



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

February 13, 2019

MEMORANDUM FOR: The Honorable Kirstjen M. Nielsen
Secretary
Department of Homeland Security

FROM: John V. Kelly 
Acting Inspector General

SUBJECT: *Assistant Secretary for Legislative Affairs
Christine Ciccone's Failure to Cooperate with
Inspector General Review*

I write today to alert you about an ongoing matter involving one of your senior leaders, Assistant Secretary for Legislative Affairs Christine Ciccone, and to formally recommend that you take appropriate disciplinary action against Ms. Ciccone for failing to cooperate with an Inspector General review.

Beginning in September 2018, our colleagues at the Department of State Office of Inspector General (State OIG) have been attempting to interview Ms. Ciccone. At the request of several congressional committees,¹ State OIG is reviewing allegations of prohibited personnel practices that occurred while Ms. Ciccone was the State Department's Deputy Chief of Staff. Ms. Ciccone is a key witness in State OIG's review; however, she has been unwilling to schedule an interview despite repeated requests made to both her and her attorney over many months. According to our colleagues at State OIG, Ms. Ciccone's attorney has made demands to review documents and interview memoranda as a precursor to her

¹ See Jan. 29, 2018 letter from Rep. Engel, then Ranking Member of the House Committee on Foreign Affairs and Rep. Cummings, then Ranking Member of the House Committee on Oversight and Government Reform to State Department Inspector General Steve A. Linick, *available at* <https://oversight.house.gov/news/press-releases/engel-cummings-to-state-dept-inspector-address-alleged-political-retribution>; Apr. 4, 2018 letter from Rep. Engel, then Ranking Member of the House Committee on Foreign Affairs, Senator Menendez, Ranking Member of the Senate Foreign Relations Committee, and Rep. Cummings, then Ranking Member of the House Committee on Oversight and Government Reform, *available at* <https://engel.house.gov/latest-news/engel-menendez-cummings-demand-investigation-into-state-department-cleaning-of-career-employees/>.



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interview taking place. While State OIG will not, and is not required to, provide access to all of the requested information, arrangements have been made to provide Ms. Ciccone access to her State Department email account once her attorney provides a date certain for the interview.

Pursuant to the Inspector General Act (IG Act), we have assisted State OIG in attempting to schedule an interview with Ms. Ciccone and have enlisted Acting Deputy Secretary Grady in our efforts. We very much appreciate the Deputy Secretary's assistance and her instruction to Ms. Ciccone that she must participate in the interview. However, as of today, Ms. Ciccone has not scheduled a time to meet with State OIG staff. On Monday February 11, 2019, staff from State OIG, along with DHS OIG Deputy Inspector General Jennifer Costello, met with congressional staff to inform them of Ms. Ciccone's failure to cooperate.

Inspectors General have a unique role and responsibility within federal agencies and our unfettered access to documents and information is vital to achieving our critical mission. As you know, the IG Act authorizes us to have broad and timely access to all records and other materials necessary for carrying out our duties and responsibilities.² The Act also requires the Department to provide assistance to *any* IG making a request for such information, to the extent practicable.³

DHS has implemented the requirements of the Act in DHS Management Directive 0810.1, which in part states that DHS employees will be subject to disciplinary action if they refuse to provide documents or information or to answer questions posed by the OIG. Ms. Ciccone's handling of this situation is not consistent with her obligations as an employee under this directive. Further, Ms. Ciccone's refusal to comply with State OIG's request for an interview sets a dangerous precedent contrary to the fundamental tenants of the IG Act, with the potential to undermine our critical oversight function. Therefore, I recommend that you take appropriate disciplinary action against Ms. Ciccone under Management Directive 0810.1.

Thank you in advance for your prompt attention to our concerns. Please let us know once you have determined what action you plan to take. Feel free to contact me or Deputy Inspector General Jennifer L. Costello should you need more information or wish to discuss this matter further.

² Inspector General Act, Section 6(a).

³ Inspector General Act, Section 6(c)(1).



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cc: The Honorable Claire M. Grady
Senior Official Performing the Duties of the Deputy Secretary

The Honorable Steve A. Linick
Inspector General, Department of State

The Honorable Eliot Engel, Chairman
The Honorable Michael McCaul, Ranking Member
Committee on Foreign Affairs
U.S. House of Representatives

The Honorable Elijah Cummings, Chairman
The Honorable Jim Jordan, Ranking Member
Committee on Oversight and Reform
U.S. House of Representatives

The Honorable James E. Risch, Chairman
The Honorable Bob Menendez, Ranking Member
Committee on Foreign Relations
U.S. Senate

The Honorable Ron Johnson, Chairman
The Honorable Gary Peters, Ranking Member
Committee on Homeland Security and Governmental Affairs
U.S. Senate

The Honorable Bennie Thompson, Chairman
The Honorable Mike Rogers, Ranking Member
Committee on Homeland Security
U.S. House of Representatives