undertake or not undertake a particular matter.

Chairman THOMPSON. Thank you.

Chair recognizes the Ranking Member for questions.

Mr. KATKO. Thank you, Mr. Chairman.

Mr. Currie, in preparing for today's testimony I was—I don't know if shock is the right word—but very surprised by the amount of recommendations and findings in here. Twenty-one is an unbelievable number for something like this. But I commend you for your thoroughness, because if we don't know there is a problem, we don't know how to fix it. That is what your role is and that is what the role of OIG is in my opinion. You know, we have to ensure that you are both performing at the top of your games.

So, Mr. Currie, briefly, this report spans from 2015 to 2020, am I correct?

Mr. CURRIE. Yes, sir.

Mr. KATKO. OK. So much of this report predated the time that Mr. Cuffari is in office, is that fair to say?

Mr. CURRIE. Yes, sir.

Mr. KATKO. OK. So what do you think would be the first steps that the OIG should take to instill a culture of integrity and professionalism at OIG? What do you think they should be and have you seen any signs that they are starting to go in that direction?

Mr. CURRIE. Well, I think all of our recommendations are—I categorize them as the building blocks or the steps. Some of them need to be sequenced, some of them—you know, one comes after another.

You know, one of the things that we talk about at the end of the report is that I think that all of these things should be looked at as an organizational transformation effort. There are very specific protocols and best practices looking at decades of past Federal transformations and reorganizations to guide this type of thing, because they work. So I think all of these things need to be put together into one transformational plan. It needs to have a dedicated management leadership team that is responsible for it. There needs to be, for example, a communication plan to all employee about what the vision is, what the time lines are, what the metrics are, and how do we know when we have reached success.

There needs to be constant communication with Congress and others. There is a very specific process for doing this and it is not impossible. It has been done before.

Mr. KATKO. Mr. Currie, I thank you very much for your professionalism and your thoroughness. It is a critically important thing you are doing, so I guess I just want to say keep it up.

Dr. Cuffari, you have got a—you know, this is not a great report for you to have. Obviously a lot of this predated your time there, but, you know, you are the head of this now and I want to get a feel from you, and some assurances, what you are doing to help turn this ship around because you have got a monumental task in front of you. We want to hear what your vision is and what you are planning to do to turn this around.

Mr. CUFFARI. Yes, sir. Thank you.

So, first off, you have my commitment that I am going to continue to work with my counterparts at GAO to continue to improve our office here. We appreciate obviously the committee's continued support for our efforts.

As I mentioned in my opening statement, back in August 2020, last summer, we contracted with NAPA to assist us in developing

a 5-year strategic plan. As you know, all subsequent organizational functions flow from the top and the organizational plan is basically our bedrock. We didn't have one in the few years that I have been here, and so subsequently I decided that I was going to follow Congress—you know, their recommendation in the sense that they urge departments to strongly embrace NAPA and as NAPA provides expert nonpartisan advice in solving agencies' management challenges.

So we have done that, NAPA is poised to give us a report toward the end of this summer. We are going to go and exercise a 1-year extension option with them so that they will help us implement the GAO recommendations.

Mr. KATKO. Thank you very much. I appreciate it.

Mr. Chairman, before I yield back I just wanted to offer a suggestion, a respectful suggestion that this to me is—should be the first of a series of hearings with OIG, and maybe with—because we have to get the report back and once we get the report I want to see what progress is being made going down the road, looking at the 21 deficiencies identified. So perhaps at some point, 6 months from now or whatever, we need to revisit this issue and see what progress is being made.

With that, I yield back.

Chairman THOMPSON. Thank you very much. I assure the Ranking Member, as soon as the response is officially provided back to GAO, we will take it back up before—

Mr. KATKO. Very good. Thank you, sir. Thank you.

Chairman THOMPSON [continuing]. Not too long.

The Chair now recognizes other Members for questions they may wish to ask the witnesses.

As previously outlined, I will recognize Members in order of seniority, alternating between Majority and Minority. Members are reminded to unmute themselves when recognized for questioning, and to the extent practical, to leave their cameras on so they are visible to the Chair.

The Chair recognizes the gentlelady from Texas, Ms. Jackson Lee, for 5 minutes.

Ms. JACKSON LEE. Mr. Chairman, thank you so very much for this very important hearing and thank you to the Ranking Member.

Having been on the Homeland Security Committee for now 2 decades I know that in the midst of the leadership of any Secretary of Homeland Security the IG is crucial.

So, Mr. Currie, let me raise questions with you before I ask the new inspector general—at least a person different than what we have dealt with—in my framework, or in the frame of my question, I indicated the magnitude of responsibilities of the Homeland Security Department. This committee, by the way, our Chairman and along with those of us as Members first noted domestic terrorism as one of America's greatest threats. The responsibility of homeland security is domestic security, National security.

So in the context of what you found that—operating without a strategic plan, maybe not an effective system of internal quality assurance, have no way of knowing of its internal processes, the time to complete projects is significantly increased—in that backdrop,

how dangerous is it in terms of the Nation's security when you don't have these processes in place and really a strategic plan? Because this Department is the [inaudible] go-to Department on domestic security. When we are not secure, it is the one who should have provided the profile and notice to this Nation.

Mr. Currie.

Mr. CURRIE. Thank you, ma'am.

I think there are 2 things. The first concern I would have with that is that you don't know whether you are addressing the highest risks. There is nothing that this Department does that isn't sensitive and sometimes controversial and in the public eye. Without a strategic plan or a clearly communicated set of priorities, nobody knows what the focus is, or maybe more important, why.

I think the second concern is without those things it leaves the option in there for filling in—other people to fill in gaps as to why certain issues are being addressed or the IG is taking on certain work and not others. The way you combat that is very clear planning and clear communication about what your priorities are.

Ms. JACKSON LEE. Does it endanger or does it lessen our quick response and our ability to secure the Nation?

Mr. CURRIE. It can, ma'am. I mean if you are not doing the work at the highest quality, the risk is that you are not identifying the problem areas as quick as you could to address them as quick as possible.

Ms. JACKSON LEE. Thank you.

You might comment on that as well, to the new inspector general. I have quick question for you, Mr. Cuffari. Thank you.

In the spring—on the fall of 2020, a group of us wrote—172 Members wrote a letter to the IG on the case of a whistleblower, Ms. Wooton, at the Irving County Detention Center. We also had as a case, Ms. Pauline Negegy Binam, who I had to work to get off a plane as she was being deported, and she was one of the women that said that her organs were taken out at this particular facility.

I would be interested in whether your office is even aware of this. We have been waiting for a report on this. If you would respond to that, as well as my comment about the findings of the GAO that you have no strategic plan. Is it your assessment that we are less secure with no strategic plan and no ability to interact with respect to internal quality assurance?

Inspector general.

Mr. CUFFARI. Yes, ma'am. It is very nice to visit with you again.

Ms. JACKSON LEE. Thank you.

Mr. CUFFARI. I appreciate Mr. Currie's comments. I agree with them. That is the reason that early on, even before GAO actually ramped up and took a look at our organization, that I hired and contracted with NAPA to help us develop this strategic plan. I believe that, again, that is the foundation for us going forward. It gives us the solid rock and all the work flows from that.

Regarding the Irwin Detention Facility, ma'am, we opened a special review in the summer of last year. I believe we have responded to all the Members that that review was open by our office. We are working that currently. We have interviewed Ms. Wooton on a number of occasions with her attorney and we have interviewed

several of the female detainees. We have collected documents from ICE and we have also interviewed several staff at the hospital where the attending physician works. We are getting to the point where we are completing that work and we are using our contracted medical services team that you graciously were able to fund for us last year, and we are looking at the health care that was provided to those detainees.

Ms. JACKSON LEE. Thank you.

Mr. Chairman——

Chairman THOMPSON. The gentlelady's——

Ms. JACKSON LEE. May I offer documents into the record at this time, Mr. Chairman, or?

Chairman THOMPSON. Yes.

Ms. JACKSON LEE. Mr. Chairman, thank you. I know my time has expired. Thank you so very much.

Let me offer into the record “A former DHS watchdog who got too cozy with managers, was put on leave.” That was dated April 25, 2014, certainly before you, inspector general. And the biographical sketch of Ms. Pauline Negegy Binam, a woman who was at the Irving and thought that she had organs removed without her permission and was then almost deported. She obviously did not get deported, but almost deported when she wanted to tell her story.

I ask unanimous consent, Mr. Chairman.

Chairman THOMPSON. Without objection, so ordered.

[The information follows:]

ARTICLE BY GOVERNMENT EXECUTIVE

FORMER DHS WATCHDOG WHO GOT TOO COZY WITH MANAGERS IS PUT ON LEAVE

Yearlong probe finds Charles Edwards violated principle of IG independence.

April 25, 2014

<https://www.govexec.com/management/2014/04/dhs-watchdog-who-got-too-cozy-managers-put-leave/83221/>

The need for watchdogs to operate independently of their agencies prompted a shakeup on Thursday at the Homeland Security Department inspector general's office, resulting in a former IG being placed on leave.

Charles Edwards was removed from his interim post on the DHS science and technology staff following the release of a Senate report detailing his inappropriate socializing and sharing of draft documents with managers of the employees he was investigating. Edwards had been the subject of a yearlong probe by a Senate Homeland Security and Governmental Affairs subcommittee.

“The subcommittee found that Mr. Edwards jeopardized the independence of the OIG,” said the report on the investigation, led by Sens. Claire McCaskill, D-Mo., and Ron Johnson, R-Wis, of the Financial and Contracting Oversight Subcommittee. Edwards had an “inadequate understanding of the importance of OIG independence” the report said. “Mr. Edwards did not obtain independent legal advice and directed reports to be altered or delayed to accommodate senior DHS officials. Mr. Edwards also did not recuse himself from audits and inspections that had a conflict of interest related to his wife's employment.”

Edwards, an engineer with 20 years of Federal experience, including stints at the Transportation Security Administration and the Postal Service, “socialized with senior D.H.S. officials outside of work over drinks and dinner,” the report said. “The subcommittee obtained emails where Mr. Edwards told the D.H.S. chief of staff that he truly valued his friendship and that his ‘support, guidance and friendship has helped me be successful this year.’”

Homeland Security Secretary Jeh Johnson, in placing Edwards on administrative leave Thursday, told reporters, “Other individuals who are apparently and allegedly implicated have already left DHS, and if additional information comes to light, I will continue to take appropriate action.”

Edwards was cleared of other allegations, such as abuse of Government resources in travel and charges of nepotism, the subcommittee found. Allegations that he destroyed records and favored certain employees and retaliated against others were not substantiated, said the report, which was sent to the Council of the Inspectors General on Integrity and Efficiency. “However, the subcommittee did find that there was a wide-spread belief that Mr. Edwards engaged in those actions and that belief contributed to an office environment characterized by low morale, fear, and general dissatisfaction with Mr. Edwards’ leadership,” the report stated.

Edwards resigned from the IG’s office in December on the eve of scheduled Congressional testimony, and has since been replaced by John Roth.

The drama at the Homeland Security IG’s office has been followed closely by advocacy groups for Government transparency and accountability. Danielle Brian, executive director of the Project on Government Oversight, which tracked the issue to highlight the role of whistleblowers in feeding information to the senators, told Government Executive on Friday, “We are seeing growing evidence that acting IGs should be removed from consideration for the permanent jobs at their agencies. Doing that would remove the incentive to improperly curry favor with the agency management they’re supposed to be overseeing.”

The nonprofit Cause of Action, which conducted its own 2-year probe of Edwards, issued a statement noting that the inspectors general council continues to investigate his conduct. The group raised “concerns to President Obama about the destruction of records and complaints filed about his misconduct that would warrant Edwards’ removal from office and potential criminal liability,” it stated. “We know that the Office of Special Counsel forwarded at least one complaint about Edwards to CIGIE.”

