

Congress of the United States
Washington, DC 20515

May 10, 2022

The Honorable Joseph V. Cuffari
Inspector General
Department of Homeland Security
245 Murray Lane, S.W., Building 410
Washington, D.C. 20528

Dear Inspector General Cuffari:

We are investigating disturbing reports that under your leadership, the Department of Homeland Security Office of Inspector General (DHS OIG) sought to censor findings of domestic abuse and sexual harassment by DHS employees. According to public reporting, your office removed key findings from draft investigation reports that described misconduct by DHS employees involving domestic violence, and your office delayed releasing a separate report on pervasive sexual harassment within DHS. These reports, along with a recent briefing your office provided to staff from our Committees, raise concerns about your ability to independently and effectively perform your duties as Inspector General. In particular, this new information calls into question whether you are able to perform high-quality audit work with integrity, objectivity, and independence, and provide accountability and transparency over government programs and operations.

The Inspector General Act recognizes independence as one of the most important elements of an Inspector General's effectiveness.¹ Documents obtained by the Project on Government Oversight (POGO) demonstrate that your office made significant substantive changes to a report titled, "DHS Components Have Not Fully Complied with the Department's Guidelines for Implementing the Lautenberg Amendment," or OIG-21-09, before its publication on November 13, 2020.² The changes fundamentally altered the report by narrowing its scope and removing alarming evidence that DHS had failed to adequately address instances of domestic violence by its employees. The draft report's lead finding, which was removed, stated:

We identified 35 cases in which CBP [Customs and Border Protection], Secret Service, ICE [Immigration and Customs Enforcement] investigations substantiated that an employee had engaged in domestic violence, but in most instances, the employee

¹ Government Accountability Office, *Inspectors General: Independence Principles and Considerations for Reform* (June 8, 2020) (GAO-20-639R) (online at www.gao.gov/assets/gao-20-639r.pdf).

² Project on Government Oversight, *Protecting the Predators at DHS* (Apr. 7, 2022) (online at www.pogo.org/investigation/2022/04/protecting-the-predators-at-dhs/); See Department of Homeland Security Office of Inspector General, *DHS Components Have Not Fully Complied with the Department's Guidelines for Implementing the Lautenberg Amendment* (Nov. 13, 2020) (OIG-21-09) (online at www.oig.dhs.gov/sites/default/files/assets/2020-11/OIG-21-09-Nov20.pdf).

received little or no discipline and remained a law enforcement officer with access to a firearm.³

The draft report found that 86% of officers who committed domestic violence retained their jobs and possession of firearms and did not receive a suspension longer than 15 days. The scope of the final report, however, was drastically narrowed to evaluate only agencies' compliance with the Lautenberg Amendment, which prohibits people convicted of misdemeanor domestic violence from possessing a firearm.⁴

Your office reportedly removed other relevant evidence from the report, including evidence that CBP, Secret Service, and ICE took limited disciplinary actions against law enforcement officers who were found to have engaged in domestic violence, the number of substantiated cases of domestic violence by DHS employees between January 2016 and December 2018, and disciplinary actions taken by the respective agencies.⁵

Generally accepted government auditing standards require auditors to perform their work in a manner that is objective, fact-based, nonpartisan, and nonideological.⁶ According to publicly released documents, on July 9, 2020, you sent an email instructing staff to rewrite the domestic violence report to “[p]eel off the remaining language and cases that essentially go beyond Lautenberg and risk appearing biased/in the posture of second guessing DHS disciplinary decisions.”⁷ This instruction appears inconsistent with the role of an inspector general, which routinely includes examining agencies' disciplinary processes and decisions.⁸ Limiting the scope of OIG's public report to only those instances in which DHS officers were convicted of a

³ Project on Government Oversight, *Protecting the Predators at DHS* (Apr. 7, 2022) (online at www.pogo.org/investigation/2022/04/protecting-the-predators-at-dhs/).

⁴ *Id.*

⁵ *Id.*

⁶ Government Accountability Office, *Government Auditing Standards 2018 Revision* (Apr. 2021) (GAO-21-368G) (online at www.gao.gov/assets/gao-21-368g.pdf).

⁷ Project on Government Oversight, *DHS Watchdog Directs the Removal of Domestic Violence Findings* (Apr. 7, 2022) (online at www.pogo.org/document/2022/04/dhs-watchdog-directs-the-removal-of-domestic-violence-findings/).

