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Office of Inspector General  
United States Department of State

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ESP-22-04

Office of Evaluations and Special Projects

September 2022

# **Evaluation of the Department of State's Compliance with the Authorities Act**

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# HIGHLIGHTS

Office of Inspector General  
United States Department of State

ESP-22-04

## What OIG Reviewed

The Department of State Authorities Act requires bureaus, posts, and offices to report allegations of criminal activity by an employee and serious misconduct committed by senior level officials or law enforcement officers, as well as allegations of fraud, waste, and abuse to the Office of Inspector General (OIG). OIG initiated this evaluation to determine the Department's compliance with this reporting requirement, specifically: (1) whether the Department provided sufficient guidance on the reporting requirement; and (2) whether the Department reports all applicable allegations within the designated timeframe.

## What OIG Recommends

OIG made two recommendations to the Office of the Under Secretary for Management to coordinate with affected stakeholders to: (1) develop standard guidance for all reporting entities clarifying which allegations the Department should report to OIG under the Authorities Act, including definitions of "serious misconduct" and "head of the Department entity;" and (2) develop a standard approach to tracking the reporting of allegations to OIG.

September 2022

OFFICE OF EVALUATIONS AND SPECIAL PROJECTS

## Evaluation of the Department of State's Compliance with the Authorities Act

### What OIG Found

OIG reviewed guidance issued by the Department to inform bureaus, posts, and offices of their reporting responsibilities under the Authorities Act and spoke with bureau officials about this guidance. The guidance is of limited utility as it simply quotes the language in the Authorities Act statute. Neither the law nor Department guidance define key terms such as "serious misconduct" or office "head," thus leaving bureaus to interpret which allegations to report. OIG found that additional clarifying guidance would be helpful to bureau officials to ensure uniform compliance with the Authorities Act.

To assess compliance rates and timeliness of Authorities Act reports to OIG, OIG attempted to compare allegations it received under the Authorities Act from October 1, 2018, through September 30, 2019, from three Department of State (Department) bureaus—the Bureau of Diplomatic Security, the Bureau of Global Talent Management, and the Bureau of Consular Affairs—with related records maintained by the three bureaus. However, due to variances in how the Bureaus and OIG record and report Authorities Act data, OIG was unable to determine exact rates of compliance or timeliness, although OIG did find that the Bureaus were making good faith efforts to comply with the Act.

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## OBJECTIVE

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On December 16, 2016, Congress amended the Foreign Service Act of 1980 to require the Department of State (Department) to report allegations of criminal activity by a Department employee and serious misconduct committed by senior level officials or law enforcement officers, as well as allegations of fraud, waste, and abuse, to the Office of Inspector General (OIG) within a prescribed time period.<sup>1</sup> OIG's Office of Investigations (INV) is the division within OIG that receives these reports from the Department.<sup>2</sup> The law is commonly known as the Department of State Authorities Act (Authorities Act). OIG initiated this evaluation to determine the Department's compliance with the reporting requirement. Specifically, OIG examined: (1) whether the Department provided sufficient guidance on the reporting requirement; and (2) whether the Department reports all applicable allegations within the designated timeframe.

To evaluate the Department's compliance with the Authorities Act, OIG reviewed Department policies related to the Authorities Act reporting requirement. OIG interviewed officials from the Bureaus of Consular Affairs (CA), Diplomatic Security (DS), and Global Talent Management (GTM)—the three Bureaus within the Department that report the majority of Authorities Act allegations—about their reporting processes, coordination with other offices, and issuance of internal guidance. OIG also interviewed officials from INV to understand its process for receiving and handling Authorities Act allegations. OIG requested data from CA, DS, and GTM for allegations that met the Authorities Act criteria from October 1, 2018 through September 30, 2019.<sup>3</sup> OIG compared the data to the allegations in INV's case management system to assess compliance rates. OIG conducted this evaluation in accordance with the Quality Standards for Inspection and Evaluation (January 2012) as issued by the Council of the Inspectors General on Integrity and Efficiency.