Cause of Action sued the DHS IG office for failing to produce documents requested under the Freedom of Information Act. “This transparency failure is now costing time and resources in court for what could have been a simple compliance with FOIA,” the group said. “CIGIE should complete its investigation as expeditiously as possible and refer evidence of criminal conduct to the Department of Justice” given that Edwards is technically still a DHS manager.

BIOGRAPHICAL SKETCH OF MS. PAULINE NADEGE BINAM

Ms. Pauline Nadege Binam is a 30-year-old woman who has lived in the United States since the age of 2 years. She has a 12-year-old daughter. She has a mother, father, and 4 sisters, 2 are U.S. citizens and 2 are DACA. She has no immediate relatives living in Cameroon.

On July 12, 2019 she was ordered removed from the United States and her appeal was denied on January 21, 2020. Her attorney filed an emergency stay of removal with ICE on September 15, 2020.

Factors weighted against her remaining in the United States involves her 2 admissions of guilt in court proceeding in North Carolina: A shoplifting case at age 18 and at age 24 a misdemeanor possession both are listed as convictions.

The case: Ms. Pauline Nadege Binam

The individual is a 30-year-old woman from Cameroon who has lived in the United States for the past 28 years.

She has been in ICE custody for the past 3 years, since October 2017 until now. While in the Irwin County Detention Center in Georgia, the individual was told she needed a D&C procedure, which removed tissue from inside the uterus.

- According to the Mayo Clinic, this procedure is used for the following medical reasons:
- Clearing out tissues that remain in the uterus after a miscarriage or abortion to prevent infection or heavy bleeding;
- Removing a tumor that forms instead of a normal pregnancy;
- Treating excessive bleeding after delivery by clearing out any placenta that remains in the uterus; or
- Removing cervical or uterine polyps, which are usually benign.

The need for the D&C procedure alone raises questions regarding the conditions of her detention in the Irwin County Detention Center.

However, during what should have been a D&C procedure, she was put under anesthesia, and the doctor performed a salpingectomy instead, which removed one of her fallopian tubes without the individual’s knowledge or consent.

The individual was never told why her fallopian tube was removed and was eventually transferred to the Montgomery Processing Center in Texas.

This individual and the details surrounding her treatment and medical procedure should be investigated.

On September 14, 2020, the nonprofit Project South, along with 3 other nonprofits, Georgia Detention Watch, Georgia Latino Alliance for Human Rights, and South Georgia Immigrant Support Network, filed a complaint on behalf of detained immigrants at the Irwin County Detention Center and of a nurse who worked at the facility.

Despite this, ICE continued to carry through with her deportation.

Knowing this, I intervened on September 16, 2020, and disrupted her removal while in process from the United States.

Chairman THOMPSON. The Chair recognizes the gentleman from New Jersey, Mr.—I am sorry, the Chair recognizes the gentleman from Louisiana, Mr. Higgins, for 5 minutes.

Mr. HIGGINS. Thank you, Chairman Thompson and Ranking Member Katko, for holding today's hearing.

Although I believe it is important for the committee to have a discussion about the operations of the inspector general within DHS, we would be remiss not to note that there is a very urgent matter to discuss, a humanitarian crisis at our Southern Border. I look forward in the future where we can discuss and work together to resolve this threat to our sovereignty and the human beings down there that are suffering incredibly. What we face is unprecedented and should be addressed aggressively and in a bipartisan manner.

But thank you for holding this hearing. It is important as well.

Dr. Cuffari, I have not received your video feed, but I presume that you are still here. You mentioned in your written testimony, sir, that since your confirmation as inspector general employee morale has improved, to which you referred to as a 5-year high. We have held hearings in the past that address this issue and I am pleased to see improvement if that is the case. There is no question that the crisis at the Southern Border is clearly overwhelming DHS personnel, so much so that Secretary Mayorkas has asked for volunteers to aid in the overwhelming number of migrants at the border.

Can you describe what steps your office is taking to ensure the well-being of DHS front-line workers at the border please, sir?

Mr. CUFFARI. Well, Mr. Higgins, nice visiting with you again. My video is not working. There is some buffering problems, but I am on just audio.

Mr. HIGGINS. Understood. OK.

Mr. CUFFARI. OK. So regarding the border, I took a proactive approach. Two weeks ago a few of my senior staff and I visited the Southwest Border in Texas. We spoke with subject-matter experts from the Border Patrol and from ICE's detention facilities, as well as sheriffs, local individuals, and the U.S. Attorney's Office. We went to McAllen, Texas, Laredo, Del Rio, and Eagle Pass and took a view. I have to tell you that as a father and as a grandfather, I was terribly troubled that the cartels are making money hand over fist and individuals down there are just abandoning children in the desert.

We are opening a review to ensure that DHS is properly handling and vaccinating their front-line employees and that we may be opening a review as well to consider their staffing models, both at the Border Patrol ports and the ports of entry.

Mr. HIGGINS. You have mentioned some important steps there and I presume you will keep the committee advised as progress is made regarding your interaction with DHS front-line workers.

I have one last question in the interest of time—and just to advise my committee Members, colleagues, I cannot see the clock on my screen, so if I am running out of time, I apologize. But you listed in your testimony, sir, that—you mentioned the ICE detention facilities and unannounced inspections. I would like you to share with the committee and America some insight into that. Can you describe any trends that you have seen and how these—give us an overview of the unannounced inspections. Because I like that program.

Mr. CUFFARI. Yes, sir. So you do have my commitment to continue to keep the committees informed of our progress.

But regarding the unannounced inspections, we continue to do those even in the COVID sort-of restricted environment. Our most recent work was published a few months ago in March. It involves the La Palma Detention Facility in Arizona. We opened that due to a rising COVID spike of detainees. We issued a report. We did that remotely to protect not only our employees but also the detainees and the workers in the facility. But we issued several findings and we have 8 recommendations that the Department is considering for implementation.

Mr. HIGGINS. Thank you.

Chairman THOMPSON. The gentleman's time has expired. Thank you very much.

The Chair recognizes the gentleman from New Jersey for 5 minutes, Mr. Payne.

Mr. PAYNE. Yes, thank you, Mr. Chairman. Again, good to see you and for this timely hearing.

Mr. Currie, throughout the last year-and-a-half this committee has heard from numerous current and former employees about how the IG fostered an environment of punishment for dissent and fear of retaliation. In the unsolicited email you see on the screen, the director of OIG's Whistleblower Protection Unit said that although I likely have information that is relevant to the issues that we are looking at, I am concerned that my agency may not respect 5 USC 7211, the prohibition against interfering with or denying the right of an employee to furnish information to a Congressional committee.

What did GAO find with respect to the morale of the employees at the OIG and how has it affected the willingness of staff to share their concerns?

Mr. CURRIE. Yes, sir. So we actually don't have the most recent morale scores from OPM. I think those are due to come out any day now or any week now, so I am not sure what has happened in terms of those numbers over the last year. But one of the things that we have found pretty consistently across all the offices we looked at is a lack of clear policies and procedures surrounding a lot of different things. One of those things is human capital plans and measures.

So, for example, we found that the IG did not have an anti-harassment policy, they had no performance management policy for its employees at the time and there was question and confusion among

people about whether they did or didn't. There was question about whether certain policies were outdated, were in effect, or were not in effect. I think what this did was this made people call into question certain decisions they were observing from, you know, top-level staff. This seems somewhat arbitrary. I think the problem is when you have no clear policies or procedures and it is not transparent, it is very difficult to be consistent in your application of those policies and procedures, and so people fill in the gaps and it creates an environment sometimes where there is fear because there is no consistency or transparency.

Mr. PAYNE. What kind of impact does this type of environment have on OIG's ability to achieve its mission and implement your recommendations?

Mr. CURRIE. Well, I think first of all it is very—it makes it difficult to plan ahead. I mean, for example, one of the things we found was a lack of a clear quality and review process for reports. We heard from people who would complete their audit work and reports and send reports up the chain for review. In one case we heard they waited 6 months to hear back. They had no sense on when things were going to be returned.

So I mean this just makes it very, very difficult to plan your work and, frankly, just negatively impacts morale.

Mr. PAYNE. What kind of leadership do you think it will take to solve the issues that DHS OIG faces?

Mr. CURRIE. Yes, sir. I mentioned in my opening statement, we at GAO have looked at organizational transformation across Government so often over the decades that we have developed a set of best practices that is not just academic theory, these are things that we have seen successful organizations do. I think first of all, one of the things it takes, it takes a very open and humble approach to working with the whole organization and the employees to address these issues. If you do not have your employees on board with you and they are not part of this and constantly communicated with, and it is just a top-down exercise, it will not be successful. I think that the employees have to buy in.

Mr. PAYNE. Yes. Well, frankly, it is stunning that the OIG's own Whistleblower Protection Unit did not believe the office would uphold the law and thus refused to speak to Congress until he had already left. I worry other employees are not coming forward for fear of retaliation.

With that, Mr. Chairman, I yield back.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentleman from North Carolina for 5 minutes, Mr. Bishop.

Mr. BISHOP. Thank you, Mr. Chairman.

Mr. Currie, last month Senator Capito and 39 other Senators submitted a request to GAO, and then I subsequently joined, as did 59 other House Members, to investigate the Biden administration's decision to halt Congressionally-appropriated funding for the border wall. It appears clear that the Biden administration violated the Impoundment Control Act in taking this action. It is my understanding that news outlets have reported GAO will be opening an investigation into this action by the Biden administration.

As someone who is a subject-matter expert on reviewing DHS policies at GAO, can you confirm that GAO is indeed opening an investigation on whether President Biden violated the Impoundment Control Act?

Mr. CURRIE. Thank you, sir.

Border Security and Immigration is not my subject area, but I am pretty sure what you said is accurate. I will get back to you as soon as possible with a definitive answer to that.

Mr. BISHOP. If that in fact is correct, as you believe, how quickly can we expect GAO to reach conclusions?

Mr. CURRIE. Well, thank you, sir.

I can't answer that today. Our Office of General Counsel will be conducting that review. But I will put you in touch with those folks ASAP and get you an answer.

Mr. BISHOP. Thank you, sir.

If President Biden wishes to follow the law and comply with the Impoundment Control Act, would you recommend that he restart border wall construction immediately?

Mr. CURRIE. I don't have a position on that, sir. That is not my area of expertise.

Mr. BISHOP. Thank you, Mr. Currie.

Dr. Cuffari, following up on your comments in response to Representative Higgins about your visit to the Southwest Border, did the conditions that you observe there constitute a crisis?

Mr. CUFFARI. It is so nice to meet with you again.

I heard that term be used to describe the on-going problems at the border. It is not a term of art that I use. It is very deeply troubling. What I can just share is what the subject-matter experts who are dealing with this every day on the ground shared with me, and that is they are overwhelmed, it is causing problems for morale within CBP and for the Office of Port Enforcement. As a result we have opened up—it informed our work—we have opened up 3 new projects that we've told the Department about. One is to look at ICE's contract with the housing of migrants and hotels, we are looking at border security screening operations, and we are looking at DHS and Health and Human Services interoperability to pass information about the status and whereabouts of particular migrants.

Mr. BISHOP. Thank you, Dr. Cuffari. Will OIG—will your office investigate whether policy change is adopted by the Biden administration caused these very troubling circumstances, to use your words?

Mr. CUFFARI. No, sir. We don't investigate policy decisions. We investigate if policy is implemented in the law how those are—whether they are being effective or not.

