Integrity Committee
Policies and Procedures
2018

Administrative Correction 1: April 13, 2018

January 2018

Policies and Procedures of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency

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January 2018

POLICIES AND PROCEDURES OF THE INTEGRITY COMMITTEE OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

1. Statement of Purpose

Members of the Inspector General community are charged with protecting the integrity, efficiency, and economy of the Federal government and its programs, activities, and operations. To maintain public trust, all Inspector General community members must adhere to high standards of official conduct and are accountable in the event that they fall short of those standards. The statutory mandate of the Integrity Committee ("IC") of the Council of the Inspectors General on Integrity and Efficiency ("CIGIE") is to receive, review, and refer for investigation allegations of wrongdoing made against Inspectors General or Acting Inspectors General who are members of CIGIE ("IGs"), designated members of the senior staffs of those IGs, and the Special Counsel and Deputy Special Counsel of the Office of Special Counsel ("OSC"), and to ensure the fair, consistent, timely, and impartial disposition of allegations that fall within the IC's statutory mandate.

These policies and procedures ("Policies"), required by section 11(d)(7)(B) of the Inspector General Act of 1978, as amended, 5 U.S.C. app. ("IG Act"), were adopted by the IC in conjunction with the CIGIE Chairperson, and in consultation with the Public Integrity Section ("PIN") of the Department of Justice ("DOJ") and the OSC.

2. Persons within the IC's Authority

The IC considers allegations of wrongdoing against any of the following individuals ("Covered Persons"):

A. An IG;

B. A staff member of an Office of Inspector General ("OIG") whose position is designated under section 4 of these Policies ("Designated Staff Member");

C. The Special Counsel and the Deputy Special Counsel of OSC, but not their staff members. For purposes of these Policies, requirements pertaining to an IG also apply to the Special Counsel and Deputy Special Counsel, except that the Special Counsel is not required to designate staff members under section 4 of these Policies; and

D. Anyone serving in an Acting or Interim capacity in a position set forth in A through C of this subsection.

At its discretion and consistent with the public interest (including the availability of an effective remedy), the IC may consider wrongdoing alleged to have occurred while an individual served as

a Covered Person, even if that individual is no longer a Covered Person or in government service when the IC receives the allegation.

3. IC Governance

A. Membership. By statute, the IC consists of the following six members: the official of the Federal Bureau of Investigation ("FBI") serving on CIGIE; the Director of the Office of Government Ethics ("OGE") or the Director's designee; and four IGs appointed by the CIGIE Chairperson to serve terms of 4 years each.

B. IC Chairperson. The IC shall elect one of the four IG members as IC Chairperson, who will serve a 2-year term of office.

C. IC Vice Chairperson. Upon election, the IC Chairperson will appoint one of the IG members to serve as IC Vice Chairperson to act in the absence of the IC Chairperson and to perform such other duties as may be assigned by the IC or the IC Chairperson. The term of office of the IC Vice Chairperson shall expire at the end of the term of office of the appointing IC Chairperson.

D. Legal Advisor. The Chief of PIN or the Chief's designee will serve as a Legal Advisor to the IC.

E. Designees. The Director of OGE and the Chief of PIN may designate members of their respective staffs to substitute for them on the IC, either long-term or episodically.

F. Allegation Review Group. Designees of the Attorney General, the Special Counsel, and the IC Chairperson ("Allegation Review Group") will review incoming allegations and promptly refer to PIN, OSC, or the IC any allegations within their respective purviews, pursuant to section 6(B) of these Policies.

G. Working Group. An IC Working Group ("Working Group") will assist the IC in the execution of its responsibilities. Its members shall include the IC Program Managing Director (responsible for administering the day-to-day operations of the IC) and may include a legal advisor and other staff from CIGIE, staff from the offices of IC members, staff from other OIGs, or contractors.

H. Meetings. The IC will convene regularly and no less than monthly (including in person, as necessary) to conduct business, unless pending business is insufficient to warrant a meeting or quorum is lacking. A written agenda and materials relating to any matter before the IC for determination will be made available to IC members for independent review in advance. The IC will maintain minutes of determinations made regarding each agenda item. The minutes shall be made, kept, and distributed as necessary to maintain the confidentiality and integrity of criminal or OSC investigations referenced in section 6 of these Policies and to effect recusals under section 3(K) of these Policies.

I. Quorum. A quorum is required for the IC to deliberate on an allegation or take any action concerning an allegation. A quorum consists of four members of the IC. The IC Chairperson will immediately notify the CIGIE Chairperson if (1) the IC Chairperson determines that consideration of a pending matter is urgent, cannot reasonably be delayed, and a quorum cannot be established within 5 business days or (2) more than two of the IG members are recused from a matter. Upon notification, the CIGIE Chairperson will appoint as temporary members of the IC the number of IGs necessary to establish a quorum.

J. Voting. Determinations by the IC require the vote of a majority of participating members. At the discretion of the IC Chairperson, matters may be decided on ballot in a form determined by the IC Chairperson rather than at a meeting.

K. Recusal of IC members and others. A recused IC member will not vote or otherwise participate in the consideration of a matter from which the member is recused. All recusals will be noted in the minutes of the meeting at which the recusal is determined.

A member of the IC, the Allegation Review Group, or the Working Group is recused from participation in:

i. Matters in which that member or another person in that member's office or agency has personally and substantially participated. For purposes of this provision, the FBI is deemed to be in the same office or agency as DOJ OIG;

ii. Matters as to which the member believes that his or her impartiality would be questioned by a reasonable person with knowledge of the relevant facts. Members who have determined that their own recusal is not necessary under this subparagraph may nevertheless disclose a potential basis for recusal for final determination by the IC;

iii. Any matter as to which participation would violate or create a conflict of interest under a law, regulation, or mandatory standard applicable to all Federal employees or officials in the Executive Branch of the United States;

iv. All matters before the IC while the member knows that he or she is under criminal investigation or IC investigation;

v. Any matter as to which the IC determines that the circumstances present would lead a reasonable person with knowledge of the relevant facts to question the member's impartiality in the matter. An IC member whose recusal is at issue will not vote on such determination; and

vi. Any matter that requires a security clearance, if the member does not hold the requisite clearance.

L. Mandatory disclosure of investigations. An IC member, Allegation Review Group member, or Working Group member who knows that he or she is the subject of a criminal or Federal government investigation shall promptly disclose that information to the IC.

4. Designation of Staff Members by an Inspector General

Annually by May 15, each IG must submit to CIGIE's Executive Director and to the IC Chairperson a designation of the positions that report directly to the IG. In addition, each IG must designate any positions with significant responsibilities such that, in the judgment of the IG and depending on the size and organization of the particular OIG, there is a heightened risk that an internal investigation of them would lack objectivity in fact or appearance.

5. Referral of Allegations of Wrongdoing to the IC

A. Reporting by an IG.

i. Allegation concerning the IG. An IG will promptly refer to the IC in writing any allegation of wrongdoing concerning that IG.

ii. Allegations concerning Designated Staff Members. An IG will promptly refer to the IC in writing any allegation of wrongdoing concerning a Designated Staff Member if –

a. Review of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and
b. The IG determines that an internal investigation of the matter might not be objective in fact or appearance.

B. Allegations received from other sources. If the IC receives an allegation from a source other than the affected IG that a Covered Person has engaged in wrongdoing, the IC will exercise its authority over review of such allegation to the same extent as if it had been referred to the IC by the affected IG. In its sole discretion, the IC may refer allegations related to a Designated Staff Member to the affected IG for a determination by the IG pursuant to section 5(A)(ii) of these Policies.