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<sup>1</sup> Congress included this amendment in the Department's authorization bill, Department of State Authorities Act, Fiscal Year 2017, Pub. L. No. 114-323, and it is codified at 22 U.S.C. § 3929(c)(6). The amendment requires Department entities to report fraud, waste, or abuse in Department programs and operations, and mandates that criminal or serious misconduct alleged to have been committed by Department employees at FS-1, GS-15, GM-15 levels and higher, criminal misconduct of a Department employee, and serious, noncriminal misconduct of Department employees authorized to make arrests and perform other law enforcement duties also be reported no later than 5 business days after the head of a bureau, post, or other office is made aware of the allegation.

<sup>2</sup> To distinguish between the two entities, this report uses "OIG" when referring to the work of this evaluation and "INV" when discussing the OIG group that receives and investigates Authorities Act allegations.

<sup>3</sup> OIG initiated a preliminary review in July 2019 and requested relevant reports the three Bureaus received between March 30, 2017, and July 10, 2019. OIG agreed to shorten the time period of the data requests for CA's Office of Fraud Prevention Programs, Consular Integrity Division (CID) and DS based on staffing issues and the labor required to compile the data. CID provided data for April and May 2017, and DS provided data for April through December 2017. CA's Executive Office's Human Resources Division (HRD) and GTM's Office of Employee Relations, Conduct, Suitability, and Discipline Division (CSD) provided the data for the entire requested time period. Based on the results of the preliminary review, OIG began a full evaluation in September 2020 requesting and using fiscal year (FY) 2019 data, which allowed OIG to compare the most recent complete fiscal year of reporting data for all three Bureaus.

## **BACKGROUND**

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In December 2016, Congress amended the Foreign Services Act of 1980 to mandate that the Department report to OIG allegations of fraud, waste, and abuse, as well allegations of “criminal or serious misconduct on the part of a Department employee at the FS-1, GS-15, or GM-15 level or higher; criminal misconduct on the part of a Department employee; and serious, noncriminal misconduct on the part of any Department employee who is authorized to carry a weapon, make arrests, or conduct searches, such as conduct, that if proved, would constitute perjury or material dishonesty, warrant suspicion as discipline for a first offense, or result in loss of law enforcement authority.”<sup>4</sup> On March 30, 2017, the Secretary of State issued a cable informing Department employees of the new mandate, explaining that it obligated the “head of a bureau, post, or other office” to report certain types of employee misconduct to OIG within 5 business days of becoming aware of the allegation.<sup>5</sup> In April 2017, the Department updated the Foreign Affairs Manual (FAM) to include the reporting requirement.<sup>6</sup> Neither the guidance nor the law define key terms such as “serious misconduct” or identify who is the “head” of an office.

### **The Bureaus’ Processes for Reporting Authorities Act Allegations to OIG**

CA, DS, and GTM have different processes for assessing and reporting Authorities Act allegations to INV.

#### ***Consular Affairs/Consular Integrity Division***

CA has two entities that file reports, the Office of Fraud Prevention Programs (FPP) Consular Integrity Division (CID) and the Office of the Executive Director’s Human Resources Division (HRD). CID receives allegations either through the CID email inbox or through an anonymous portal on CID’s website. Staff from FPP, and two representatives from DS’s Criminal Investigations Division, Criminal Fraud Investigations Branch who are co-located in CA, meet weekly to determine which allegations meet the criteria listed in the March 30, 2017, cable and should be sent to the Assistant Secretary for Consular Affairs for reporting.<sup>7</sup> Since the criteria contained in the Authorities Act statute are vague, CID sends many of the allegations it receives to the CA front office to be reported to the Assistant Secretary. CID’s Analysis Branch Chief told OIG they err on the side of overreporting and even refer allegations that contain little information. For example, it is common for CID to receive allegations that consular officials inappropriately accessed information or that question a consular officer’s judgment adjudicating visas, but do not contain more detail. CA management told OIG that they are

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<sup>4</sup> Department of State Authorities Act, Fiscal Year 2017, Pub. L. No. 114-323, codified at 22 U.S.C. § 3929(c)(6).