Mr. BISHOP. You made reference to how the Mexican drug cartels are taking advantage of very unfortunate circumstances on the Southern Border. Would you agree that the Department of Homeland Security has a responsibility to avoid adopting policies that facilitate the criminal enterprises of Mexican cartels?

Mr. CUFFARI. I am sorry, I can't comment on policies or whether they should be implemented or not.

Mr. BISHOP. So that is just outside your purview, is that it?

Mr. CUFFARI. Yes, sir. As an independent inspector general, it is.

Mr. BISHOP. Very well.

Thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentleman from California for 5 minutes, Mr. Correa.

Mr. CORREA. Thank you, Mr. Chairman. Can you hear me OK?

Chairman THOMPSON. We can hear you.

Mr. CORREA. Yes, thank you, Mr. Chairman, for holding this very important hearing and thank you Inspector General Cuffari and Mr. Currie for joining us today.

According to the GAO, from fiscal years 2015 to 2020 the Office of Inspector General implemented a number of organizational changes, however, those changes did not fully follow key practices and thus had negative effects or consequences.

For example, some senior leaders describe the amount of frequency of organizational change as negatively affecting morale.

Inspector General Cuffari, your office informed the committee last week that you announced an organizational realignment based on strategic priorities and on-going reviews that you initiated. This realignment includes creating an Office of Innovation and an Office of Integrity, among other things. Inspector General Cuffari, can you please discuss when you started your review and who was involved and when staff were informed of the review and realignment decisions, sir?

Mr. CUFFARI. Yes, sir. Good visiting with you again.

So my recent realignment of and the creation of those 2 offices are actually the third phase of a multi-phase approach. My first was to right-size my H.R. group. I needed to return that human resources function back to the Office of Management where it belonged and get it out of the Counsel's Office. I also set up the Professional Whistleblower Unit in my Office of Counsel. The third phase, which is the one you just mentioned, was to create these 2 offices, of Integrity and the Office of Innovation. It was a phased approach. We took about 6 months getting into it, starting basically back in the summer of last year. Now that—with the creation of those 2 offices, my organization will now conform to classic structures that are benchmarked at larger organizations in the IG community, such as the Department of Defense and the Health and Human Services Office.

I would like to point out that the Office of Integrity—to the GAO's credit—this office will have an internal quality review and check functions for investigations and audits. My Office of Innovation is going to be aligning my strategic planning and my data scientist group.

Mr. CORREA. Thank you very much.

Mr. Currie, given your current work with you and the OIG for the past year, what is your reaction to this latest reorganization? Does it address the challenges that GAO has identified at the OIG?

Mr. CURRIE. I can definitely say that I don't think it addresses them yet because there hasn't been enough time. We just found out about this about a week ago. You know, I think it is absolutely in the IG's prerogative and the organization's prerogative to make organizational changes. That is often a first step that is done in any

transformation or reorganization. But I can tell you, it is never the full solution. Oftentimes it is just the start of the work.

Once there is a new office it has to be implemented effectively, the employees have to clearly understand the vision, and it has to establish the policies that are necessary so the whole organization understands what it is going to do and what role it has played.

In fact, one of the problems we have identified over the past 6 years at the IG has been there has been so many organizational changes made, sometimes without the people in those offices even knowing about them or why, that that has created delays and confusion and has stymied improvement efforts through the years too.

So I think what Dr. Cuffari has said and some of the reasoning behind the reorganization seems to make a lot of sense, to be in alignment with other similar organization, but we will just have to see. We will monitor that as we look at how they are implementing the recommendations.

Mr. CORREA. Mr. Ranking Member and Mr. Chair, I do hope we have continuing hearings on this issue. It sounds like very much the early stages of a work in progress.

Thank you very much. With that, I yield.

Chairman THOMPSON. I assure the gentleman from California we will do just that.

Chair recognizes the young lady from Iowa, Ms. Miller-Meeks, for 5 minutes.

Ms. MILLER-MEEKS. Thank you so much, Chairman Thompson and Ranking Member Katko. I appreciate your holding this hearing and also the testimony of our witnesses.

Dr. Cuffari, I want to also personally thank you for taking seriously your oversight function of the border crisis. During our visit to the border with Homeland Security and Ranking Member Katko we learned that Secretary Mayorkas made a trip to the border, but remained at the airport. So it is hard to conduct oversight of policy when you remain in an airport and receiving briefings or hearings.

We learned at that time, and Ranking Member Katko sent a letter forward to HHS, learning that the current procedures wherein a sponsor for an unaccompanied minor was to be verified and checked and called, that this procedure was being "shortcutted", if you will, not performed. Also background checks for those who were supposed to have oversight and protection of unaccompanied minors in HHS facilities was also being deleted.

So we are hoping that—I understand from you that you can't speak on policy, but that there be some investigation into the lack of procedure and the lack of security for those unaccompanied minors coming across the border.

So I thank you for that.

Mr. Currie, in your professional opinion, and I know you have mentioned this, but what additional steps should the IG take to prevent this culture from continuing? Granted, that this, as you said, has been going on since 2015 up until 2018 and predates Dr. Cuffari.

Mr. CURRIE. Thank you.

There are many steps, so let me just pick a few important ones that I think.

One thing is that there has to be a process for updating or developing policies around important management principles. So things like what is your anti-harassment policy, what is your employee performance management policy, what is your grievance policy, what is your quality assurance process. You know, even down into the level of who needs to review the reports and when, what are the time frames, what is the synchronization of that. These are all things that any audit organization, including ourselves at GAO, we have very strict, clear policies and procedures, not just so our own staff understand how to do the work and what to expect, but so everyone outside externally understand that. You in Congress and also as well the agency that gets audited. This creates a predictable process, it creates a trusted process with integrity, and helps to avoid a lot of the miscommunications and problems that can come up.

I mentioned in my statement, there is always going to be friction between an auditor and auditee, but there are things that you can put in place to make sure there is integrity in the process.

Ms. MILLER-MEEKS. Thank you, Mr. Currie. I say this with all compliments. My husband, who is a compliance officer, who started compliance programs, I am hearing you echoing in my ears as you have stated your policies and procedures, and he constantly reminds me of policies and procedures and their importance.

Given the breadth and depth of the misconduct—and, again, I want to emphasize that you have done—that this has gone on from 2015 to 2020, and then you worry about the institutional knowledge of those individuals who are from former past administrations coming into an other administration and how that affects the culture within that department or facility. But given the depth of the misconduct, the allegations, the lack of leadership surrounding the DHS OIG—and again, Dr. Cuffari, knowing that you have only come in recently and you are now having to handle this situation—so over these numerous years, what can Congress do, what should we do to help ameliorate the situation?

Mr. CURRIE. Thank you.

I think the biggest—well, this hearing is a great first step, because without this hearing, you know, the public would not know about these issues and we couldn't get into the depth in discussing them. But I think, as we have mentioned, in addition to just, you know, monitoring the recommendations we have made and are they being implemented—and, of course, we communicate those things to do as part of our routine work—I think this needs to be looked at as a transformational effort. So I think extra oversight of this will be key. Additional hearings I think would be a good way to do that.

You know, you coming to an agreement with the Office of Inspector General of what you expect from them and when would be good too, because deadlines are also very important.

Ms. MILLER-MEEKS. Thank you very much for that.

I think both Ranking Member Katko and Chairman Thompson have both assured us that we will have continued hearings. Then having some score card by which we can measure progress I think would be important also.

Thank you so much and I yield back by time.

Chairman THOMPSON. Thank you. The gentlelady yields back.

The Chair recognizes the gentlelady from New York for 5 minutes, Ms. Clarke.

Ms. CLARKE. I thank you, Mr. Chairman, and I thank our Ranking Member for this very important hearing this afternoon.

Inspector General Cuffari, we have heard about the Wilmer Hale report. You have publicly pushed both the Congress and media outlets about the results of an internal investigation that you contracted to be conducted by Wilmer Hale.

According to a Project on Government Oversight article released—POGO—yesterday, you spent a lot of taxpayer money to conduct this investigation, about \$1.4 million, money that could have been spent on more important matters than 3 individuals who no longer work at the OIG who were ultimately found to have not been engaged in any unwillful conduct.

I don't want to waste time on personnel squabbles, but I do want to know a little bit more about your decision to open and scope this investigation. I am sure you were aware that there were claims made to Congress and the Council of the Inspectors General on Integrity and Efficiency at CIGIE about other employees than the ones you have had investigated. Why were these, or those allegations not referred to Wilmer Hale to investigate?

Mr. CUFFARI. Thank you, ma'am.

So I was confirmed as the inspector general of this department in July 2019. When I arrived here, after discussions with Senate staff and members of the HSGAC committee, I realized and was informed I inherited a very, very dysfunctional leadership, senior leadership team who were presenting to me series of misconduct at the highest levels. It is well-documented. It was instability in this organization, there was a conflict between leadership that predates my arrival, including criminal misconduct by a former acting inspector general. I followed the counsel on IG recommendations and fulfillment of my responsibilities to protect the integrity of this organization and ultimately decided, under competitive process, to hire an outside entity. It turned out to be Wilmer Hale law firm, whose senior partner conducted the investigation and provided us with a copy of the report at the end of December of last year.

The cost of that report was less than 1 percent of my entire budget. I think that is a very good use of resources to protect the \$190 million. I informed the oversight committees, I informed the appropriators, and I informed our manager over at the Office of Management and Budget, our examiner.

Ms. CLARKE. Well, on that point, General Cuffari, the Wilmer Hale report makes clear there were several—also several allegations against you. If you were committed to an independent review of all related claims, you would have had those independent investigators look into those claims as well, but you did not. Is that correct?

Mr. CUFFARI. CIGIE actually looked into those allegations and dismissed them.

Ms. CLARKE. OK.

POGO also noted in its article that the Wilmer Hale report included investigating individuals who made Constitutionally- and legally-protected communications to Congress and CIGIE. This is the

textbook definition of whistleblower retaliation. Do you know whether you or other OIG employees were under investigation by CIGIE for whistleblower retaliation?

Mr. CUFFARI. Not to my knowledge, no, ma'am.

Ms. CLARKE. Very well.

Well, Mr. Chairman, you know, I thank you for this opportunity to have our conversation with the IG. I am just concerned that, you know, we don't have a conflict of interest and we are not getting to the root of the challenges being faced within the Department of Homeland Security, in particular the IG's office.

So thank you for being so forthcoming with your responses, Mr. IG. It looks like we are sort-of on some thin ice here and I would like to continue to look into—you know, as you roll out your term here, a lot more transparency to the American people.

With that, Mr. Chairman, I yield back.

Chairman THOMPSON. Thank you. The gentledady yields back.

The Chair recognizes the gentledady from Tennessee, Ms. Harshbarger, for 5 minutes.

Ms. HARSHBARGER. Thank you, Mr. Chairman and Ranking Member. Thank you to the witnesses.

Mr. Currie, you know, it is discouraging to know that there was such a lack of policies and procedures, you know, that were not implemented. You know, in the business world we look at things from, for example, a six sigma basis, and, you know, those are strategies that are set out to improve the quality of the output of a process. It identifies and removes the problem's effect by minimizing the impact. You know, those are just common-sense things that these agencies should be doing. That is the only way that I can see that you can measure the outcome. Because when there is no clear direction—as they say in the business world, if you don't bring your business, your employees do, because there is no clear path.

I guess I have a question, how long has the management and operational like this, as you found in your report, been in place at the Department? I know the report went back to 2015.

Mr. CURRIE. Yes, ma'am.

Well, definitely back to 2015, but we talked about in our report that those are just the things, the documents and the people we talked to where we could really do a deep dive. There are examples we talk about in the report, for example, several reports that were retracted well before then, prior leaders who were indicted for misconduct, and a lot of their challenges that have come up in the past or in past peer reviews that indicated there were challenges.

