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# Oversight of Inspectors General: The CIGIE Integrity Committee

The role of inspectors general (IGs) in the federal government makes it particularly important that they operate with integrity and maintain the confidence of government stakeholders and the public. While misconduct by government employees is always a serious issue, the negative impact of such behavior by IGs may be amplified by the fact that they are tasked with independent investigations within agencies and are expected to report on matters including employee misconduct.

One of the key ways in which the IG community, at the direction of Congress, addresses allegations of misconduct by IGs is through the Integrity Committee (IC), a component of the Council of the Inspectors General for Integrity and Efficiency (CIGIE) authorized in the IG Act (5 U.S.C. §424(d)).

In recent years, some Members have expressed concerns about the timeliness and transparency of IC investigations, including an ongoing investigation of the Department of Homeland Security IG. In response, Congress included a provision in the James M. Inhofe National Defense Authorization Act for FY2003 (NDAA) that expands reporting to Congress on IC activities and clarifies Congress’s entitlement to information on IC reviews (P.L. 117-263, §§5231-5237).

This In Focus provides a brief introduction to the IC and its processes and identifies key issues for Congress.

## Organization

The IC is currently made up of six members, including:

- the CIGIE member representing the Federal Bureau of Investigation,
- four IGs appointed by the CIGIE chairperson, and
- the director of the Office of Government Ethics (or his or her designee).

The IC selects a chair from among the four IG members, who serves a term of two years. The IC’s investigative work is performed by staff detailees from Offices of Inspector General (OIGs), and legal advice is provided by the Public Integrity Section of the Department of Justice (DOJ).

## Authority

Like the IGs themselves, the IC’s primary authorities focus on receiving complaints, conducting investigations, and making recommendations. OIGs are required to refer allegations of wrongdoing against the IG and other covered

staff to the IC if there is no other executive agency with jurisdiction and an internal investigation by the OIG would not be feasible or might appear to not be objective.

Additionally, the IC maintains an email to which anyone may submit complains regarding IGs (Integrity-Complaint@cigie.gov).

## Process

From the time the IC receives a complaint, it may take up to 217 days (without time extensions) for the President or relevant agency head to receive the IC’s report and recommendations (**Figure 1**).

When the IC receives a complaint regarding an IG or other covered staffer, representatives of DOJ, the Office of Special Counsel (OSC), and the IC review the complaint, and they have seven days to determine where the complaint should be referred. The complaint may be referred to more than one agency (5 U.S.C. §424(d)(5)(A)).

**Figure 1. Integrity Committee Process**



**Source:** CRS.

Upon referral to the IC, the committee has 30 days to decide whether to direct the IC chairperson to investigate

the complaint. That period may be extended a further 30 days with written notice to the appropriate congressional committees (5 U.S.C. §424(d)(5)(B)).

If a complaint is referred to the IC chairperson for investigation, he or she is required to “cause a thorough and timely investigation of each allegation.” To accomplish this, the chairperson is required to follow both CIGIE’s Quality Standards for Investigations and the IC’s own policies and procedures (5 U.S.C. §424(d)(7)).

The chairperson conducts investigations with resources and assistance provided by other OIGs, including staff on detail (5 U.S.C. §424(d)(6)(B)). For all OIGs with over 50 employees, investigations are to be conducted largely by OIGs of similar size (5 U.S.C. §424(d)(7)(B)(V)).

The chairperson has 150 days to complete the investigation. If an investigation cannot be completed in that time frame, then the chairperson must notify the appropriate congressional committees and brief those committees every 30 days on the status of the investigation (5 U.S.C. §424(d)(7)(C)).

For each investigation, the IC chairperson must submit a findings report to the IC and the CIGIE chairperson. Congress is also entitled to access these reports via the appropriate committees. Individual Members may also receive these reports unless disclosure is prohibited by another provision of law (5 U.S.C. §424(d)(7)(E)).

After the IC receives an investigation report, it has 30 days to review that report and forward it, with recommendations, to the CIGIE chair, the appointing authority for the IG under investigation, the appropriate congressional committees, and, upon request, to individual Members (5 U.S.C. §424(d)(8)).

### **Additional Reporting on Allegations Made by Members of Congress**

Congress is a regular consumer of OIG work products, and its work puts both Members and staff in regular contact with OIGs and the subjects of their audits and investigations.

Given Congress’s investment in and frequent contact with the IG community, some complaints to the IC may arise from Congress. Members may wish to ensure that their complaints receive appropriate review whether or not they lead to investigations.

Under a provision in the FY2023 NDAA, when the IC closes a complaint from a Member without referral for investigation, the IC must inform Congress within 60 days and describe how the complaint was evaluated.

This provision has the potential to facilitate Congress’s own oversight role by providing greater insight into the operations of the IC and ensuring that individual allegations have been handled to Congress’s expectations.

### **Semiannual Reports**

Beginning in 2023, CIGIE is required to submit semiannual reports to Congress on the activities of the IC, including a variety of quantitative data and analysis on allegations

received and referred, including specific information about those allegations closed without referral (5 U.S.C. §424(d)(9)). In previous years, the IC was required to issue annual reports that included summary data on IC activities but carried less substantive reporting on individual investigations.

### **Consequences**

The IC is an investigative body that makes recommendations, including recommendations for discipline or corrective action for IGs and covered staff. The IC does not have authority to discipline or take other action against IGs. Nonetheless, IC findings may have a significant impact on those found to have engaged in misconduct. For instance, in summer 2021, Laura Wertheimer, then IG of the Federal Housing Financing Authority, resigned following an IC report that substantiated allegations of mistreatment of IG staff by senior leaders, including Wertheimer.

## **Issues for Congress**

### **Effectiveness of Recent Reforms**

The recent changes to IC transparency and reporting requirements may keep Congress better informed about the progress of investigations and encourage swifter resolution of complaints. Continuing attention from Congress might help ensure that the recent changes have their desired effect.

### **Response to IC Reports and IG Removal**

Congress has also been concerned about the independence of the IG community. Historically, this concern is at its strongest when the President or an agency head removes an IG. IC investigations and recommendations have the potential to help all parties manage the tension between IG independence and accountability.

For example, in early May 2023, the Commodity Futures Trading Commission (CFTC) notified Congress that it would be placing its longtime IG, A. Roy Lavik, on non-duty status following an IC report that found Lavik engaged in “substantial misconduct,” including the wrongful disclosure of whistleblower identities. While the suspension of Lavik may be of concern to Congress for several reasons, delivery of a completed IC report on claims of serious misconduct may help Congress and other stakeholders assess the CFTC’s response and whether it undermines IG independence.

### **Congress’s Role in IG Oversight**

In addition to the work of the IC, there is also a direct role for Congress to play in oversight of the IG community. Evidence and other information generated by IC investigations may help Congress identify matters ripe for committee oversight and allow for more efficient use of resources.

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