6. Receipt, Initial Review, and Referral of Allegations for Consideration at IC Meeting

A. Receipt of Allegations. The IC will track each incoming communication that makes or relates to allegations of wrongdoing concerning any Covered Person, official, or staff member of an OIG and immediately provide that communication to the Allegation Review Group.

B. Review and Referral by the Allegation Review Group. Within 7 business days after the IC's receipt of a communication as specified in section 6(A) of these Policies, the members of the Allegation Review Group will determine whether the allegation will be referred to PIN, OSC, or the IC. The Attorney General's designee will identify any

allegations of a criminal offense for referral to PIN, and the Special Counsel's designee will identify any remaining allegations within OSC's jurisdiction for referral to OSC. Any matter referred to PIN or OSC is closed by the IC, subject to reopening if referred back to the IC or if otherwise deemed appropriate by the IC. Any matter not referred to PIN or OSC within 7 business days after the IC's receipt of a communication will be referred to the IC with a statement as to whether the allegations concern a Covered Person.

C. Coordination with PIN and OSC on concurrent matters. For matters referred to PIN or OSC, the IC may concurrently consider and investigate related allegations and will consult and coordinate with PIN or OSC, as the case may be, in doing so.

D. Action by PIN on referred allegations. As to any matter referred to PIN,

i. PIN will notify the IC, for appropriate action under these Policies or otherwise,

a. If PIN concludes that the allegation warrants criminal investigation; or

b. If PIN or another prosecutive authority (1) declines or defers further action; (2) brings an unsealed criminal charge; or (3) concludes a criminal investigation without charges being filed.

ii. PIN will submit to the IC a summary report of the results of any investigation that relates to a matter within the authority of the IC, consistent with other law (including Federal Rule of Criminal Procedure 6(e)). The content of such a report will be at the discretion of PIN and no particular information must be provided by PIN on behalf of DOJ or other prosecutive authority.

iii. If at any time during the course of the IC's review of a matter (including during an IC investigation) substantial information is uncovered that indicates a criminal offense (i.e., information that the FBI or an IG would ordinarily refer to a prosecuting authority), the IC will promptly consult with PIN and, if requested by PIN, follow the procedures outlined in this section. If the IC Chairperson determines that such consultation is urgent, the IC Chairperson may personally conduct that consultation.

E. Action by OSC on referred allegations. As to any matter referred to OSC,

i. OSC will notify the IC

a. If OSC concludes that the allegation warrants investigation by OSC; or

b. If OSC declines or defers further action or concludes an investigation without initiating further action, OSC will refer to the IC any allegations of wrongdoing against a Covered Person.

ii. OSC will submit to the IC a summary report of the results of any investigation that relates to a matter within the authority of the IC, consistent with other law. The content of such a report will be at the discretion of OSC and no particular information must be provided.

F. Placement on the IC agenda. Matters referred to the IC by the Allegation Review Group will appear on the agenda for consideration at the next IC meeting. Along with the agenda, the IC will distribute to the members (i) unclassified materials received by the IC supporting the allegations; (ii) allegations referred to PIN or OSC, together with a copy of the associated materials received by the IC; (iii) recommendations provided by the Allegation Review Group addressing whether allegations referred to the IC relate to a Covered Person; and (iv) notifications and summary reports received from any allegations referred back to the IC by PIN and OSC pursuant to paragraphs (D) and (E) of this section.

7. IC Review Process and Actions

A. Threshold standard. The IC takes action on allegations of wrongdoing against a Covered Person that involve abuse of authority in the exercise of official duties or while acting under color of office, substantial misconduct, such as gross mismanagement, gross waste of funds, or a substantial violation of law, rule, or regulation, or conduct that undermines the independence or integrity reasonably expected of a Covered Person.

B. IC review of referred allegations. Upon referral to the IC from the Allegation Review Group, a referral back to the IC from PIN or OSC, or a matter having otherwise been reopened, the IC shall take one of the following actions:

i. Request further information. The IC may determine that the allegations and associated materials provide insufficient information or lack sufficient supporting documentation to permit the necessary determinations and, without initiating a preliminary investigation, direct that additional information be sought. This may include requesting additional information from the complainant or referral source, reviewing open source information, or other limited inquiry. Time expended in obtaining this additional information shall be excluded from the time provided for review by the IC.

ii. Request response. The IC may request in writing that the Covered Person who is the subject of the matter (the "Respondent") submit a written response to some or all of the allegations within 20 days (the "Response Period"). In accordance with section 14 of these Policies, due care will be taken to protect the identity of a complainant or informant, if a written response is requested. Upon request by Respondent, the IC Chairperson may grant an extension of the Response Period for up to 20 days, subject to paragraph (D) of this section. Absent extraordinary circumstances, no further extensions will be granted.

Where a written response has been sought, the IC will consider the allegations and any associated materials received by the IC, together with any written response, at the meeting that follows expiration of the Response Period and determine whether to refer the matter for investigation.

iii. Take action in accordance with paragraph (C) of this section.

C. IC Actions. Within 30 days of a referral to the IC from the Allegation Review Group, a referral back to the IC from PIN or OSC, or a matter having otherwise been reopened, subject to extension as specified in paragraph (D) of this section, the IC will take one of the following actions:

i. Determine threshold standards not met. Determine that the allegations do not meet the threshold standard, and close the matter;

ii. Determine allegations refuted. Determine that the written response sufficiently answers or refutes the allegation(s) and that further inquiry or investigation is not warranted, and close the matter;

iii. Make findings on the existing record. Determine that the record is sufficient and make findings, conclusions, or recommendations as to some or all of the allegations without investigation;

iv. Refer for investigation. Refer to the IC Chairperson for investigation allegations that meet the threshold standard (Note: the IC may refer a matter for investigation without requesting a response from the subject if the allegations clearly warrant an investigation and a response would not serve a useful purpose or would result in unnecessary delay);

v. Refer to another agency. At any time, refer all or part of allegations (including allegations outside the IC's authority) to an affected IG, an agency within the Executive Branch with jurisdiction, or another appropriate authority, and close the matter. The IC may notify the complainant or referring source that it has referred the allegation(s), and will take due care to protect the integrity of investigations by other agencies and to protect the identity of a complainant or informant pursuant to section 14 of these Policies. The IC may elect to exercise authority over certain allegations, even if it has referred other allegations in the same matter to another agency. With respect to matters referred to PIN or OSC, the IC will consult with PIN or OSC prior to exercising its jurisdiction; or

vi. Refer to the CIGIE Chairperson. Refer allegations that do not meet the threshold standard to the CIGIE Chairperson for any appropriate action.

D. Extension and Congressional notification. The IC may extend the initial 30-day period for its review and determination of allegations by another 30 days (e.g., due to an extension granted to the Respondent for a response) and must provide written notice to

the Congressional committees designated in section 11(d)(8)(A)(iii) of the IG Act (the "Congressional committees of jurisdiction") of the case-specific reason(s) that additional time is needed. The notice must provide sufficient facts to explain why the IC requires additional time for its review and determination but must not reveal the substance of the underlying allegations.

8. IC Investigations

A. Timing of investigation by the IC: The IC Chairperson shall complete an investigation within 150 days after receiving a referral for investigation by the IC. If the investigation cannot be completed within the 150-day period, the IC Chairperson will promptly notify the Congressional committees of jurisdiction regarding the general reasons for the delay. The notification shall be updated every 30 days until the investigation is complete.