As the Chairman said in his opening statement, we did a review, albeit a lot more limited in scope, back in 2014 that identified a few areas where there improvements were needed. But it is fair to say this goes back many years.

Ms. HARSHBARGER. Yes, absolutely. Thank you.

Dr. Cuffari, I guess my question is, in your cover letter to the Wilmer Hale report you wrote that the Council of the Inspector General on Integrity and Efficiency didn't act on your complaint regarding the 3 Senior Executive Service employees. Did they ever provide you with a reason as to why they didn't act on your complaint, sir?

Mr. CUFFARI. Then they referred the matter back to me to complete as I saw necessary.

Ms. HARSHBARGER. Really? OK.

Well, it looks like there has got to be—there is some work to be done. You know, best practices is the best way to go forward and hold people accountable. You know, I hate it for this agency because that is what—you know, when you investigate misconduct, you expect an outcome.

So thank you for your time and I yield back.

Chairman THOMPSON. Thank you very much. The gentlelady yields back.

The Chair recognizes the gentleman from California, Mr. Swalwell, for 5 minutes.

Mr. SWALWELL. Thank you, Chairman. I also want to thank the inspector general for appearing, and also for making his office available for any questions that we have.

I first wanted to just see if the inspector general could give us an update on the Brian Murphy case. As a Member of the House Intelligence Committee we have been briefed on many allegations by Mr. Murphy regarding the politicization of intelligence at the Department—I am sorry, you hear a 2-year-old singing “Let It Go” from “Frozen” in the background—but this is a serious question, which is what are you doing about Mr. Murphy’s allegations about the politicization of intelligence under the Trump administration, particularly as it related to Russia, as well as the Portland investigations?

Mr. CUFFARI. Sir, thanks for visiting with me a few days ago.

Certainly we can—I can provide you and other Members of the committee with a closed-door Member briefing. This is public so I can’t discuss on-going work, but I can tell you that I am available at your discretion to receive a briefing—or to provide a briefing to you and Members of the staff.

Mr. SWALWELL. Great.

Also, Inspector, would you agree that OIG should be as transparent as possible in order for the public and Congress to hold the Department accountable?

Mr. CUFFARI. Absolutely, sir.

Mr. SWALWELL. You know, at your confirmation hearing 2 years ago Senator Rosen of Nevada asked how you would handle whistleblower retaliation complaints and you told her you would evaluate all the facts and make a final decision and recommendations as it related to decisions. However, we have not seen, you know, some of the reports made public or provided to Congress. I was hoping you could just give us an update on if it is your intent that you will be releasing to the public or to the Congress these reports.

Mr. CUFFARI. Well, sir. I did make that to Senator Rosen. It was a very good question. I answered it truthfully, obviously. I believe obviously in maximum protection for whistleblowers. There is a standing request from Chairman Thompson to my office, which I am fulfilling, to provide ROIs of substantiated cases of whistleblower reprisals. We provided those and it is on a rolling basis. We have already given some and will continue to do so.

Mr. SWALWELL. Further, just in your evaluation of the Department, as we look on the authorizing and appropriating side, what

further resources do you need? I mean just recognizing this agency now is approaching 20 years since the genesis of its creation, you know, September 11 attack, and, you know, it is responsible for homeland security, it is responsible for border security, FEMA, cybersecurity. You know, what additional resources do you need to make sure—particularly on the cyber side—to make sure that we are protecting our Government against attacks from China and Russia? What resources do you need so that you can adequately evaluate them?

Mr. CUFFARI. Well, sir, first off, I want to thank the House, because it was House-led followed by a Senate increase in our budget last year. We are at \$190 million. We see need for increases in our budget that would support increased oversight of COVID and also, as you mentioned, of cybersecurity. Any help this committee can give to us, I would greatly appreciate it.

Mr. SWALWELL. Thank you and I yield back.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentleman from Florida, Mr. Gimenez, for 5 minutes.

Mr. GIMENEZ. Thank you, Mr. Chairman, and thank you to the Ranking Member for this hearing.

I had a question of the GAO. There is a GAO—when you are doing your—when you are doing this analysis and this study on the IG, as you were formulating and you were getting to some findings, were you communicating that with the IG's office? Or did you hold everything until the final—a final report could be issued?

Mr. CURRIE. Thank you for the question, sir.

We have a very strict process. In fact, Government auditing standards outline the process that should be used so there are no surprises at the end. So what we do is about—well, this happened back in January. We sent over what we call a statement of fact, which is most of the report in its entirety and all the factual information and data from the report. We send that over, we have an exit meeting with the auditee or the department we audit, in this case the OIG. We sometimes have very significant back and forth, multiple meetings, talking about what is in the report, clarifying any information, correcting any information that goes on. That process—in this case we actually granted extra time than we typically would because they wanted to provide us with a lot more documentation and information. So we accommodated that.

Then we send the draft report to them. We just sent it April 12. At that time they have a chance to provide their official comment and continue to provide any technical comments they see, well before public issuance.

Mr. GIMENEZ. No, I understand that. But that appears to me that you were doing a final report, you did your final—basically a preliminary report. You have a whole bunch of findings and then that is—then, OK, I have got all these findings, now, you know, you need to respond to this.

My question was as you are coming up with these findings, do you communicate that, those individual findings to, you know, the agency prior to putting out a draft report?

Mr. CURRIE. No, sir, because typically we are not finished, you know, assessing all the evidence and applying it against the cri-

teria. So we don't want to identify any deficiencies and potential recommendations to the agency until we are 100 percent sure in the work that we have done.

Mr. GIMENEZ. So you don't put all—these findings that you have, each individual finding only comes—you only put that together in your first draft report? You don't say, hey, we found this issue and it is pretty significant? You are not—you don't tell the IG that we found this issue, it is pretty significant, until you have some kind of a bigger draft report ready to go? Is that what you are telling me?

Mr. CURRIE. Yes, sir.

Mr. GIMENEZ. OK. You think that is right?

Mr. CURRIE. Sir, part of the reason we do that is because Government auditing standards are so strict and thorough that we don't want to release any information before it has been fully vetted.

We often find things in the course of our work—

Mr. GIMENEZ. I didn't say—excuse me, I didn't say that you would release the information. I am talking about talking to the agency themselves, all right. That you have found something and that it is significant and you need to look at this before a final report is issued, which could be, you know, a year or 2 down the road. That is what I am saying. That is my point, OK?

I have got a couple of other points. You talk about the IG not having rules, policies, procedures, et cetera. It would seem to me that most IGs throughout the Federal agencies, their jobs would be pretty similar. Is that a pretty accurate statement?

Mr. CURRIE. Yes, sir.

Mr. GIMENEZ. OK. So why in the world do we have separate standard operating procedures and policies and rules for harassment, et cetera that differ from one IG to another in different—why do they have to create their own set of SOPs, et cetera?

Mr. CURRIE. Well, because they all operate within their own individual departments. But the Council of Inspector Generals sets the best practices for doing that, so it is pretty standard across the IGs.

Mr. GIMENEZ. It is not mandated that all IGs at least have a set of basic principles, that these are the principles that the Federal Government says you must adhere to? That is not standardized throughout the Federal Government?

Mr. CURRIE. No, that is standardized. In fact, at GAO we issue generally accepted auditing standards, which are the criteria and the standards by which auditors are to follow in doing their audits. They use—

Mr. GIMENEZ. No, I understand auditing, OK, but you also said that they also—that they weren't—they didn't have a set of SOPs for, you know, harassment, discrimination, et cetera, that it appears—

Chairman THOMPSON. The gentleman's time from Florida has expired.

Mr. GIMENEZ. Thank you, sir.

Chairman THOMPSON. The Chair recognizes the gentlelady from Nevada for 5 minutes.

Ms. TITUS. Thank you very much, Mr. Chairman.

Mr. Currie, previously you had Inspector General Cuffari testifying or reporting to this committee that the OIG's delay in issuing

reports was based on the fact that the reports were of such poor quality that they required substantive edits. That is not much of an admission. I must say that is pretty sorry to start with.

But, anyway, the committee reviewed all the drafts and the select brief of these reports, and it didn't appear that that was an adequate explanation for why these were taking such a long time. Now, this is particularly troubling when you are reviewing anything, but especially to me when we are talking about some of the issues concerning family separation and conditions at ICE facilities.

Just this past October I joined a letter with several of my colleagues from this committee where we shared our concerns about the welfare of children being expelled at the Southern Border. Inspector General's Office didn't investigate this or get back to us, or they were taking an awfully long time.

I wonder, Mr. Currie, if you could really identify the cause for these delays? Was it because they needed so much editing? Was it because they weren't a priority? Was it because they didn't have the staff to do the reports? Could you address that?

Mr. CURRIE. Yes, ma'am.

We actually—that is exactly what we tried to identify. the results of what we found are that, for example, there is no quality assurance process or process for how the reviews are supposed to happen at the end of these audits. So, for example, some of the staff told us that when they would send completed work up for review they just wouldn't hear back from the front office, sometimes for up to 6 months.

So I think there was a lot of confusion. The staff themselves raised that to us, that they didn't even understand exactly why some things were happening and moving forward and others were not.

Ms. TITUS. Well, this is especially a problem when it is a time-sensitive issue, like children at the border. You would think that would be given kind-of a priority and they would get on that right away. It makes you wonder if they just didn't throw it in a drawer and hope we forget about it, or the longer they stall maybe the problem would go away.

So I think that is something that we definitely need to address and get some straight answers about.

So I appreciate you having looked into it and realized that it is a serious problem.

I yield back, Mr. Chairman.

Chairman THOMPSON. The gentlelady yields back.

The Chair recognizes the gentleman from Michigan for 5 minutes, Mr. Meijer.

Mr. MEIJER. Thank you, Mr. Chairman and Ranking Member, and thank you to our guests who are here today. I appreciate both the availability and the commitment to trying to reform the Office of the Inspector General of the Department of Homeland Security.

I will be very honest, the draft report, I have some very serious concerns about the prolific use of acronyms within this.

I guess first, just a quick question, Mr. Currie, as I am going through, the CIGIE, what is the best way to briefly—is that the CIGIE? I mean how do you guys refer to that?

Mr. CURRIE. I think the acronym is referred to as the CIGIE.

Mr. MEIJER. CIGIE? OK, thank you. I appreciate that.

You know, I guess I am always of the opinion that, you know, in the Office of an Inspector General wants to be lean and focused. I am aware, as not only Dr. Cuffari mentioned, but also as has been brought up by many of my colleagues, that the issues outlined in this report are stemming from multiple administrations over multiple years and obviously Dr. Cuffari only took on the role I believe in July 2019 when he was confirmed as the inspector general.

Dr. Cuffari, I want to just dive into something a little bit more on the Wilmer Hale report and just how that impacted the office more broadly. I know that, you know, that audit, that was initially requested by the Senate Homeland Committee in December 2019 and then Wilmer Hale was engaged in May 2020. What was the interplay like between the initial beginning of that—you know, the GAO audit, and then also the Wilmer Hale investigations occurring simultaneously? What input or play was there between the two?

Mr. CUFFARI. Congressman, I don't believe there was interplay between GAO and Wilmer Hale. They were separate entities looking at separate functions.

In the Wilmer Hale example, Wilmer Hale, their career senior members of that organization reviewed allegations against 3 former career senior executives of this office. It made investigative findings, to include misconduct on the part of the 3 senior executives.

In the case of GAO, that was an independent investigation. In the case of GAO—actually in both cases we cooperated fully with both organizations. We provided them access to our employees and to our documents. They reached their conclusions independent of any input from anyone in my organization.