<sup>5</sup> Cable 17 STATE 30412, “New Required Reporting of Allegations to the OIG,” March 30, 2017.

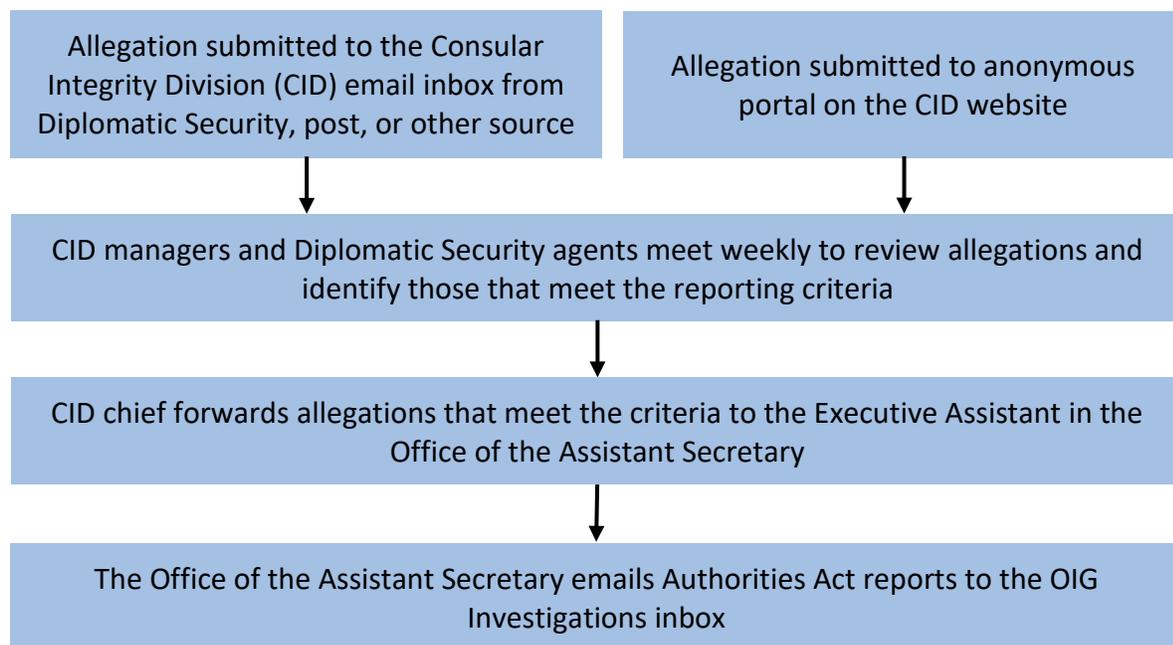
<sup>6</sup> 1 FAM 053.2-6, “Required Reporting of Allegations to the OIG,” April 13, 2017.

<sup>7</sup> CA interprets the “head” for reporting purposes to be the Assistant Secretary.

unsure how useful it is to report those types of allegations with limited details, but, because they do not want to run afoul of the reporting requirement, they still report them.

CID does not track the date CA sends Authorities Act allegations to INV but records the date it receives an allegation and the date it sends the allegation to the Assistant Secretary's office for review. The Assistant Secretary's office then transmits the allegations via email to OIG's inbox.<sup>8</sup> After that, barring follow-up or a referral back to CID, there is rarely further communication with INV. CA officials told OIG it would be helpful to know if INV intends to pursue the allegation, so that CA may take action if INV does not. Figure 1 outlines CID's reporting process.