B. Engaging an Assisting IG to conduct an investigation.

i. CIGIE will maintain a list of OIGs capable of undertaking investigations for the IC, and these responsibilities will be rotated and allocated among CIGIE members so as not to create an undue burden on any particular OIG. To the extent possible, investigations will be conducted by an OIG of a similar size, except that this shall not apply to OIGs with fewer than 50 employees.

ii. When so authorized by the IC Chairperson, CIGIE will engage an OIG from the list maintained by CIGIE to investigate the allegations referred by the IC ("Assisting IG"). The IC will provide to the Assisting IG a written description of the allegations to be investigated. The IC and the Assisting IG will agree in writing on the scope of the investigation ("Scope Letter"), a copy of which will be retained by the IC.

iii. With the assistance of the IC, CIGIE and the Assisting IG shall enter into a memorandum of understanding ("MOU") regarding the provisions of the investigative services. The MOU shall incorporate by reference the Scope Letter; however, the Scope Letter will be retained with the IC recordkeeping copy of the MOU pursuant to section 13 of these Policies and will not be retained with other CIGIE records, such as with finance records or other administrative copies of the MOU.

iv. The MOU will include provisions specifying:

a. that conduct of the investigation is subject to the control and direction of the IC Chairperson;

b. that the investigation is to be completed within 150 days of the date on which the IC referred the matter for investigation;

c. that the Assisting IG will provide to the IC periodic status reports concerning the progress of the investigation;

d. the requirements for retention and dissemination of working papers and similar records compiled or prepared in the conduct of the investigation ("IC Investigative Working Papers");

e. procedures for responding to requests for disclosure of IC Investigative Working Papers;

f. that the Assisting IG must immediately notify the IC if the investigation discovers evidence of a crime and that further action will be coordinated with PIN;

g. the terms on which CIGIE will reimburse costs incurred by the Assisting IG in connection with the investigation;

h. that the Assisting IG will notify the IC Chairperson promptly upon determining that a Respondent has interfered with or otherwise prejudiced the investigation; and

i. if the IC's investigation relates to a matter under investigation by PIN or OSC, that the Assisting IG will coordinate and deconflict with PIN or OSC.

C. Investigation conducted by CIGIE Investigator.

i. In lieu of engaging an Assisting IG to conduct an investigation, the IC Chairperson may elect to conduct the investigation using CIGIE staff, personnel detailed to CIGIE by an OIG, or contractors engaged by CIGIE (collectively a "CIGIE Investigator"), subject to the control and direction of the IC Chairperson.

ii. In that event, the IC will prepare a Scope Letter and, to the extent other than CIGIE staff are used, CIGIE will enter into an agreement with terms substantially equivalent to an MOU with an Assisting IG.

iii. A CIGIE Investigator has substantially the same duties and responsibilities as an Assisting IG for purposes of sections 8 and 9 of these Policies.

9. Conducting Investigations

A. Notice to Respondent and opportunity to speak with the investigators during the investigation. The IC Chairperson will coordinate with the Assisting IG when to provide written notification to the Respondent of the following:

i. The allegations to be investigated;

ii. That additional allegations may be investigated as they become known; and

iii. That the Respondent will be given the opportunity to speak with investigators and provide materials prior to the conclusion of the investigation and to submit a written response to the IC concerning the report of investigation.

B. Standards for investigations. The investigation will be conducted in accordance with the most current *Quality Standards for Investigations* issued by CIGIE and utilize the investigative procedures of the Assisting IG unless otherwise directed by the IC Chairperson.

C. Reviewing the status of an investigation. The IC will monitor the progress of all pending investigations. If additional allegations are received in a matter or if additional allegations surface during the course of the investigation, the IC Chairperson, in consultation with the IC, may direct the Assisting IG to expand the scope of the investigation to include such new matters, as appropriate.

D. Notice of interference with investigation. If the IC determines that a Respondent has interfered with or otherwise prejudiced an investigation, the IC may notify the Respondent's appointing authority, the CIGIE Executive Chairperson, and the CIGIE Chairperson, and may offer recommendations for corrective and disciplinary action.

E. Conclusion of the investigation. At the conclusion of the investigation, the Assisting IG will provide to the IC Chairperson a written investigative report (including any exhibits) setting forth the relevant facts and conclusions regarding the allegations. Subject to the directions of the IC Chairperson, the format of the report will be determined by the Assisting IG. Unless otherwise determined by the IC, once the Assisting IG submits its report of investigation, the investigation is considered complete.

10. Post-Investigation Review of Reports of Investigation by the Respondent and the IC

A. Review and comment by the Respondent.

i. Materials for the Respondent's review. A copy of the report of investigation (including any exhibits), or portions of it pertaining to a particular Respondent, will be made available to that Respondent for review. Respondent will also be able to review a transcript of any recorded interview of that Respondent and/or a summary memorandum of any unrecorded interview of that Respondent. The IC Chairperson, after consultation with the Assisting IG as appropriate, may make appropriate redactions pursuant to applicable law or regulation (e.g., the Privacy Act) and in accordance with section 13(B) of these Policies or to protect the identity of a complainant, referring source, or witness in accordance with section 14 of these Policies.

ii. Submission of comments by the Respondent. The Respondent will have 10 business days, beginning when the report of investigation was provided or made available for review, to submit a response to the IC. The IC may grant additional time to submit a response or to submit a more complete response. Absent extraordinary circumstances, no further extensions will be granted.

B. Review by the IC. The IC will review and assess the report of investigation, along with any exhibits and any response thereto, and discuss the proposed findings and conclusions. The Assisting IG may be asked to present the report at a meeting of the IC and answer questions about the investigation and the report.

C. IC determination.

i. Ultimate issues for the IC. The IC will determine whether (1) facts within the report of investigation are proven by a preponderance of the evidence and (2) those facts provide a reasonable basis to conclude that the Respondent engaged in particular wrongdoing. The IC may request the Assisting IG to perform additional investigative work and supplement the report of investigation if necessary to make its determination.

ii. Recommendations generally. The IC may make recommendations, including recommendations for disciplinary action.

iii. Recommendations involving an Acting IG. Whenever the IC makes findings of wrongdoing on the part of an Acting Inspector General, the IC's conclusions and recommendations may include a recommendation that the CIGIE Chairperson work with the appointing authority to ensure that the affected OIG has interim leadership legally empowered to act on the conclusions and recommendations, including, if necessary, designation of an interim IG.

iv. Determination memorialized. The IC's findings, conclusions, and recommendations will be set forth in writing. Dissenting findings, conclusions, and recommendations may be filed by any IC member.

11. Communication of IC Findings, Conclusions, and Recommendations

Within 30 days after completion of the investigation (to the maximum extent practicable), the IC will forward the report of investigation (and any exhibits) and the ICs findings, conclusions, and recommendations, as specified in section 10(C) of these Policies (collectively "IC Report"), in the following manner:

A. To the CIGIE Executive Chairperson, the CIGIE Chairperson, and the appointing authority (the President [for an IG or Designated Staff Member within an establishment] or the head of the designated federal entity [for an IG or Designated Staff Member within

a designated federal entity] for appropriate action). The Executive Chairperson of CIGIE will inform the IC of the final disposition of the matter, including any action taken by the appointing authority.

B. To the Respondent, with a copy to the affected IG if the Respondent is a Designated Staff Member.

C. To the Congressional committees of jurisdiction.

D. The IC, after consultation with the Assisting IG as appropriate, may make appropriate redactions pursuant to applicable law or regulation (e.g., the Privacy Act) and in accordance with section 13(B) of these Policies or to protect the identity of a complainant, referring source, or witness requesting confidentiality in accordance with section 14 of these Policies.