Mr. MEIJER. But you agree that they were both obviously highlighting evidence of—or highlighting incidents or allegations of misconduct and just perhaps flagging morale and other organizational and morale issues, correct?

Mr. CUFFARI. That is correct.

Mr. MEIJER. Can you just—really just say I mean how are you thinking about, as the leader of this organization, as the inspector general itself, changing that culture, changing—especially a culture that has seen rapid transformation, both the organizational restructuring that has been undergone under your tenure, but then also, you know, the turnover at the head of that office preceding your time? Can you speak a little bit more about what you are doing and how we can frankly help in those efforts to change that culture and to—as we begin to also look to implement some of those 21 recommendations?

Mr. CUFFARI. Sure.

So I owed it, Congressman, to the career senior staff in my office. I have said 120 dedicated employees. I owed to them to demonstrate that there is new leadership in this organization and that mistreatment of others and retaliation will not be tolerated and appropriate action would be taken.

I basically joined, been helping this committee to continue to do robust oversight, regardless of what administration is in place, and I am going to continue to do that with the committee's assistance.

Mr. MELJER. Then do you expect that in the future the entities like CIGIE and those standards we set, that that will continue to be the standard that the DHS OIG is held to?

Mr. CUFFARI. Yes. We also use some standards, frankly, from the Department that are published by OPF, since we are part of the Executive branch.

Mr. MELJER. Thank you.

I yield back.

Chairman THOMPSON. The gentleman's time is expired.

The Chair recognizes the gentlelady from Florida for 5 minutes, Ms. Deming.

Ms. DEMINGS. Well, thank you so much, Mr. Chairman, and thank you to the witnesses for being with us today.

Mr. Cuffari, the GAO found that the IG senior leadership has not communicated the criteria it uses to approve or decline proposed work. This would leave of course the IG staff unsure why certain projects are approved and other projects are not, resulting in what we all would think is confusion and certainly morale issues, which I have heard that word used earlier today. We know how important it is.

I understand that at times the IG has said that his office's work must be data-driven. That makes sense. But this requirement appears to have been applied inconsistently. For example, in July of last year, following the events in Lafayette Square in Portland—I know my colleague, Mr. Swalwell, asked about this somewhat earlier—but leaders on this committee—this committee among others, sought reviews of DHS's use of force. Your office responded that it was opening a review of incidents in Portland, but never addressed the Secret Service use of force in Lafayette Park.

According to recent reports from the Project on Government Oversight, your staff even prepared or proposed such a project that would not overlap with the work of other IGs. Makes sense. But you personally declined it.

You also declined a report related to what actions the Secret Service took to protect its agents and the public from COVID. According to the Project on Government Oversight, as a result of your refusal to review the incident at Lafayette Square, questions about the Secret Service involvement and other questions remain unanswered.

I am concerned, as I think my colleagues would be on this committee, that in the absence of clear criteria and other considerations, it creates an environment where politics, the politics of the moment can influence those decisions.

So, Mr. Cuffari, could you tell me what objective criteria do you rely on to—did you rely on to decline Congress' request to review the events in Lafayette Park?

Mr. CUFFARI. Thank you, ma'am.

Just so the record is clear, any suggestion by POGO or by the *Washington Post* or anyone else I pull punches on conducting robust oversight of the Secret Service for political reasons is a complete falsehood. Just not true.

Ms. DEMINGS. Well, I mentioned the Project on Government Oversight, I did not mention the *Washington Post*. So are you say-

ing that the—you are referring to the Project on Government Oversight?

Mr. CUFFARI. Yes, ma'am. I believe there was—

Ms. DEMINGS. OK. All right. Thank you.

Mr. CUFFARI [continuing]. A lot in the *Post* article as well.

But since I—just so the record is clear, since I was confirmed I published 5 reports that include oversight of the Secret Service. I just released one today, it is the DHS deployment of law enforcement personnel to Portland, Oregon. I have 4 others that we did within the last year. I have 4 on-going projects specifically looking at the Secret Service basically—

Ms. DEMINGS. Specifically at Lafayette Park?

Mr. CUFFARI. Not at Lafayette Park, no, ma'am.

Ms. DEMINGS. My question involved their actions at Lafayette Park. Specifically, have you looked into or do you have a report addressing Secret Service involvement, including use of force, protection of their agents and the public, at Lafayette Park?

Mr. CUFFARI. I coordinated with my colleague over in the Department of the Interior whose Park Police was responsible for security of Lafayette Park. I asked and he has agreed to take a look at the small footprint of Secret Service's involvement in that matter. I facilitated that IG's access to individuals in Secret Service and in the Department and the production of documents. I was told yesterday that there will be a section on the Department of the Interior's final report, which will be coming out shortly, dealing with the U.S. Secret Service.

Ms. DEMINGS. You feel that is adequate addressing—or at least looking into, certainly as the IG, or the IG's office, do you feel like that is adequate oversight?

Mr. CUFFARI. Based on my limited resources it was. We had another IG who was more ingrained in taking a look at the events that occurred there.

Just for the record, I opened an inspection audit involving our communications, as I mentioned, with Health and Human Services to date. HHS has asked us to take a look at matters occurring within HHS. They are going to facilitate our access. It is things that we do in the IG community to help one another when we have limited resources.

Chairman THOMPSON. The gentelady's time has expired.

Ms. DEMINGS. Thank you, Mr. Chairman.

Chairman THOMPSON. The Chair recognizes the gentelady from Florida—I don't see her. The Chair recognizes Mr. Pfluger from Texas for 5 minutes.

Mr. PFLUGER. Thank you, Mr. Chairman. I appreciate the ability to have the hearing today.

I know there has been a lot of discussions on, you know, different aspects of the reports that—some of them dated and some of them, you know, more recent.

But I want to focus on a couple of things. Just because it was just mentioned, can you please elaborate on the investigation with—or the report that you just mentioned on HHS and what the Office is doing with HHS and communication? It seemed like that was related to the transparency of the operations that are on-going.

Mr. CUFFARI. Yes, sir.

So that—in 2019—I believe it was November, maybe December 2019, we published the report basically looking at the technology that was available to DHS at that time, whether they were using it effectively to track and to merge—to track family units and to merge family units with their minor children. This is an expansion of that now, with the new surge at the border. In the last iteration we worked with HHS. In this particular case HHS is going to ask us to do that with their facilitation.

This is like an interoperability of systems between DHS and Health and Human Services. It is the Office of the Refugee Resettlement.

Mr. PFLUGER. Well, that is great and I will be very interested in reading that. We have a facility in Midland, Texas.

Mr. CUFFARI. Yes, sir.

Mr. PFLUGER. We have sent multiple requests, multiple written requests and verbal requests and haven't received any response yet on how long the facility will be there, who is going to be put in the facility, whether or not they have COVID, how the Office of Refugee Resettlement is actually working to get them to the right place. Very simple things, up to and including the allegation of a sexual assault that occurred there that we still can't get any answers on.

So very interested in that result.

I also want to go to the role that the IG plays in ensuring that our Customs and Border Protection agents have the right resources, training, and equipment to do their job on the border. Can anyone please comment on that and whether or not that is being looked at in the mechanism of which we are grading ourselves on that?

Mr. CUFFARI. Mr. Currie, would you like to do that?

Mr. CURRIE. I think he was asking about the IG's role on that.

Mr. CUFFARI. OK. So one of the—Congressman Pfluger, one of the things that we are going to be looking at is during our discussions down on the border, the subject-matter experts down there told us that they are having a very difficult time backfilling existing vacancies. They were able to draw people from other out stations to come to the Southwest Border or to go to the Southwest Border. The problem is their throughput is a hang-up at FLETC. So because of the outbreak at FLETC, the training facility in Brunswick, Georgia, they are unable to rapidly keep pace with the vacancy rate and fill those vacancies.

So we are doing a virtual—we are doing a review right now of FLETC's ability, the effectiveness of them conducting virtual training to speed up sort-of their training qualifications.

Mr. PFLUGER. Let me reclaim just a little of time and expand on that question. Multiple Border Patrol agents have specifically told me that they are not getting the right resources, or they are seeing something in the case of "gotaways", hundreds if not thousands that are happening across the Southern Border right now. Are they being heard? Is their voice being heard? If not, how can the IG help to ensure an immediate course correction to get them the resources, training, and personnel to secure the Southern Border?

Mr. CUFFARI. Well, we are—I am poised to have a meeting with the Secretary in a few days and with the deputy secretary to dis-

cuss my observations at the border. I am sure we are going to have a very good discussion. We have already met twice. He has been very receptive to our inputs, but ultimately that is for the Secretary to make a decision.

Mr. PFLUGER. Well, the fact is that there are folks that have come across on the terror watch list, and that is being communicated by, you know, mid-level Border Patrol agents to Members of Congress. We see that statement then redacted. I am worried about the fact that there is a censoring of information. So this the IG's role, to make sure that anyone in the organization has a voice and has the psychological safety to communicate to the leadership what the issues are.

So this needs to have—

Chairman THOMPSON. The gentleman's time from Texas has expired.

Mr. PFLUGER. Thank you, Mr. Chairman.

Chairman THOMPSON. The Chair recognizes the gentlelady from California for 5 minutes, Ms. Barragán.

Ms. BARRAGÁN. Thank you, Mr. Chairman.

Mr. Cuffari, in December 2019 your office released its findings following an investigation into the death of 2 children in CBP custody in December 2018.

I am troubled that investigators neglected to even attempt to speak with medical professionals that treated one of the children. Your final public reports were merely 2-page summaries of the deaths that cleared Border Patrol personnel of any wrongdoing, yet failed to look at any systematic issues that might have led to the children's deaths.

One of these summaries includes inaccurate information on one child's diagnosis, which had to be corrected following a letter sent by this committee.

At the committee's July 2020 hearing on the death of children in CBP custody you committed to providing the committee with a report detailing broader recommendations about the care of children in CBP custody by the end of the year. To my knowledge no such report has been issued.

What is the delay and when will we see the report?

Mr. CUFFARI. No delay, ma'am. Actually we have a draft report that is being reviewed. I am told by my team that this report should be done at the Department. It is being—looked at CBP's procedures for providing medical care, quality of medical care to detained migrants. We should have that out by the summer. We are using the resources of our medical contract professionals that you provided to us.

Ms. BARRAGÁN. OK. Mr. Cuffari, your reports on the 2 children, Jakelin and Felipe, it took about a year. A third child's death in custody occurred in May 2019. In our July 2020 hearing you testified that the investigation into the deaths was near completion. It has been 9 months since you made that statement and nearly 2 years since the child died and there is still no report.

I understand it is being reviewed, but Congress really needs to be able to see this report and to do it publicly. These are things that we learn from. Do you have an estimation of how much longer this report will take?

Mr. CUFFARI. Ma'am, the 2 reports were published in December—I think in December 2019. I testified about those 2 closed reports in July 2020. The report I am mentioning—

Ms. BARRAGÁN. Correct. They were—

Mr. CUFFARI [continuing]. Goes to your—it goes to your broader question about the handling and the quality of medical care that is being provided by CBP.

Ms. BARRAGÁN. OK. Do you—have you put a report out about the third death?

Mr. CUFFARI. The third death—

Ms. BARRAGÁN. In May—the one of May—May 2019. His name was Carlos from Guatemala.

Mr. CUFFARI. There is no—we don't release investigative reports, we release the investigative summaries, which they are part of the documents that you just referenced for the 2 previous death cases. We will do so in accordance with our agreement with the Chairman.

I committed in July to publishing all deaths in custody by summary.

Ms. BARRAGÁN. OK.

Mr. CUFFARI. Hello?

Chairman THOMPSON. Well, I thank the gentlelady for her questions.