**Figure 1: CA/CID Authorities Act Reporting Process**



**Source:** OIG analysis of Department information.

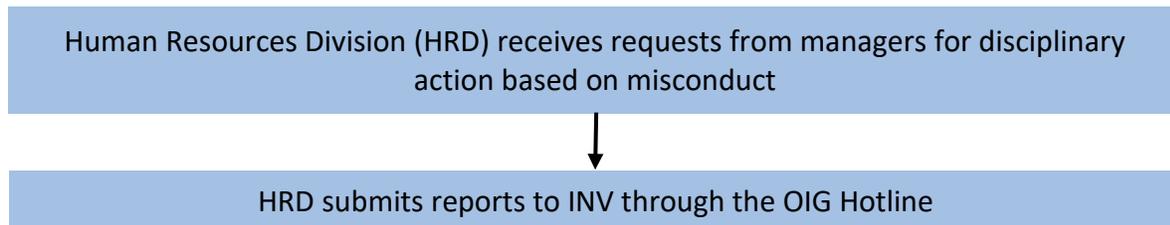
### ***Consular Affairs/Executive Office/Human Resources Division***

CA/EX/HRD's process is less standardized than CID's, largely because there are fewer allegations to report.<sup>9</sup> A human resources specialist told OIG that allegations of abuse of overtime and forging forms are the complaints HRD receives most frequently. HRD generally sends allegations directly to INV's Hotline rather than routing them to CA's front office for review. Figure 2 outlines HRD's reporting process.

<sup>8</sup> OIG has an internal email inbox designated for receiving Authorities Act reports. In general, INV treats reports from the Bureaus as Authorities Act submissions; however, occasionally individual employees will send an email to a specific INV employee, such as a criminal investigator, alleging behavior that falls within an Authorities Act category but not label it as such.

<sup>9</sup> During the period of this review, fiscal year 2019, CA/EX/HRD reported two Authorities Act allegations. In contrast, CA/CID reported 60 allegations during the same period.

**Figure 2: CA/EX/HRD Authorities Act Reporting Process**



Source: OIG analysis of Department information.