12. Notice of Closure

A. Closure. An IC matter not otherwise closed pursuant to these Policies is deemed closed upon the forwarding of the IC Report as specified in section 11 of these Policies. The IC, however, will be notified upon receipt of final disposition of the matter from the Executive Chairperson of CIGIE.

B. Notification of closure. Unless the matter was communicated anonymously, the IC Chairperson will notify the complainant when a matter is closed. The IC Chairperson will also notify any Respondent from whom the IC had requested a response or whose conduct was the subject of an investigation. All such notices will be subject to applicable laws and regulations regarding disclosure.

13. IC Records

A. Maintenance and Disposal of IC Records

i. Content of Records. All documents received or transmitted by the IC in fulfilling its responsibilities under the IG Act (including, but not limited to, written allegations against Covered Persons; IC correspondence; IC Investigation Working Papers; reports of investigation; reports of final actions taken with regard to proven allegations; and memoranda providing the final dispositions of allegations determined to be frivolous or outside the authority of the IC, or otherwise closed without further investigation) will be maintained as IC records and will be kept separately from other CIGIE records. The CIGIE Chairperson is the statutory custodian of all IC records pursuant to section 11(d)(13) of the IG Act.

ii. Criminal Investigative Files Not Included as IC Records. The IC records will not include any criminal investigative files or work product except for (1) the receipt of allegations of criminal conduct; (2) referral of a matter to the IC arising from a

criminal investigation; (3) referral of a matter back to the IC following consideration by PIN or another prosecutive authority; or (4) a summary report provided by PIN pursuant to section 6(C) of these Policies.

iii. Maintenance of records. The IC will maintain its records as required by law with appropriate security and access restrictions.

iv. Disposal of records. IC records will be disposed of in accordance with applicable record disposition programs.

B. Disclosure of IC Records

i. Privacy Act protection and restrictions on disclosure. IC records will be maintained in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a ("Privacy Act"). The records may be disclosed only in response to the written request of, or with the prior consent of, the individual to whom the record pertains under the conditions specifically set forth in the Privacy Act at 5 U.S.C. § 552a(b), applicable regulations, or as otherwise permitted or required by law.

ii. Access by individuals to their own records. An individual may request access to records pertaining to himself or herself by means of the procedures prescribed by the Privacy Act and its implementing regulations.

iii. Congressional disclosures and reports.

a. The IC Chairperson will provide IC Reports to Congressional committees of jurisdiction as specified in section 11(C) of these Policies.

b. Once an IC Report has been submitted to the Congressional committees of jurisdiction, subject to any other provision of law that would otherwise prohibit disclosure of such information, the IC Chairperson:

1. shall provide the IC Report to any Member of Congress upon request;

2. shall provide more detailed information about specific allegations included in an IC Report at the request of any Member of Congress;

3. may provide the IC Report to any Member of Congress in the absence of a request.

c. The IC shall prepare an annual report regarding the IC's activities for transmission to the Congress by the CIGIE Chairperson by December 31 of each year. The annual report shall include the information specified in section 11(d)(9) of the IG Act. Upon the request of any Member of Congress, subject to any other provision of law that would otherwise prohibit disclosure, the IC Chairperson

shall provide more detailed information about specific allegations referenced in the annual report.

d. CIGIE will refer to the IC Chairperson any Congressional requests for information pursuant to sections 11(d)(8), (9) or (10) of the IG Act or otherwise relating to the activities of the IC.

e. The IC Chairperson will promptly notify the IC members and the CIGIE Chairperson of any Congressional requests for information and will prepare a response, with copies to the IC members and the CIGIE Chairperson.

f. All Congressional requests for information submitted to the IC falling within the scope of and/or pursuant to section 552a(b)(9) of the Privacy Act will be referred to the IC Chairperson, with notice to the IC members and the CIGIE Chairperson. The IC Chairperson will be responsible for responding to such requests. The IC Chairperson will provide a copy of such response to the IC members. The IC Chairperson will also provide a copy of such response to the CIGIE Chairperson if the CIGIE Chairperson has need for the response in the performance of his or her CIGIE duties.

g. Congressional requests that do not fall within the provisions of the IG Act or the scope of section 552a(b)(9) of the Privacy Act will be handled in accordance with section 13(B)(iv).

h. The IC will not provide information while an allegation or investigation is pending, except as required by sections 11(d)(8), (9), and (10) of the IG Act or otherwise required by law.

iv. <u>Disclosures pursuant to the Freedom of Information Act, 5 U.S.C. § 552</u>.

a. The following requests for IC records will be handled pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and applicable regulations implementing FOIA:

(1) requests for access by individuals to their own records (in addition to the procedures described at section 13(B)(ii));
(2) Congressional requests that do not fall within the provisions of the IG Act or the scope of section 552a(b)(9) of the Privacy Act, as described in section 13(B)(iii);
(3) media requests for records; and
(4) other third party requests for records.

b. When CIGIE receives a request for IC records that falls within the four categories listed above, the Working Group will collect all responsive IC records, wherever they may be found. The Working Group will coordinate the response to any such

request with CIGIE's General Counsel or his or her designee prior to the finalization of the response.

C. Other external inquiries relating to the Integrity Committee. Upon receipt of any other external inquiries relating to the IC, all IC members will be notified, and the response to the request will be coordinated by the IC Chairperson.

14. Confidentiality

The IC attempts to protect the confidentiality of a person who makes an allegation of or provides information regarding wrongdoing concerning a Covered Person. The IC will not disclose the identity of such a person without his or her consent, unless the IC Chairperson determines such disclosure is unavoidable during the course of the IC processes or is required by law.

15. Amendments to the IC Policies and Procedures

The CIGIE Chairperson, the CIGIE Vice Chairperson, and any IC member may propose revisions or amendments to these Policies. The IC will consider the proposed revision or amendment following consultation with the CIGIE Chairperson. A majority of the IC members must approve any revision or amendment. Thereafter, the revision or amendment will be submitted to the CIGIE Chairperson who will provide a copy to the Congressional committees of jurisdiction.

16. No Right or Benefit

These Policies are not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.

Appendix A: Definitions

"Abuse of authority" means arbitrary or capricious exercise of power by a federal official or employee that adversely affects the rights of any person or that results in personal gain or advantage to her/him or to preferred other persons. There is no de minimis standard for abuse of authority.

"Days" means calendar days, unless otherwise stated.

"Gross mismanagement" means action or inaction that creates a substantial risk of significant adverse impact on the OIG's ability to accomplish its mission. It does not include discretionary management decisions, or action or inaction that constitutes simple negligence or wrongdoing. There must be an element of willful misconduct or gross and wanton negligence.

"Gross waste of funds" means an expenditure that is significantly out of proportion to the benefit reasonably expected to accrue to the government; it is more than a debatable expenditure.

Appendix B: Section 11(d) of the Inspector General Act, as amended

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

TERMINATION OF OFFICE OF CHIEF INSPECTOR

Pub. L. 105–206, title I, §1103(c)(2), July 22, 1998, 112 Stat. 708, provided that: ''Effective upon the transfer of functions under the amendment made by paragraph (1) [amending this section], the Office of Chief Inspector of the Internal Revenue Service is terminated.''

RETENTION OF CERTAIN INTERNAL AUDIT PERSONNEL

Pub. L. 105–206, title I, §1103(c)(3), July 22, 1998, 112 Stat. 708, provided that: ''In making the transfer under the amendment made by paragraph (1) [amending this section], the Commissioner of Internal Revenue shall designate and retain an appropriate number (not in excess of 300) of internal audit full-time equivalent employee positions necessary for management relating to the Internal Revenue Service.''