Ms. BARRAGÁN. Yes—

Chairman THOMPSON. Since Mr. Cuffari referenced the Chair I will make—

Ms. BARRAGÁN [continuing]. Making sure we—what is happening.

Chairman THOMPSON. Yes. Can you hear me now?

Mr. CUFFARI. I can hear you, Chairman, sir.

Chairman THOMPSON. Well, I think Ms. Barragán is having trouble.

Ms. BARRAGÁN. Yes.

Chairman THOMPSON. We are going to go to Mr. Gottheimer for 5 minutes until we can get the gentlelady from California's signal back.

Mr. Malinowski, are you there?

Well, looks like we are having some technical difficulties. I hope we can correct them.

But let me thank our witnesses again then call some folks. I was trying to get us through this area.

But, however, based on the findings GAO concludes that the work required to address the weaknesses is substantial and extends across organizations. The work amounts to a transformation of the organization's management and operations. Such transformation can be a difficult complex endeavor.

IG Cuffari has significant work ahead of him. Based on what I have observed and heard today, I have yet to be convinced that he is up to the task at hand. His reorganization announced on the same day as GAO's draft report strikes me as the shuffling of the deck chairs rather than something that was will resolve the challenges. As Mr. Currie noted, it would keep some of the very same problems GAO identified.

This hearing is a beginning of the committee's engagement with the OIG on these issues. Accordingly, the committee will be monitoring your implementation of GAO's recommendations to date.

Now, Mr. Malinowski, we saw you, but I will yield to the gentleman from New York, Mr. Torres, if he has a question.

Mr. TORRES [presiding]. Thank you, Mr. Chair.

The GAO and Homeland Security Committee have raised serious questions about the integrity, independence, accountability, transparency, and efficacy of the DHS Office of Inspector General. I see the report as a comprehensive indictment of the office.

The report essentially portrays the OIG as a sinking ship and it accuses the inspector general of constantly rearranging the decks of his organization without any semblance of strategic planning.

My first question is about independence. The Homeland Security Committee received an email from a whistleblower who accused you, inspector general, of mishandling the "I'm 10-15" Facebook group. The email claims that you were concerned about "demands that an interview would impose on senior DHS leadership." Is that whistleblower claim true, yes or no?

Mr. CUFFARI. Mr. Torres, great visiting with you again.

The answer is no.

Mr. TORRES. OK. The email also claims that you advise your inspectors to "avoid any questions already publicly commented on by those leaders." Is that claim true or false?

Mr. CUFFARI. Incorrect.

Mr. TORRES. OK. In August 2020 the GAO issued a report finding that Acting Secretary Wolf and Acting Deputy Cuccinelli were improperly serving in their roles. The GAO referred the matter to the IG. You declined the referral, correct?

Mr. CUFFARI. I reviewed the referral and declined to take a position.

Mr. TORRES. For what it is worth, for me it is inexplicable that the OIG would decline a referral regarding the improper exercise of power at the highest echelons at DHS. If the OIG is not willing to investigate the abuse of power at the highest levels of DHS, then what is the inspector general for?

Is it true that you and your office said that you would discuss the GAO referral and a potential investigation with Chad Wolf?

Mr. CUFFARI. No.

Mr. TORRES. OK.

In your confirmation hearing Senator Rosen asked you what you would do in the event of a whistleblower retaliation. You testified under oath that you would conduct an investigation evaluating all the facts and make a recommendation. The word "recommendation" is the operative phrase here.

Despite promising to make recommendations during your confirmation hearing, you proceeded to announce in the summer of 2020 that you would no longer make recommendations, thereby breaking your promise.

If your office found evidence of retaliation against a whistleblower but fails to recommend reinstatement, do you think that DHS is more likely or less likely to reinstate a wrongfully fired whistleblower in the absence of an OIG recommendation?

Mr. CUFFARI. Just for the record, I did as you suggested make that comment to Senator Rosen. I was basing that comment on my previous work with other IGs. I determined that that the—upon review once I got here, the inspector general hat actually does not require making the recommendation—

Mr. TORRES. I am not asking about requirement, I am just asking if you fail to make a recommendation, if you fail to recommend reinstatement, is DHS more likely or less likely to reinstate a wrongfully fired whistleblower? I am asking about probability.

Mr. CUFFARI. I can't comment on probability, sir.

Mr. TORRES. OK. I mean I can—I think common sense dictates that DHS is more likely to reinstate if it is recommended explicitly by the inspector general.

According to the former director of the Whistleblower Protection Unit, Brian Volsky, an employee of yours, claims that you essentially—your office essentially disclosed the identity of a whistleblower to the commandant and vice commandant of the U.S. Coastal Guard. Is it true that your chief of staff gave the commandant and the vice commandant a heads-up about the investigation?

Mr. CUFFARI. I don't—I don't know if that occurred, sir.

Mr. TORRES. Is it true that the vice commandant thanked your chief of staff for providing enough information to make the whistleblower identifiable?

Mr. CUFFARI. I actually don't know.

Mr. TORRES. Can you provide us with a response in writing?

Mr. CUFFARI. Yes, sir.

Mr. TORRES. But you would agree that if the confidentiality of a whistleblower were compromised that that is the kind of breach of trust that would inflict irreparable damage to the integrity of an inspector general? Would you agree with that assessment?

Mr. CUFFARI. I agree to protect whistleblowers' identity, yes.

Mr. TORRES. Then, finally, during your confirmation hearing, you promised to ensure that the Whistleblower Protection Unit would be robustly staffed. But according to your former director of the Whistleblower Protection Unit, you left the Unit understaffed.

In December 2019 Mr. Volsky drafted a memo sounding the alarm about "mission failure" at the Whistleblower Protection Unit. Is it true that in response to that warning of mission failure you waited 4 months before hiring only 1 staffer? Is that true?

Mr. CUFFARI. It is true that we were in a budget deficit and until I received budget allocations—I think we were in a Continuing Resolution, did not have vacancies available to fill, money to fill vacancies. Once we got a full funding, as Mr. Volsky knows, we moved the Whistleblower Protection Unit from our Office of Special Review back to the Office of Counsel, where it belongs. We detailed and hired now up to 8 attorneys or staff in that office.

Mr. TORRES. I see my time has expired and—all right. I thank the witnesses for the testimony and the Members for their questions.

The Members of the committee may have additional questions for the witnesses and we ask that you respond expeditiously in writing to those questions.

Without objection, the committee record shall be kept open for 10 days.

Hearing no further business, the committee stands adjourned.

Thank you.

Mr. CUFFARI. Thank you, Mr. Torres. Take care. Have a good rest of the day, everyone.

[Whereupon, at 4 p.m., the committee was adjourned.]

A P P E N D I X

QUESTIONS FROM RANKING MEMBER JOHN KATKO FOR JOSEPH V. CUFFARI

Question 1a. What are the specific steps the IG is taking to improve the audit quality guidance and processes that led to the complete redaction of 13 reports on FEMA?

Question 1b. Has the OIG fully implemented the recommendations from the internal review of the 13 FEMA reports (OIG–19–41), and if not, why not?

Answer. In 2017 and 2018, the Department of Homeland Security (DHS) Office of Inspector General (OIG) retracted 13 Emergency Management Oversight Team (EMOT) reports that evaluated the Federal Emergency Management Agency’s initial response to declared disasters. DHS OIG leaders determined that the reports may not have adequately answered objectives and, in some cases, may have lacked sufficient and appropriate evidence to support conclusions. Since that time, DHS OIG has implemented various corrective actions. We have revised Office of Audits (OA) policies and procedures, established a Quality Management and Training Branch (QMT) within OA, revised our audit manual, developed job aids regarding audit planning, and conducted various auditor training regarding the planning and indexing and referencing processes to improve audit quality.

In March 2018, the former Acting Inspector General also initiated an internal root cause review of the deficiencies identified in the EMOT reports, recusing himself and delegating authority to the then-Acting Counsel. The root cause review resulted in a May 2019 report, *Review Regarding DHS OIG’s Retraction of Thirteen Reports Evaluating FEMA’s Initial Response to Disasters* (OIG–19–41), containing 5 recommendations. All recommendations in OIG–19–41 were fully implemented.

In addition, in August 2018, Environmental Protection Agency OIG completed an external peer review of DHS OIG’s audit operations for the fiscal year ending September 30, 2017. As part of this peer review, EPA OIG evaluated 1 of the 13 retracted EMOT reports and found that the audit did not comply with generally accepted Government auditing standards (GAGAS) and DHS OIG policies and procedures. Audit organizations can receive a rating of pass, pass with deficiencies, or fail in an external peer review. In the August 2018 review, DHS OIG received a rating of pass with deficiencies. EPA OIG made 4 recommendations aimed at addressing the deficiencies identified in the EMOT reports. All recommendations from the EPA OIG peer review are also resolved and closed.

In March 2021, Department of Education OIG completed an external peer review for DHS OIG’s audit operations for the fiscal year ending September 30, 2020. On this peer review, DHS OIG received a rating of pass. In the last year we have received “pass” ratings in our investigative and inspections peer reviews as well.

Question 2. To what extent has the DHS OIG audit teams’ guidance and processes been updated to align with internal controls, generally accepted Government auditing standards, and other Federal standards? Please be specific, with documents and time frames.

Answer. On November 14, 2019, DHS OIG Office of Audits (OA) distributed its updated audit manual (November 1, 2019) to all OA employees. Subsequently, the manual was updated again with minor clarifications on March 11, 2020. OA provided training to all staff on the revised audit manual, as well as the 2018 update of the Government auditing standards (the Yellow Book), risk assessment, and fraud assessment. OA supplemented the manual with job aids, training, and other materials.

For example, the following job aids and checklists were developed and shared with all OA employees:

- Developing the Audit Time Line (updated April 2020)
- Endnotes (December 2019)
- Assessing Data Reliability (March 2020)
- Assessing Fraud Risk (updated June 2020)

- Fieldwork Checklist (April 2020)
- Design Matrix (updated April 2020)
- Team Competency (March 2020)
- Potential Independence Impairments (May 2020)
- Planning and Survey Checklist (updated June 2020)
- Indexing and Referencing Requirements & Best Practices (June 2020)
- Reporting Checklist (June 2020).

Between October 2018 and June 2019, OA staff received training on audit planning (stressing assessment of audit risk and fraud, internal controls, and developing objectives and the audit program), the assessment of evidence, and indexing and referencing at monthly “All Hands” meetings. OA staff provided 4 additional training sessions on internal controls to OA employees between March and May 2021.

All updates, job aids, and training materials are shared with all OA employees on an internal intranet site and communicated to all OA employees.

Finally, as mentioned in response to question 1, the Department of Education (DOE) OIG conducted a peer review of the DHS OIG Office of Audits from October 2020 through March 2021, covering the fiscal year ending September 30, 2020. Specifically, DOE OIG reviewed the system of quality control for DHS OIG’s audit organization. A system of quality control encompasses DHS OIG’s organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of conforming in all material respects with Government Auditing Standards and applicable legal and regulatory requirements. In its Systems Review Report, dated March 31, 2021, DOE concluded the system of quality control for the audit organization of DHS OIG in effect for the year ended September 30, 2020, has been suitably designed and complied with to provide DHS OIG with reasonable assurance of performing and reporting in conformity with applicable professional standards and applicable legal and regulatory requirements in all material respects. Accordingly, we received a rating of pass.

Question 3. Dr. Cuffari, in light of the indictments a former acting DHS IG and a subordinate for their alleged theft of proprietary software and confidential databases contain personally identifying information (PII) from the U.S. Government, what are you doing to prevent fraud, waste, and abuse in the OIG going forward?

