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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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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.hsgac.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>.

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/HS15>.

⁶ *Id.*

⁷ Pub. L. No. 113-126.

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 Alexa Noruk of Ranking Member Peters' staff (202-224-2627) for the U.S. Senate Committee on Homeland Security and Governmental Affairs, and Alison 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.

Sincerely,



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



Gary C. 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