ADDITIONAL PERSONNEL TRANSFERS

Pub. L. 105–206, title I, §1103(c)(4), July 22, 1998, 112 Stat. 708, provided that: ''Effective 180 days after the date of the enactment of this Act [July 22, 1998], the Secretary of the Treasury shall transfer 21 full-time equivalent positions from the Office of the Inspector General of the Department of the Treasury to the Office of the Treasury Inspector General for Tax Administration.''

CONTINUATION OF SERVICE OF CERTAIN INSPECTORS GENERAL

Pub. L. 100–504, title I, §102(e)(4), Oct. 18, 1988, 102 Stat. 2517, provided that: ''Any individual who, on the date of enactment of this Act [Oct. 18, 1988], is serving as the Inspector General of the Department of Energy, the Department of Health and Human Services, or the Railroad Retirement Board, shall continue to serve in such position until such individual dies, resigns, or is removed from office in accordance with section 3(b) of the Inspector General Act of 1978 [section 3(b) of Pub. L. 95–452, set out in this Appendix].''

TRANSFER OF AUDIT PERSONNEL TO INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

Pub. L. 97–252, title XI, §1117(e), Sept. 8, 1982, 96 Stat. 753, provided that: ''In addition to the positions transferred to the Office of the Inspector General of the Department of Defense, pursuant to the amendments made by subsection (a) of this section [amending sections 2(1), 9(a)(1), and 11(1) of this Act], the Secretary of Defense shall transfer to the Office of Inspector General of the Department of Defense not less than one hundred additional audit positions. The Inspector General of the Department of Defense shall fill such positions with persons trained to perform contract audits.''

§ 10. Omitted

CODIFICATION

Section, Pub. L. 95–452, §10, Oct. 12, 1978, 92 Stat. 1108, amended sections 5315 and 5316 of Title 5, Government Organization and Employees, and section 3522 of Title 42, The Public Health and Welfare, which amendments have been executed to text.

§ 11. Establishment of the Council of the Inspectors General on Integrity and Efficiency

(a) ESTABLISHMENT AND MISSION.—

(1) ESTABLISHMENT.—There is established as an independent entity within the executive branch the Council of the Inspectors General on Integrity and Efficiency (in this section referred to as the ''Council'').

(2) MISSION.—The mission of the Council shall be to—

(A) address integrity, economy, and effectiveness issues that transcend individual Government agencies; and

(B) increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of the following members:

(A) All Inspectors General whose offices are established under—

(i) section 2; or

(ii) section 8G.

(B) The Inspectors General of the Intelligence Community and the Central Intelligence Agency.

(C) The Controller of the Office of Federal Financial Management.

(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

(E) The Director of the Office of Government Ethics.

(F) The Special Counsel of the Office of Special Counsel.

(G) The Deputy Director of the Office of Personnel Management.

(H) The Deputy Director for Management of the Office of Management and Budget.

(I) The Inspectors General of the Library of Congress, Capitol Police, Government Publishing Office, Government Accountability Office, and the Architect of the Capitol.

(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

(B) CHAIRPERSON.—The Council shall elect 1 of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be 2 years.

(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

(i) preside over meetings of the Council;

(ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and

(iii) provide to the Council such information relating to the agencies and entities represented on the Council as assists the Council in performing its functions.

(B) CHAIRPERSON.—The Chairperson shall—

(i) convene meetings of the Council—

(I) at least 6 times each year;

(II) monthly to the extent possible; and

(III) more frequently at the discretion of the Chairperson;

(ii) carry out the functions and duties of the Council under subsection (c);

(iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of paragraph (1), other than the category from which the Chairperson was elected;

(iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;

(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, made available from the revolving fund established under subsection (c)(3)(B), or as otherwise provided by law, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

(viii) prepare and transmit an annual report on behalf of the Council on the activities of the Council to—

(I) the President;

(II) the appropriate committees of jurisdiction of the Senate and the House of Representatives;

(III) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(IV) the Committee on Oversight and Government Reform of the House of Representatives.

(c) FUNCTIONS AND DUTIES OF COUNCIL.—

(1) IN GENERAL.—The Council shall—

(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

(B) develop plans for coordinated, Governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

(D) maintain an Internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

(E) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;

(F) submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

(G) make such reports to Congress as the Chairperson determines are necessary or appropriate;

(H) except for matters coordinated among Inspectors General under section 3033 of title 50, United States Code,[1] receive, review, and mediate any disputes submitted in writing to the Council by an Office of Inspector General regarding an audit, investigation, inspection, evaluation, or project that involves the jurisdiction of more than one Office of Inspector General; and

(I) perform other duties within the authority and jurisdiction of the Council, as appropriate.

(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—To the extent permitted under law, and to the extent not inconsistent with standards

[1] See References in Text note below.

established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council, as appropriate, shall—

(A) adhere to professional standards developed by the Council; and

(B) participate in the plans, programs, and projects of the Council, except that in the case of a member described under subsection (b)(1)(I), the member shall participate only to the extent requested by the member and approved by the Executive Chairperson and Chairperson.

(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

(A) INTERAGENCY FUNDING.—Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency funding of activities described under subclause (I), (II), or (III) of clause (i), in the performance of the responsibilities, authorities, and duties of the Council—

(i) the Executive Chairperson may authorize the use of interagency funding for—

(I) Governmentwide training of employees of the Offices of the Inspectors General;

(II) the functions of the Integrity Committee of the Council; and

(III) any other authorized purpose determined by the Council; and

(ii) upon the authorization of the Executive Chairperson, any Federal agency or designated Federal entity (as defined in section 8G(a)) which has a member on the Council shall fund or participate in the funding of such activities.

(B) REVOLVING FUND.—

(i) IN GENERAL.—The Council may—

(I) establish in the Treasury of the United States a revolving fund to be called the Inspectors General Council Fund; or

(II) enter into an arrangement with a department or agency to use an existing revolving fund.

(ii) AMOUNTS IN REVOLVING FUND.—

(I) IN GENERAL.—Amounts transferred to the Council under this subsection shall be deposited in the revolving fund described under clause (i)(I) or (II).

(II) TRAINING.—Any remaining unexpended balances appropriated for or otherwise available to the Inspectors General Criminal Investigator Academy and the Inspectors General Auditor Training Institute shall be transferred to the revolving fund described under clause (i)(I) or (II).

(iii) USE OF REVOLVING FUND.—

(I) IN GENERAL.—Except as provided under subclause (II), amounts in the revolving fund described under clause (i)(I) or (II) may be used to carry out the functions and duties of the Council under this subsection.

(II) TRAINING.—Amounts transferred into the revolving fund described under clause (i)(I) or (II) may be used for the purpose of maintaining any training academy as determined by the Council.

(iv) AVAILABILITY OF FUNDS.—Amounts in the revolving fund described under clause (i)(I) or (II) shall remain available to the Council without fiscal year limitation.

(C) SUPERSEDING PROVISIONS.—No provision of law enacted after the date of enactment of this subsection shall be construed to limit or supersede any authority under subparagraph (A) or (B), unless such provision makes specific reference to the authority in that paragraph.[2]

(4) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The establishment and operation of the Council shall not affect—

(A) the role of the Department of Justice in law enforcement and litigation;

(B) the authority or responsibilities of any Government agency or entity; and

(C) the authority or responsibilities of individual members of the Council.

(d) INTEGRITY COMMITTEE.—

(1) ESTABLISHMENT.—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C).

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Integrity Committee shall consist of the following members:

(i) The official of the Federal Bureau of Investigation serving on the Council.