Answer. Since my confirmation as inspector general, I have strived to create a culture of integrity, starting with the tone at the top of the organization. Fraud, misconduct, and abuse within DHS OIG will not be tolerated. We are also constantly striving to be an efficient organization, providing an excellent value to the taxpayer. For fiscal year 2020, our return on investment was nearly 40:1—in other words, for every \$1 invested in DHS OIG by Congress, we identified \$39.97 in questioned costs, funds put to better use, fines, restitutions, and recoveries.

When the Enforcement Data System (EDS) Major Incident occurred in 2017, prior to my tenure as IG, OIG pursued a number of short- and long-term corrective actions, which were fully implemented. DHS OIG immediately locked down access to the system and contracted with an independent company to perform a 360-degree security review of the case management system as well as the underlying development process. Subsequently, the development and deployment processes were changed to provide additional governance, oversight, internal controls, and security features. We also hired an additional cyber contractor to serve as an Information System Security Officer (ISSO).

Finally, OIG employees must meet annual, mandatory requirements for IT Security Awareness Training, Insider Threat Training, and Ethics Training for Supervisors.

GAO REPORT ON OIG

Question 4a. Strategic planning is an inherently Governmental function that ought to be performed by Federal employees; you have contracted with the National Academy of Public Administration (NAPA) for the creation of the next DHS OIG strategic plan. Why did DHS OIG opt to pursue a contract for this important function?

Question 4b. How will you ensure that DHS OIG is better-positioned to develop its next strategic plan in-house?

Answer. Recognizing the importance of an aggressive but attainable plan for our future, in August 2020, we contracted with the Congressionally-chartered non-partisan, non-profit National Academy of Public Administration (NAPA) to assist us in developing a 5-year strategic plan. We awarded this contract because it is the right way to bring about real change and a Congressionally-endorsed model practice in the Federal Government. NAPA is assisting us, as they have assisted many other Federal agencies, in our strategic planning efforts, not developing our plan outright.

The assistance that NAPA is providing is not an inherently Governmental function, defined in statute as “a function so intimately related to the public interest as to require performance by Federal Government employees.” Further, Office of Management & Budget Policy Letter 2011–23165, which provides detailed guidance on inherently Governmental functions, does not indicate that a Federal agency is precluded from seeking contractor assistance in developing strategic plan. With NAPA’s assistance, we will adopt a strategic plan covering fiscal years 2021 through 2025 later this summer. At this point in time, we are unsure what approach we will take to develop our 2026 through 2030 strategic plan, but whether it is developed in-house or with assistance from NAPA, employees in our newly-created Office of Innovation will play an important role.

Question 5a. There are several other governance documents that derive from a strategic plan.

Does the contract with NAPA include support for developing those additional documents, and if not, what plans does DHS OIG have to ensure that governance framework is appropriately developed and in place as soon as possible?

Question 5b. What are the immediate next steps that follow receipt of the strategic plan and what plans and time frames do you have for these next steps?

Answer. Under NAPA’s Statement of Work, their first task is to assist OIG with development of a revised Strategic Plan. The Strategic Plan will include goals, objectives, performance indicators, measures, and strategies. We expect the plan to be completed by the end of June 2021. Once finalized, these goals, objectives, and measures will form the basis for guiding fiscal year 2022 executive performance plans and, in turn, cascade throughout the organization through the normal performance management cycle.

Question 6a. The issues that GAO has identified span many offices at the OIG. Conceivably, almost everyone in the OIG will have a role in addressing these challenges, and it should not just be a top-down effort.

How do you plan to support and develop the leaders of each office to be able to effectively address these challenges?

Question 6b. How will you ensure effective communication and collaboration with employees throughout these changes?

Question 6c. GAO’s report describes staff-led efforts to address DHS OIG weaknesses in a variety of areas. In some cases, these efforts didn’t materialize because they were overlooked or otherwise didn’t have leadership commitment. How do you plan to leverage the skills and expertise of staff who have been proposing solutions to these problems over the years?

Answer. Since my confirmation in July 2019, I have been focused on creating a workplace where all employees are valued and have a voice. I have built a strong track record of communicating with DHS OIG employees. For example, I send weekly and ad hoc messages to all OIG staff with updates from senior leadership and highlights of noteworthy accomplishments. I also conducted more than 60 small group meetings with DHS OIG employees, typically involving 10–15 employees at a time who were invited to send questions in advance or ask them in an open forum. I hold semi-annual townhalls with all OIG employees. We also established an Employee Advisory Council that serves as a forum of communication between OIG employees and leadership.

I empowered DHS OIG’s senior executives to create individual initiatives in each program office to facilitate employee communication, feedback, and employee-driven process improvements for how we do our work. For example, staff in the Office of Inspections and Evaluations initiated enhanced training and on-boarding for new employees including an introduction to planning, quality assurance procedures, and CIGIE standards for Inspections and Evaluations.

Question 7a. In recent weeks, you decided to implement more agency-wide changes that will affect the structure and function of numerous offices at the OIG.

When will these changes go into effect, and how did you engage with OIG employees as you determined what changes to make?

Question 7b. To what extent have your plans for these changes detailed roles and responsibilities of each office and identified the resources needed?

Question 7c. What are you doing to make sure that these changes will be implemented more effectively than changes in the past?

Answer. In March 2021, I directed a realignment of OIG functions and program offices to facilitate maximum efficiency and effectiveness in conducting the OIG’s mission. The realignment began to take effect April 12, when I made an announcement to all staff explaining the purpose of and expectations for the changes. While some changes occurred quickly, certain documentation to appropriately record personnel movements, and key updates to systems of record used to support the work-

force—such as financial management systems and time and attendance records—may take up to 120 days to be fully implemented.

To implement the changes effectively, OIG leadership adhered to GAO’s key practices for organizational transformation to the maximum extent possible, by:

- Exercising a communications strategy, which involved meeting with staff from all affected organizational units to address their questions and developing enterprise-wide messaging.
- Exhibiting commitment from top leadership, including a video from the IG describing the changes to the workforce.
- Establishing an implementation team, led by human resources professionals, to oversee the tasks required to smoothly carry out the reorganization.
- Thoroughly documenting goals, priorities, and implementation time lines, as described below.

The roles and responsibilities for the realigned offices were laid out in a management memorandum. The realignment plan established the Office of Innovation (OIN), which develops new and innovative approaches to achieve the OIG’s strategic direction and improve performance of the mission. The primary focus of this office is to plan, communicate, implement, and lead change across the organization, with a focus on modernizing the agency’s enterprise business information systems, and advancing the agency’s data analytics program. The intended outcome for this new program office is to enable the OIG to effectively and efficiently achieve its expanding mission requirements and implement the required changes for increased productivity.

The realignment plan also established a new Office of Integrity (OI). OI establishes a program responsible for upholding the agency’s professional standards through a multidisciplinary approach of inspections and investigations. OI promotes organizational integrity by conducting independent reviews of agency programs and operations, and impartially investigating allegations of serious employee and contractor misconduct. OI will provide agency senior leadership with an independent assessment of programmatic compliance with requirements of agency policies, procedures, and standards.

The plan realigned functions of the chief data officer and data analytics program to the Office of Innovation (OIN). The OIN Data Analytics Division will focus on assisting the entire enterprise to leverage data and incorporate data analytics in all aspects of DHS OIG’s mission. The division will provide support with respect to data analysis and visualization for more effective reporting. The division will leverage project-tracking data to provide operational effectiveness insights to OIG mission support functions in the organization, as well as to inform narratives with external stakeholders about the OIG’s work. The division will conduct audits to assess the quality of the data DHS uses for essential mission operations and maintains the OIG data analytics infrastructure and deploy advanced analytic capabilities to explore, acquire, and assess the quality of DHS data.

Question 8. The Office of Integrity and Quality Oversight plays an important role in organization-wide quality assurance, yet this office is the subject of some significant changes the OIG has planned. How do you plan to structure and resource quality assurance efforts in the new organizational structure?

Answer. Quality assurance is an office-wide responsibility that does not just reside in one DHS OIG division. We take the fact that we recently passed 3 separate peer reviews (audit, inspection, investigative) in the last 12 months to indicate that our quality assurance program is operating effectively. We fully anticipate that our new Office of Integrity will continue to strengthen our quality assurance efforts through improved documentation, additional resources, and targeted expertise.

That said, the Office of Integrity is well-positioned to monitor the quality of DHS OIG performance and products. Now that we have integrated all internal-oriented functions within one office, we expect increased synergy between these functions.

Question 9a. GAO identified numerous concerns about quality assurance and professional standards.

How are you ensuring that your quality assurance function is appropriately staffed and trained?

Question 9b. How do you ensure that program offices are responsive to the OIG’s quality assurance program?

Question 9c. How are you ensuring that all the OIG’s work is subject to quality assurance reviews?

Answer. We take the fact that we recently passed 3 separate peer reviews (audit, inspection, investigative) in the last 12 months to indicate that our quality assurance program is operating effectively. DHS OIG’s principal quality assurance function is positioned to proactively monitor and address quality, including the application of professional standards. This function, housed in the Office of Integrity, em-

employs well-trained compliance and assurance experts who monitor DHS OIG products and performance in a data-driven, risk-based manner. They work in frequent communication with DHS OIG senior leadership to implement enhancements throughout the organization. These activities—paired with other program office quality control activities (such as supervisory reviews, fact/figure checking, independent referencing, and the like)—help ensure the consistent reliability and effectiveness of DHS OIG’s work.

While these activities in the Office of Integrity are at the “tip of the spear,” as mentioned in response to question 8, quality assurance is an office-wide responsibility that does not reside in just one DHS OIG division. For example, in October 2018, the Office of Audits (OA) established the Quality Management and Training Branch (QMT). QMT develops quality control guidance and procedures to complement GAGAS and OIG policy for OA. It also identifies strategies to improve product quality and maintain a skilled workforce. QMT’s Audit Policy and Compliance Unit conducts In-Process Quality Reviews (IPQRs) of on-going audits and reviews to determine whether corrective actions are needed to comply with GAS requirements.

Regarding training, QMT’s Audit Training and Tracking Unit tracks and supports OA staff training activities. The unit manages OA’s in-house training program, including developing a training calendar, scheduling classes, registering students, assigning instructors, and/or designing and facilitating classes. The unit communicates with the Office of Management’s Training and Workforce Development Division to identify training opportunities. It also communicates with the Council of the Inspectors General on Integrity and Efficiency (CIGIE) and other outside training agencies and vendors to identify training opportunities that will benefit the organization. QMT communicates these training opportunities to OA staff and other OIG program units through email announcements and/or blog posts.

Likewise, in the Office of Inspections and Evaluations, staff received training on inspection planning and internal controls including project proposals, report indexing, report referencing and external peer reviews through our annual training program. Training regarding planning and quality assurance is also being incorporated into our new employee on-boarding training beginning in May 2021.

Inspections and Evaluations reports go through a rigorous quality assurance process which includes:

- *Supervisory Review* (which ensures the project supervisors review documentation and analysis that is used to develop Inspection reports);
- *Report Indexing* (which outlines the support for all findings included in an Inspections report);
- *Report Referencing* (which ensures another qualified inspector who did not perform the inspection work on the project reviews the support provided and can draw the same conclusion); and
- *Senior Management Review* (which includes a review by the Office of General Counsel, Reports Quality Assurance, Deputy Inspector General for Inspections and Evaluations, Chief of Staff, Principal Deputy Inspector General and the Inspector General).

The DHS OIG received, and passed, its first peer review of its Inspections and Evaluations work from June to September 2020. The CIGIE External Peer Review Team consisted of experienced Office of Inspector General inspection and evaluation professionals from the Department of Defense, the Department of Energy, the Department of State, and the Department of Veterans Affairs. The review team conducted an external peer review of 2 offices within the Department of Homeland Security OIG—the Office of Audits and the Office of Inspections and Evaluations.