⁸ See, e.g., Department of Homeland Security, Office of Inspector General, *CBP Senior Leaders' Handling of Social Media Misconduct* (May 12, 2021) (online at www.oig.dhs.gov/sites/default/files/assets/2021-05/OIG-21-34-May21.pdf); Department of Homeland Security, Office of Inspector General, *Special Report—ICE Should Document Its Process for Adjudicating Disciplinary Matters Involving Senior Executive Service Employees* (July 20, 2020) (online at www.oig.dhs.gov/sites/default/files/assets/2020-07/OIG-20-54-Jul20.pdf); Department of Homeland Security, Office of Inspector General, *DHS Needs to Improve Its Oversight of Misconduct and Discipline* (June 17, 2019) (online at www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-48-Jun19.pdf); Department of Homeland Security, Office of Inspector General, *DHS Support Components Do Not Have Sufficient Processes and Procedures to Address Misconduct* (Sept. 26, 2018) (online at www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-81-Sep18.pdf).

misdeemeanor and excluding other critical findings raises questions about your integrity and professional judgement, both of which are crucial to meet government audit standards.⁹

Reporting from POGO also indicates that a separate DHS OIG report on sexual misconduct and harassment remains unpublished even though audit work began in 2018. The draft report included a 2018 survey that found that out of 28,000 DHS employees surveyed, more than 10,000 reported experiencing sexual harassment and misconduct in the workplace.¹⁰ Your office also reportedly objected to including findings that discussed DHS agencies' use of individual cash payments in the hundreds of thousands of dollars to settle harassment cases and suggested that this finding be removed from the report.¹¹ Despite the fact that the review began almost four years ago, and was approved by your Office of Counsel, quality assurance staff, and several high-level DHS OIG officials in 2020, the final report remains unpublished.¹² During a staff briefing on April 20, 2022, your staff could not provide a timeline for when this report would be released.¹³

DHS OIG staff asserted during this briefing that the facts removed from these reports were already known to DHS, implying that there was no need for them to be included.¹⁴ However, government audit standards make clear that the work of auditors must be guided by the public interest, which is defined as “the collective well-being of the community of people and entities” an auditor serves and that “a distinguishing mark of an auditor is acceptance of responsibility to serve the public interest.”¹⁵ Limiting transparency and shielding the full set of facts from the public undermines the importance of public accountability to help address systemic issues of sexual misconduct and harassment within DHS, and may violate generally accepted government auditing standards.¹⁶

The Committees have previously expressed concern over your office's handling of investigative reports. On March 26, 2020, Chairwoman Maloney wrote to you regarding the

⁹ *Id.*; Department of Homeland Security, Office of Inspector General, *DHS Components Have Not Fully Complied with the Department's Guidelines for Implementing the Lautenberg Amendment* (Nov. 13, 2020) (OIG-21-09) (online at www.oig.dhs.gov/sites/default/files/assets/2020-11/OIG-21-09-Nov20.pdf); Government Accountability Office, *Government Auditing Standards 2018 Revision* (Apr. 2021) (GAO-21-368G) (online at www.gao.gov/assets/gao-21-368g.pdf).

¹⁰ Project on Government Oversight, *Draft Homeland Security Watchdog Survey on Sexual Misconduct* (Apr. 7, 2022) (online at www.pogo.org/document/2022/04/draft-homeland-security-watchdog-survey-on-sexual-misconduct/).

¹¹ *Homeland Security Watchdog Omitted Damaging Findings from Reports*, New York Times (Apr. 7, 2022) (online at www.nytimes.com/2022/04/07/us/politics/homeland-security-inspector-general.html).

¹² Project on Government Oversight, *Protecting the Predators at DHS* (Apr. 7, 2022) (online at www.pogo.org/investigation/2022/04/protecting-the-predators-at-dhs/).

¹³ Call with Staff, Committee on Oversight and Reform; Staff, Committee on Homeland Security; and Staff, Department of Homeland Security, Office of Inspector General (Apr. 20, 2022).

¹⁴ *Id.*

¹⁵ Government Accountability Office, *Government Auditing Standards 2018 Revision* (Apr. 2021) (GAO-21-368G) (online at www.gao.gov/assets/gao-21-368g.pdf).