(ii) Four Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 8G(a)).

(iii) The Director of the Office of Government Ethics or the designee of the Director.

(B) CHAIRPERSON.—

(i) IN GENERAL.—The Integrity Committee shall elect one of the Inspectors General referred to in subparagraph (A)(ii) to act as Chairperson of the Integrity Committee.

(ii) TERM.—The term of office of the Chairperson of the Integrity Committee shall be 2 years.

(3) LEGAL ADVISOR.—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as a legal advisor to the Integrity Committee.

(4) REFERRAL OF ALLEGATIONS.—

(A) REQUIREMENT.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of the office of that Inspector General, if—

[2] So in original. Probably should be ''subparagraph.''

(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

(ii) the Inspector General determines that—

(I) an objective internal investigation of the allegation is not feasible; or

(II) an internal investigation of the allegation may appear not to be objective.

(B) DEFINITION.—In this paragraph the term ''staff member'' means any employee of an Office of Inspector General who—

(i) reports directly to an Inspector General; or

(ii) is designated by an Inspector General under subparagraph (C).

(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (B).

(5) REVIEW OF ALLEGATIONS.—

(A) IN GENERAL.—Not later than 7 days after the date on which the Integrity Committee receives an allegation of wrongdoing against an Inspector General or against a staff member of an Office of Inspector General described under paragraph (4)(C), the allegation of wrongdoing shall be reviewed and referred to the Department of Justice or the Office of Special Counsel for investigation, or to the Integrity Committee for review, as appropriate, by—

(i) a representative of the Department of Justice, as designated by the Attorney General;

(ii) a representative of the Office of Special Counsel, as designated by the Special Counsel; and

(iii) a representative of the Integrity Committee, as designated by the Chairperson of the Integrity Committee.

(B) REFERRAL TO THE CHAIRPERSON.—

(i) IN GENERAL.—Except as provided in clause (ii), not later than 30 days after the date on which an allegation of wrongdoing is referred to the Integrity Committee under subparagraph (A), the Integrity Committee shall determine whether to refer the allegation of wrongdoing to the Chairperson of the Integrity Committee to initiate an investigation.

(ii) EXTENSION.—The 30-day period described in clause (i) may be extended for an additional period of 30 days if the Integrity Committee provides written notice to the congressional committees described in paragraph (8)(A)(iii) that includes a detailed, case-specific description of why the additional time is needed to evaluate the allegation of wrongdoing.

(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(B) to be conducted in accordance with this paragraph.

(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

(i) shall provide assistance necessary to the Integrity Committee; and

(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation under this subsection.

(7) PROCEDURES FOR INVESTIGATIONS.—

(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

(B) ADDITIONAL POLICIES AND PROCEDURES.—

(i) ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

(I) determining whether to initiate an investigation;

(II) conducting investigations;

(III) reporting the results of an investigation;

(IV) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report;

(V) except as provided in clause (ii), ensuring, to the extent possible, that investigations are conducted by Offices of Inspector General of similar size;

(VI) creating a process for rotation of Inspectors General assigned to investigate allegations through the Integrity Committee; and

(VII) creating procedures to avoid conflicts of interest for Integrity Committee investigations.

(ii) EXCEPTION.—The requirement under clause (i)(V) shall not apply to any Office of Inspector General with less than 50 employees who are authorized to conduct audits or investigations.

(iii) SUBMISSION TO CONGRESS.—The Council shall submit a copy of the policies and procedures established under clause (i) to the congressional committees of jurisdiction.

(C) COMPLETION OF INVESTIGATION.—If an allegation of wrongdoing is referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee—

(i) shall complete the investigation not later than 150 days after the date on which the Integrity Committee made the referral; and

(ii) if the investigation cannot be completed within the 150-day period described in clause (i), shall—

(I) promptly notify the congressional committees described in paragraph (8)(A)(iii); and

(II) brief the congressional committees described in paragraph (8)(A)(iii) every 30 days regarding the status of the investigation and the general reasons for delay until the investigation is complete.

(D) CONCURRENT INVESTIGATION.—If an allegation of wrongdoing against an Inspector General or a staff member of an Office of Inspector General described under paragraph (4)(C) is referred to the Department of Justice or the Office of Special Counsel under paragraph (5)(A), the Chairperson of the Integrity Committee may conduct any related investigation referred to the Chairperson under paragraph (5)(B) concurrently with the Department of Justice or the Office of Special Counsel, as applicable.

(E) REPORTS.—

(i) INTEGRITY COMMITTEE INVESTIGATIONS.—For each investigation of an allegation of wrongdoing referred to the Chairperson of the Integrity Committee under paragraph (5)(B), the Chairperson of the Integrity Committee shall submit to members of the Integrity Committee and to the Chairperson of the Council a report containing the results of the investigation.

(ii) OTHER INVESTIGATIONS.—For each allegation of wrongdoing referred to the Department of Justice or the Office of Special Counsel under paragraph (5)(A), the Attorney General or the Special Counsel, as applicable, shall submit to the Integrity Committee a report containing the results of the investigation.

(iii) AVAILABILITY TO CONGRESS.—

(I) IN GENERAL.—The congressional committees described in paragraph (8)(A)(iii) shall have access to any report authored by the Integrity Committee.

(II) MEMBERS OF CONGRESS.—Subject to any other provision of law that would otherwise prohibit disclosure of such information, the Integrity Committee may provide any report authored by the Integrity Committee to any Member of Congress.

(8) ASSESSMENT AND FINAL DISPOSITION.—

(A) IN GENERAL.—With respect to any report received under paragraph (7)(E), the Integrity Committee shall—

(i) assess the report;

(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action, within 30 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution; and[3]

(iii) submit the report, with the recommendations of the Integrity Committee, to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and other congressional committees of jurisdiction; and

(iv) following the submission of the report under clause (iii) and upon request by any Member of Congress, submit the report, with the recommendations of the Integrity Committee, to that Member.

(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.

(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

(A) The number of allegations received.

(B) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

(D) The number of allegations closed without referral.

(E) The date each allegation was received and the date each allegation was finally disposed of.

(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

(G) Other matters that the Council considers appropriate.

(10) REQUESTS FOR MORE INFORMATION.—With respect to paragraphs (8) and (9), the Council shall provide more detailed information about specific allegations upon request from any Member of Congress.

(11) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.

(12) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

(A) SPECIAL COUNSEL DEFINED.—In this paragraph, the term ''Special Counsel'' means the Special Counsel appointed under section 1211(b) of title 5, United States Code.

(B) AUTHORITY OF INTEGRITY COMMITTEE.—

(i) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation to the same extent and in the same manner as in the case of an allegation against an Inspector General or against a staff member of an Office of Inspector General described under paragraph (4)(C), subject to

[3] So in original. The word ''and'' probably should not appear.

the requirement that the representative designated by the Special Counsel under paragraph (5)(A)(ii) shall recuse himself or herself from the consideration of any allegation brought under this paragraph.

(ii) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This paragraph shall not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this paragraph involves section 2302(b)(8) of such title, a failure to obtain corrective action within 120 days after the date on which the allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of such title.

(C) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this paragraph, subject to such consultation or other requirements as may otherwise apply.

(13) COMMITTEE RECORDS.—The Chairperson of the Council shall maintain the records of the Integrity Committee.