The review team assessed the extent to which the DHS OIG met 7 quality standards as required by the *CIGIE Quality Standards for Inspection and Evaluation* (Blue Book), January 2012. These included: Quality control, planning, data collections and analysis, evidence, records maintenance, reporting, and follow-up. This assessment included a review of DHS OIG’s internal policies and procedures implementing the 7 required Blue Book standards. The assessment also included a review of 4 selected inspection and evaluation reports issued between July 1, 2019, and June 30, 2020, to determine whether the reports complied with the covered Blue Book standards and DHS OIG’s internal policies and procedures.

The peer review team determined that DHS OIG’s internal policies and procedures generally met the 7 covered Blue Book standards addressed in the external peer review, and the 4 reviewed reports generally met the Blue Book standards and complied with DHS OIG’s internal policies and procedures. There were no recommendations associated with this external peer review.

Question 10a. GAO's analysis shows that reports are taking longer to produce. GAO has found that DHS OIG has not conducted a comprehensive assessment of time frames.

Although you may not have a comprehensive assessment at this time, what do you see as the factors contributing to report time frames?

Question 10b. GAO's analysis includes work that began before you began your tenure at the OIG. What steps are you taking to ensure the timeliness of work that is currently under way?

Answer. We published 80 reports in fiscal year 2020, which is 13 more than we did in fiscal year 2019. Many factors go into the amount of time that it takes reports to get finalized, and the time frames can vary greatly depending on the circumstances of a particular audit or inspection. Office of Integrity reviews often include assessing timeliness as part of its quality assurance efforts.

Recently, the Office of Inspections and Evaluations established new benchmarks and tracking to ensure projects are done effectively and efficiently. Both project supervisors and project staff have visibility of the project tracking to ensure projects are completed in a timely manner. Each project plan establishes a time line based on the scope of the project, to determine the appropriate time frame for completion. If projects are going to extend beyond established time frames, project supervisors would document these extensions including the rationale and approval for an extension. The Office of Audits will be following suit. Empowered with new initiatives in benchmarking, metrics, and milestone tracking, DHS OIG will be increasingly positioned to monitor timeliness and apply these means to maximize our efficiency.

Finally, we will be updating our report review directive, including reviewer roles, responsibilities, and time frames, for draft and final report reviews. We will also develop and implement a process to ensure that we consistently use data to track project milestones.

INDEPENDENT INVESTIGATION INTO MISCONDUCT

Question 11a. Dr. Cuffari, please explain how the process to select Wilmer Cutler Pickering Hale & Dorr LLP (Wilmer Hale) to investigate misconduct by 3 Senior Executive Service employees was conducted.

Question 11b. How many firms submitted proposals to conduct this investigation?

Question 11c. What selection criteria did you, or others in the OIG, use to select the recipient?

Answer. On April 7, 2020, DHS OIG sent a Request for Proposal (RFP) utilizing specific Federal Acquisition Regulations (FAR) Part 13.5 procedures to 4 vendors: WilmerHale, Baker Hostetler, Davis Polk, and Global Security Innovative Strategies. The competitive solicitation informed the recipients that the procurement would be conducted using a Phased Approach. Phase One consisted of interested parties returning the DHS OIG non-disclosure agreement and registering in the General Services Administration System for Award Management. Failure to participate in Phase One of the solicitation precluded any further consideration of an Offeror. Phase Two required submission of: (1) Capabilities of Proposed Personnel; (2) Demonstrated Prior Experience and Past Performance Reference Checks; and (3) Price. WilmerHale and DavisPolk submitted proposals, and the solicitation closed on April 17, 2020.

A Technical Evaluation Team (TET) assessed and rated the proposals in accordance with the solicitation. On April 27, 2020, the TET reached a consensus rating and recommendation. On April 29, 2020, the contracting officer determined that WilmerHale presented the lowest price and offered the best value to the Government. The contracting officer awarded Contract no. 70VT1520C00003 to WilmerHale (Wilmer Cutler Pickering Hale and Dorr LLP) on May 4, 2020.

I did not review the proposals, I was not part of the TET, I had no involvement in the TET's deliberations, I have no financial interest in or personal connection to WilmerHale, and I had no communication with the Contracting Officer about the proposals either before or after the award.

Question 12a. Dr. Cuffari, what steps did Wilmer Hale take to ensure that the investigation into allegations of misconduct would be independent?

Question 12b. To what extent were you involved in selecting the firm, or guiding its work, if at all?

Answer. As mentioned in response to question 11, I was not at all involved in the process for selecting WilmerHale. I was also not involved in guiding the work of the firm. WilmerHale personnel carried out their work under the supervision of a senior partner in that firm, Ronald Machen, who served as U.S. Attorney for the District of Columbia under President Obama. WilmerHale decided who would be interviewed, what documents and other evidence it needed, how the final report would

be organized, and most importantly, what the final report said. I did not engage an outside firm with a particular outcome in mind, nor did I or anyone at DHS OIG telegraph a particular outcome to WilmerHale.

Question 13. Dr. Cuffari, based on the findings of the Wilmer Hale investigation into allegations of misconduct by 3 Senior Executive Service officials at the DHS OIG, what are you doing to ensure similar behaviors and allegations are avoided in the future?

Answer. WilmerHale found that 3 senior executives at DHS OIG committed serious misconduct over a sustained period. The 3 senior executives are no longer employed at DHS OIG. I have worked very deliberately to build an executive team that models the highest standards of honesty and integrity in all actions, as do I. I have strived to create a culture of integrity, starting with the tone at the top of the organization. I have also created a culture at DHS OIG of “see something, say something,” encouraging employees to come forward with concerns.

I have created a new division of DHS OIG, the Office of Integrity, the function of which is to standardize the treatment of internal complaints and the conduct of internal investigations (which had been weaponized by the 3 senior executives against employees who complained about their bad acts). I have instituted regular management training on topics such as the Merit System Principles; Prohibited Personnel Practices; performance management; and whistleblower protections. I have held dozens of small-group meetings in which I broadcast my vision for DHS OIG and field questions from DHS OIG employees. Now that pandemic conditions have improved, I resumed in-person visits to DHS OIG field offices.

The committee should be aware, however, that 3 weeks after my April 21, 2021 testimony, the Integrity Committee of the Council of Inspectors General for Integrity and Efficiency (CIGIE IC) notified me that it is investigating whether I authorized the WilmerHale investigation in “retaliation” for unspecified protected activity of unspecified persons. I have never heard anyone dispute the findings that WilmerHale made after a comprehensive independent investigation carried out according to the highest standards. Yet, the CIGIE IC is trying to erase the historical record compiled by WilmerHale. It is not for me to say why the CIGIE IC is attempting to undermine my attempts to clean up DHS OIG, which I promised to do during my 2019 confirmation process, but make no mistake—that is what is happening. The CIGIE IC investigation is sending exactly the wrong message. Namely, that the 3 senior executives who WilmerHale found to have “often planted and then cultivated seeds of divisiveness, disorder, and dissension to the detriment of DHS OIG and its mission” are actually victims. I disagree, and instead believe that it was the DHS OIG workforce, DHS OIG stakeholders, and ultimately, the American public, who were the victims of the 3 senior executives’ serious misdeeds. Sweeping WilmerHale’s findings under the rug, as the CIGIE IC is attempting to do, will destroy DHS OIG.

Question 14. We and other Congressional committees have received complaints from staff about favoritism at DHS OIG. We understand that there were concerns about favoritism in connection with the leaders who were the subject of an investigation, but not all the complaints we’ve received have been connected to those individuals. How do you plan to ensure equitable treatment of employees, particularly as it relates to promotions and performance appraisals?

Answer. DHS OIG takes seriously its obligations to uphold the Merit System Principles and to prevent Prohibited Personnel Practices. Within the past year, every supervisory employee and senior executive has undergone comprehensive, live training on both topics with in-house experts. In addition, senior executives participated in mandatory, live training to underscore some of these topics with the Office of Special Counsel.

Complaints about preferential treatment within the DHS OIG are not taken lightly. Allegations such as this can harm a team’s morale and lead to more serious problems. In order to avoid favoritism or preferential treatment, in appearance or in practice, we work to ensure fair and equitable human capital practices are used, such as:

- Ensuring performance is rated equitably and that leadership identifies potential variables within the construct of an individual performance plan.
- The performance management system includes 2 levels of review for appraisals. All new employees are briefed on our performance management programs. In addition, our supervisors, over the past year, have had 2 management training sessions that focus on Performance Management, and another 2 sessions that have focused on Merit System Principles and Prohibited Personnel Practices.
- Enhancing our overall communications within the organization, hosting over 60 small-group roundtables between senior leadership and employees. These ses-

sions provided employees the opportunity to hear directly from me and afforded our employees the ability to convey issues they may be facing.

- With respect to the recently announced organizational realignment, communication has been a key area of emphasis, and leadership has hosted meetings to discuss changes with impacted teams.
- OIG award and incentive programs are based on merit and screened at the initial submission stage by multiple supervisory levels. This is to ensure that offices advance the most deserving employees and that everyone has an equal opportunity for success and recognition.
- End-of-year time off or monetary awards for exceptional performance are distributed using a standardized, consistent methodology. Of note, in 2020, DHS OIG took a corporate approach, setting standardized award amounts for the entire General Schedule workforce based on an employee's performance appraisal result. All General Schedule employees, regardless of office or function, were eligible for standardized awards if rated in the 2 highest achievement levels.

Question 15. In your cover letter to the Wilmer Hale report, you wrote that the Council of the Inspectors General on Integrity and Efficiency (CIGIE) did not act on your complaints regarding the 3 Senior Executive Service employees. Did CIGIE ever provide you a reason as to why they did not act on your complaints?

Answer. No, CIGIE did not provide a reason.

Question 16a. The Wilmer Hale investigative report you provided to us mentions that an employee referenced a culture at DHS OIG where no clear-cut structured guidance or policies are in place. GAO's draft report includes similar concerns.

What are your plans for addressing these policy needs to ensure equitable treatment for all staff and improve the quality of OIG's products?

Question 16b. How do you plan to assess and overcome some of the key cultural challenges at the OIG, whether they're related to policy or other topics?

Answer. All of DHS OIG's directives and policies are published on our intranet page and made available to all employees. Policies should be periodically evaluated to determine whether updates or changes are required, and we have developed and are near adopting a comprehensive delegation of authorities to guide DHS OIG's policy development and review processes. We are in the process of recruiting for a senior policy advisor, an SL position in the DHS OIG front office. We are also working to update the Special Agent Handbook, the comprehensive set of policies applicable to our criminal investigations. Finally, we are elevating the policy function within the newly-established Office of Innovation.

Question 17a. Since January, the Office of Audits has been without a permanent leader. What is the status of filling that vacancy?

Question 17b. GAO's draft report identified that the Office of Audits conducts work under GAGAS and CIGIE inspection and evaluation standards. Do you expect to hire someone with expertise in both sets of standards to ensure consistent application of standards in the Office of Audits?

Answer. I selected an experienced senior leader to join DHS OIG as the deputy inspector general for audits. He entered on duty at DHS OIG on May 23, 2021. Our new deputy IG for audits has prior experience in the IG community leading work conducted in accordance with both GAGAS (Yellow Book) and CIGIE Inspection and Evaluation (Blue Book) standards. He has over 20 years of oversight experience to include 3 years as the assistant inspector general for audits and inspections at the Department of Energy (DOE). He is well-known and respected within his field of work and his experience will ensure the Office of Audits excels with its work under both GAGAS and the CIGIE inspection and evaluation standards.