¹⁶ *Id.*

alarmingly slow pace with which your office was issuing reports—including reports on DHS’s processing of asylum seekers, conditions in immigration detention facilities, and secret Border Patrol Facebook groups with offensive posts—after you refused to provide Oversight Committee staff with updates on forthcoming reports of investigation.¹⁷

Also on March 26, 2020, Chairman Thompson wrote to you regarding numerous shortcomings in reports issued by your office on the deaths of two children in the custody of CBP.¹⁸ The public summary of your office’s investigative report excluded crucial details which rendered the public summary both inaccurate and misleading, raising significant concerns about your office’s quality assurance process as well as the willingness of your office to conduct in-depth examinations of sensitive topics.

In June 2021, the Government Accountability Office (GAO) found that DHS OIG failed to address long-standing weaknesses that have impacted the quality and timeliness of its work.¹⁹ Among the deficiencies, GAO noted: “Project time frames have increased in recent years, and DHS OIG has not taken steps to understand the causes of such increases or determine how to address them.”²⁰ GAO made a stunning 21 recommendations for DHS OIG to address management and operational weaknesses—all of which your office concurred with. However, as of April 2022, just one recommendation has been closed, leaving serious concerns about your commitment to carry out independent, objective, and fact-based oversight of DHS.

For these reasons, the Committees request that you produce the following documents and information by May 24, 2022:

1. All versions of the OIG-21-09 report, including:
 - a. all drafts;
 - b. all comments, edits, questions, and concerns made in draft versions by any DHS OIG personnel; and
 - c. all work papers associated with the report;
2. All communications regarding revisions or modifications to the OIG-21-09 report involving DHS OIG personnel, including but not limited to:

¹⁷ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General (Mar. 26, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-03-26.CBM%20to%20Cuffari-DHS%20IG%20re%20Reports.pdf>).

¹⁸ Letter from Chairman Bennie G. Thompson, Committee on Homeland Security, to Inspector General Joseph V. Cuffari, Department of Homeland Security, Office of Inspector General (Mar. 26, 2020) (online at <https://homeland.house.gov/imo/media/doc/2020-03-26%20DHS%20OIG.pdf>).

¹⁹ Government Accountability Office, *DHS Office of Inspector General: Actions Needed to Address Long-Standing Management Weaknesses* (June 2021) (GAO-21-316) (online at www.gao.gov/assets/gao-21-316.pdf).

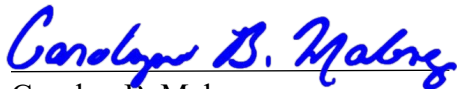
²⁰ *Id.*

- a. Office of Audits personnel;
 - b. Office of Inspections and Evaluations personnel;
 - c. Front office personnel, including you;
 - d. Deputy Assistant Inspector General for Audits;
 - e. Chief of Staff;
 - f. Deputy Inspector General;
 - g. Assistant Inspector General; and
 - h. Deputy Counsel to the Inspector General;
3. All versions of the DHS OIG report on sexual misconduct and harassment related to the 2018 survey, including:
- a. all drafts;
 - b. all comments, edits, questions, and concerns made in draft versions by any DHS OIG personnel;
 - c. all work papers associated with report; and
 - d. all survey data collected;
4. All communications regarding revisions, modifications, and decisions regarding when or whether to issue the DHS OIG report on sexual misconduct and harassment related to the 2018 survey, including but not limited to:
- a. Office of Audits personnel;
 - b. Office of Inspections and Evaluations personnel;
 - c. Front office personnel, including you;
 - d. Deputy Assistant Inspector General for Audits;
 - e. Chief of Staff;
 - f. Deputy Inspector General;
 - g. Assistant Inspector General; and

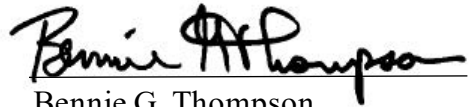
- h. Deputy Counsel to the Inspector General;
5. Any policies or audit planning documentation, including interim policies or draft audit plans, regarding DHS OIG project timelines and report changes for:
 - a. OIG-21-09; or
 - b. the report on sexual misconduct and harassment;
6. All documents, including internal and external communications, relating to DHS OIG quality control measures or review processes for:
 - a. OIG-21-09;
 - b. report on sexual misconduct and harassment; and
7. Any policies regarding application of standards to reports and audits produced by DHS OIG.

An attachment to this letter provides additional instructions for responding to this request. If you have any questions, please contact Oversight Committee staff at (202) 225-5051, or Committee on Homeland Security staff at (202) 226-2616.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Bennie G. Thompson
Chairman
Committee on Homeland Security

Enclosure

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable John Katko, Ranking Member
Committee on Homeland Security