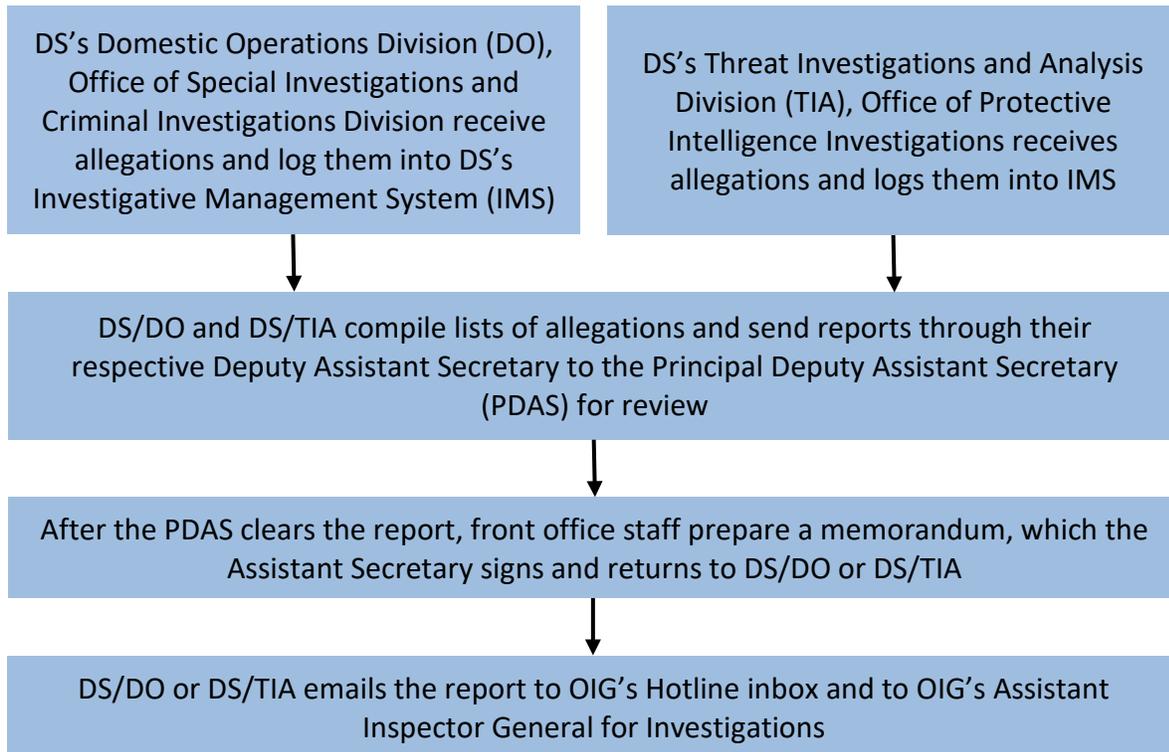
### ***Diplomatic Security***

DS provides the largest number of Authorities Act reports in the Department and has two directorates that compile Authorities Act allegations: Domestic Operations (DS/DO) and Threat Investigations and Analysis (DS/TIA).

Within DS/DO, the Office of Special Investigations (OSI) investigates criminal and administrative misconduct of U.S. government employees and others under the Chief of Mission authority overseas, as well as misconduct by Department personnel and contractors domestically. DS/OSI receives allegations through a 24-hour hotline and an inbox that all investigators can access, and its staff logs the allegations into DS's case management database. DS's Criminal Investigations Division (DS/INV/CR) also receives allegations and is the responsible investigatory entity for employee corruption and issuance crime per 12 Foreign Affairs Handbook-4 H-154. Allegations of direct hire American and/or local staff employee corruption or wrongdoing related to visas, passports, consular reports of birth abroad, and other official department documents fall within the purview of the Criminal Fraud Investigations Branch (DS/CR/CFI). CFI receives allegations through a shared email inbox, via direct notification from agents in the field, and/or in coordination with the DS Branch Chief assigned to CA/CID.

Within DS/TIA, the Office of Protective Intelligence Investigations (PII) directs, coordinates, and conducts investigations of internal and external threats as they relate to terrorism, political and workplace violence, and suspicious activity. Both DS/DO and DS/TIA log Authorities Act allegations into DS's Investigative Management System (IMS) and compile reports for review by the Principal Deputy Assistant Secretary (PDAS) of DS. DS/DO sends reports weekly to the PDAS and DS/TIA sends them as it receives allegations. After the PDAS review, the staff assistant or senior advisor in the DS front office prepares a cover memorandum that the Assistant Secretary signs and returns to DS/DO or DS/TIA for transmittal to INV via email to OIG's inbox, along with an electronic copy to OIG's Assistant Inspector General for Investigations. Figure 3 outlines DS's reporting process.

**Figure 3: DS Authorities Act Reporting Process**



Source: OIG analysis of Department information.

DS does not attempt to define “serious misconduct,” and simply reports all allegations of misconduct, which, according to a DS official, likely leads to overreporting. DS considers the 5-day reporting window to begin when OSI sends the allegations to the Assistant Secretary, the head of the bureau, regardless of when OSI received the allegation, which is consistent with the language in the Authorities Act.

DS may elect to open a case to investigate the allegation, depending upon the specifics, but officials noted they send all Authorities Act allegations to INV regardless of whether DS opens a case. DS and INV will communicate about cases if needed.