(Pub. L. 95–452, § 11, as added Pub. L. 110–409, § 7(a), Oct. 14, 2008, 122 Stat. 4305; amended Pub. L. 113–235, div. H, title I, § 1301(b), Dec. 16, 2014, 128 Stat. 2537; Pub. L. 114–113, div. M, title III, § 304, Dec. 18, 2015, 129 Stat. 2913; Pub. L. 114–317, §§ 3, 7(b)(1)(B), (d)(2)(G), Dec. 16, 2016, 130 Stat. 1596, 1605, 1606.)

REFERENCES IN TEXT

Section 3033 of title 50, United States Code, referred to in subsec. (c)(1)(H), was so in the original but probably should have been a reference to section 103H of the National Security Act of 1947, act July 26, 1947, ch. 343, which is classified to section 3033 of Title 50, War and National Defense.

The date of enactment of this subsection, referred to in subsec. (c)(3)(C), is the date of enactment of Pub. L. 110–409, which was approved Oct. 14, 2008.

PRIOR PROVISIONS

A prior section 11 of the Inspector General Act of 1978 was renumbered section 12.

AMENDMENTS

2016—Subsec. (b)(3)(B)(viii). Pub. L. 114–317, § 3(1), amended cl. (viii) generally. Prior to amendment, cl. (viii) read as follows: ''prepare and transmit a report annually on behalf of the Council to the President on the activities of the Council.''

Subsec. (c)(1)(H), (I). Pub. L. 114–317, § 3(2), added subpar. (H) and redesignated former subpar. (H) as (I).

Subsec. (c)(3)(A)(ii). Pub. L. 114–317, § 7(b)(1)(B), substituted ''Federal agency or designated Federal entity (as defined in section 8G(a))'' for ''department, agency, or entity of the executive branch''.

Subsec. (d)(2). Pub. L. 114–317, § 3(3)(A)(i)–(iii), designated existing provisions as subpar. (A) and inserted heading, redesignated former subpars. (A), (B), and (D) as cls. (i), (ii), and (iii), respectively, of subpar. (A) and realigned margins, and struck out subpar. (C) which read as follows: ''The Special Counsel of the Office of Special Counsel.''

Subsec. (d)(2)(A)(i). Pub. L. 114–317, § 3(3)(A)(iv), struck out '', who shall serve as Chairperson of the Integrity Committee, and maintain the records of the Committee'' before period at end.

Subsec. (d)(2)(A)(iii). Pub. L. 114–317, § 3(3)(A)(v), inserted ''or the designee of the Director'' before period at end.

Subsec. (d)(2)(B). Pub. L. 114–317, § 3(3)(A)(vi), added subpar. (B). Former subpar. (B) redesignated cl. (ii) of subpar. (A).

Subsec. (d)(5). Pub. L. 114–317, § 3(3)(B), amended par. (5) generally. Prior to amendment, text read as follows: ''The Integrity Committee shall—

''(A) review all allegations of wrongdoing the Integrity Committee receives against an Inspector General, or against a staff member of an Office of Inspector General described under paragraph (4)(C);

''(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

''(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee under subparagraph (A) to be potentially meritorious that cannot be referred to an agency under subparagraph (B).''

Subsec. (d)(6)(A). Pub. L. 114–317, § 3(3)(C)(i), substituted ''paragraph (5)(B)'' for ''paragraph (5)(C)''.

Subsec. (d)(6)(B)(i). Pub. L. 114–317, § 3(3)(C)(ii), substituted ''shall provide assistance'' for ''may provide resources''.

Subsec. (d)(7)(B)(i)(V) to (VII). Pub. L. 114–317, § 3(3)(D)(i)(I), added subcls. (V) to (VII).

Subsec. (d)(7)(B)(ii), (iii). Pub. L. 114–317, § 3(3)(D)(i)(II), (III), added cl. (ii) and redesignated former cl. (ii) as (iii).

Subsec. (d)(7)(C) to (E). Pub. L. 114–317, § 3(3)(D)(ii), (iii), added subpars. (C) to (E) and struck out former subpar. (C) which related to Integrity Committee and agency reports on investigations of allegations of wrongdoing.

Subsec. (d)(8)(A). Pub. L. 114–317, § 7(d)(2)(G), substituted ''paragraph (7)(E)'' for ''paragraph (7)(C)'' in introductory provisions.

Subsec. (d)(8)(A)(iii), (iv). Pub. L. 114–317, § 3(3)(E), added cls. (iii) and (iv) and struck out former cl. (iii) which read as follows: ''submit to the Committee on Government Oversight and Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and other congressional committees of jurisdiction an executive summary of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).''

Subsec. (d)(9)(B). Pub. L. 114–317, § 3(3)(F), substituted ''the Department of Justice or the Office of Special Counsel'' for ''other agencies''.

Subsec. (d)(10). Pub. L. 114–317, § 3(3)(G), substituted ''any Member of Congress.'' for ''any of the following:

''(A) The chairperson or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

''(B) The chairperson or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

''(C) The chairperson or ranking member of the congressional committees of jurisdiction.''

Subsec. (d)(12), (13). Pub. L. 114–317, § 3(3)(H), added pars. (12) and (13).

2015—Subsec. (b)(1)(B). Pub. L. 114–113 substituted ''the Intelligence Community'' for ''the Office of the Director of National Intelligence''.

CHANGE OF NAME

''Government Publishing Office'' substituted for ''Government Printing Office'' in subsec. (b)(1)(I) on authority of section 1301(b) of Pub. L. 113–235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by section 7(b)(1)(B) of Pub. L. 114–317 effective on the date that is 180 days after Dec. 16, 2016, see section 7(b)(2) of Pub. L. 114–317, set out as a note under section 8M of Pub. L. 95–452 in this Appendix.

EFFECTIVE DATE; EXISTING EXECUTIVE ORDERS

Pub. L. 110–409, § 7(c), Oct. 14, 2008, 122 Stat. 4313, as amended by Pub. L. 114–317, § 7(d)(1), Dec. 16, 2016, 130 Stat. 1606, provided that:

''(1) COUNCIL.—Not later than 180 days after the date of the enactment of this Act [Oct. 14, 2008], the Council of the Inspectors General on Integrity and Efficiency established under this section [enacting this section, renumbering former sections 11 and 12 of Pub. L. 95–452, set out in this Appendix, as 12 and 13, respectively, amending sections 2, 4, and 8G of Pub. L. 95–452, set out in this Appendix, and section 1105 of Title 31, Money and Finance, and enacting provisions set out as a note under section 1211 of Title 5, Government Organization and Employees] shall become effective and operational.

''(2) EXECUTIVE ORDERS.—Executive Order No. 12805, dated May 11, 1992 [formerly set out under section 501 of Title 31], and Executive Order No. 12993 [formerly set out under section 3 of Pub. L. 95–452 in this Appendix], dated March 21, 1996 (as in effect before the date of the enactment of this Act [Oct. 14, 2008]) shall have no force or effect on and after the earlier of—

''(A) the date on which the Council of the Inspectors General on Integrity and Efficiency becomes effective and operational as determined by the Executive Chairperson of the Council; or

''(B) the last day of the 180-day period beginning on the date of enactment of this Act.''

ADDITIONAL OVERSIGHT OF FINANCIAL REGULATORY SYSTEM

Pub. L. 111–203, title IX, § 989E, July 21, 2010, 124 Stat. 1946, provided that:

''(a) COUNCIL OF INSPECTORS GENERAL ON FINANCIAL OVERSIGHT.—

''(1) ESTABLISHMENT AND MEMBERSHIP.—There is established a Council of Inspectors General on Financial Oversight (in this section referred to as the 'Council of Inspectors General') chaired by the Inspector General of the Department of the Treasury and composed of the inspectors general of the following:

''(A) The Board of Governors of the Federal Reserve System.

''(B) The Commodity Futures Trading Commission.

''(C) The Department of Housing and Urban Development.

''(D) The Department of the Treasury.

''(E) The Federal Deposit Insurance Corporation.

''(F) The Federal Housing Finance Agency.

''(G) The National Credit Union Administration.

''(H) The Securities and Exchange Commission.

''(I) The Troubled Asset Relief Program (until the termination of the authority of the Special Inspector General for such program under section 121(k) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(k))).

''(2) DUTIES.—

''(A) MEETINGS.—The Council of Inspectors General shall meet not less than once each quarter, or more frequently if the chair considers it appropriate, to facilitate the sharing of information among inspectors general and to discuss the ongoing work of each inspector general who is a member of the Council of Inspectors General, with a focus on concerns that may apply to the broader financial sector and ways to improve financial oversight.

''(B) ANNUAL REPORT.—Each year the Council of Inspectors General shall submit to the Council and to Congress a report including—

''(i) for each inspector general who is a member of the Council of Inspectors General, a section within the exclusive editorial control of such inspector general that highlights the concerns and recommendations of such inspector general in such inspector general's ongoing and completed work, with a focus on issues that may apply to the broader financial sector; and

''(ii) a summary of the general observations of the Council of Inspectors General based on the views expressed by each inspector general as required by clause (i), with a focus on measures that should be taken to improve financial oversight.

''(3) WORKING GROUPS TO EVALUATE COUNCIL.—

''(A) CONVENING A WORKING GROUP.—The Council of Inspectors General may, by majority vote, convene a Council of Inspectors General Working Group to evaluate the effectiveness and internal operations of the Council.

''(B) PERSONNEL AND RESOURCES.—The inspectors general who are members of the Council of Inspectors General may detail staff and resources to a Council of Inspectors General Working Group established under this paragraph to enable it to carry out its duties.

''(C) REPORTS.—A Council of Inspectors General Working Group established under this paragraph shall submit regular reports to the Council and to Congress on its evaluations pursuant to this paragraph.

''(b) RESPONSE TO REPORT BY COUNCIL.—The Council shall respond to the concerns raised in the report of the Council of Inspectors General under subsection (a)(2)(B) for such year.''

SPECIAL INSPECTORS GENERAL FOR IRAQ AND AFGHANISTAN RECONSTRUCTION

Pub. L. 111–15, § 7, Apr. 24, 2009, 123 Stat. 1605, provided that: ''The Special Inspector General for Iraq Reconstruction and the Special Inspector General for Afghanistan Reconstruction shall be a [sic] members of the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) until the date of termination of the Office of the Special Inspector General for Iraq Reconstruction and the Office of the Special Inspector General for Afghanistan Reconstruction, respectively.''

§ 12. Definitions

As used in this Act—

(1) the term ''head of the establishment'' means the Secretary of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, State, Transportation, Homeland Security, or the Treasury; the Attorney General; the Administrator of the Agency for International Development, Environmental Protection, General Services, National Aeronautics and Space, Small Business, or Veterans' Affairs; the Administrator of the Federal Emergency Management Agency, or the Office of Personnel Management; the Chairman of the Nuclear Regulatory Commission or the Railroad Retirement Board; the Chairperson of the Thrift Depositor Protection Oversight Board; the Chief Executive Officer of the Corporation for National and Community Service; the Administrator of the Community Development Financial Institutions Fund; the chief executive officer of the Resolution Trust Corporation; the Chairperson of the Federal Deposit Insurance Corporation; the Commissioner of Social Security, Social Security Administration; the Director of the Federal Housing Finance Agency; the Board of Directors of the Tennessee Valley Authority; the President of the Export-Import Bank; the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; the Director of the National Security Agency; or the Director of the National Reconnaissance Office; as the case may be;

(2) the term ''establishment'' means the Department of Agriculture, Commerce, Defense,

ADDENDUM A
INTEGRITY COMMITTEE ACCESS
INTEGRITY COMMITTEE POLICIES AND PROCEDURES 2018

Effective Date: March 25, 2021

A. IC Access to OIG Information; Authorized Person. Upon request by the IC under section 7(B) or 7(C) of these Policies, an IG or other person with full and final authority to provide access under this section (Authorized Person) must provide and direct the staff of the OIG to provide the IC or its designated investigators with full and timely access to all OIG records, documents, witnesses, and other information that the IC or its designee deems necessary to carry out the IC's duties and responsibilities under section 11(d) of the IG Act. In reviewing or investigating an allegation of wrongdoing against a Covered Person in a particular OIG, the IC shall have access to OIG records, documents, witnesses, and other information to the same extent, and under the same terms, that section 6 of the IG Act provides each IG with such access with respect to its establishment. Any Authorized Person shall be considered to be a Covered Person pursuant to section 2(D) of these Policies.

B. IC Requests for Assistance – Other Entities and Agencies. Upon request, an OIG, including the IG, Authorized Person, and its senior leadership, will assist the IC or its designated investigators in obtaining records, documents, witnesses, or information from any establishment, entity, or agency. An OIG, including the IG, Authorized Person, and its senior leadership will, upon request, assist the IC in resolving any disputes arising from any such requests.

C. Availability of IC Working Group. An IG or Authorized Person who believes that providing the IC with access to OIG records, documents, witnesses, or other information may be prohibited by law may contact the IC Working Group to discuss appropriate measures to facilitate access.

D. Confidentiality and Privileges. The IC does not consider the provision by an OIG of access to OIG records, documents, witnesses, or other information to constitute a waiver of any applicable privilege or similar doctrine as to third parties. The IC will take appropriate measures to protect the confidentiality of records, documents, information, or witness statements as to which the OIG informs the IC that it claims a privilege or other protection from disclosure as to third parties, including where necessary the redaction of information from IC reports.

E. Failure to Cooperate with IC. Pursuant to section 7(C) of these Policies, if an IG or Authorized Person fails to respond fully and in a timely fashion to an IC request for OIG records, documents, witnesses, or other information, the IC may make an independent finding of wrongdoing against such IG or Authorized Person for failure to cooperate in the IC investigation, either as part of its findings, conclusions, and recommendations regarding the underlying investigation or in a separate report. If the IC makes such a finding for failure to cooperate, then the IC will provide the affected IG or Authorized Person the opportunity to comment on the report, as reflected in section 10 of these Policies.

ADDENDUM B
SUBJECTS WHO LEAVE FEDERAL SERVICE
INTEGRITY COMMITTEE POLICIES AND PROCEDURES 2018

Effective Date: March 12, 2026

As a general matter, upon confirming that a Subject has left federal service, the IC will take steps to close the investigation into that Subject unless one or more of the following criteria demonstrate that there is a compelling public interest in completing the investigation:

a. The nature and severity of the allegations.
b. The potential impact on the continuing operations, independence, integrity, and/or oversight at the involved OIG.
c. Whether the investigation into the Subject that left federal service is inextricably intertwined with the ongoing investigation into other Subjects that are still in federal service.
d. The IC identifies other factors or information supporting the determination that a compelling public interest exists.

In accordance with 5 U.S.C. § 424(d)(8), within 30 days of closing the investigation due to the subject's departure from federal service, the IC will submit a report to the Appointing Official and the IC's congressional committees of jurisdiction notifying them of the Subject's name, the allegations that were previously being investigated, and the fact that the Subject has left federal service.

Additionally, the IC will promptly inform the Assisting IG of its decision and instruct the Assisting IG to cease all investigative activities related to that Subject. The IC will also send a notice to the subject(s) to inform them that the investigation has been closed.