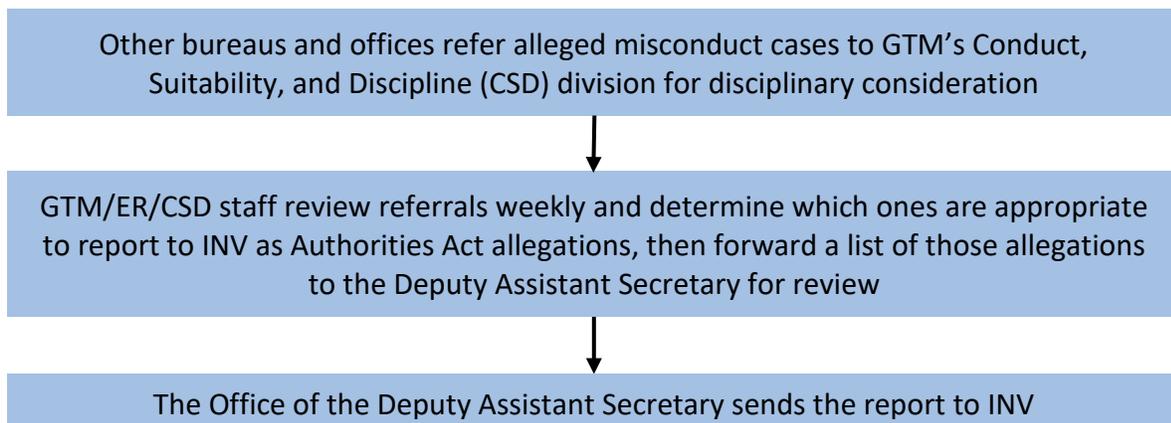
### ***Global Talent Management***

Unlike CA and DS, GTM receives allegations later in the process; other Department entities refer cases to GTM’s Office of Employee Relations (ER), Conduct, Suitability, and Discipline Division (CSD) for disciplinary consideration. The CSD staff meets weekly to discuss the referrals and determine which are reportable to INV under the Authorities Act. A Human Resources Specialist said submitting entities do not flag the referrals as implicating the Authorities Act, so it is up to CSD to determine whether allegations constitute waste, fraud, abuse, criminal misconduct, or serious misconduct. In defining “serious misconduct,” CSD relies generally, but not exclusively, on the language in the law that pertains to law enforcement officers—i.e.,

conduct that would lead to suspension for a first offense—and then applies it to all employees at the GS-15 or FS-01 levels and higher.

After CSD determines which referrals are Authorities Act allegations, its employees compile and send a list to the Deputy Assistant Secretary for review; after which the list is sent to INV. GTM does not track the dates it sends complaints to INV, only the dates it receives complaints. Figure 4 outlines GTM’s reporting process.

**Figure 4: GTM Authorities Act Reporting Process**



Source: OIG analysis of Department information.

## OIG’s Authorities Act Process

INV receives Authorities Act allegations from two sources. The first is Bureaus that send memoranda with summaries of situations and allegations that fall under the categories in the law; the memoranda are specifically flagged as “Authorities Act reports.” The second is individuals who send an email or file a report through INV’s Hotline portal on OIG’s website and indicate they are submitting the allegation in accordance with the Authorities Act reporting requirement. INV does not independently confirm if an allegation meets the Authorities Act criteria; all allegations referred to INV pursuant to the Authorities Act are accepted as such and logged into INV’s tracking system as a reported Authorities Act complaint.

## RESULTS

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### Bureau Officials told OIG Additional Guidance Would Enhance Reporting

As part of this evaluation, OIG requested all guidance the Bureaus disseminated to ensure awareness of the responsibility to report relevant allegations to OIG, and all policies and procedures about the necessary steps to do so. According to federal internal control standards, management should communicate the necessary quality information to achieve its objectives.<sup>10</sup>

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<sup>10</sup> GAO, *Standards for Internal Control in the Federal Government*, page 58 (GAO-14-704G, September 2014).

Quality information is “appropriate, current, complete, accurate, accessible, and provided on a timely basis.”<sup>11</sup> Additionally, effectively documenting this information—for example, through policies and procedures—provides a means to retain organizational knowledge and mitigate the risk of having that knowledge limited to a few personnel.<sup>12</sup> OIG determined that the lack of Department-wide clear guidance that includes definitions concerning what Authorities Act allegations to report to OIG contributed to inconsistencies and overreporting and reports that lacked necessary specificity.

Bureau officials told OIG that they primarily rely on the Department’s March 2017 cable and 1 FAM 053.2-6 (updated April 2017), both of which lack definitions for key terms or assistance for how to implement the requirement beyond a suggested report template (see Appendix B).<sup>13</sup> The Bureaus may issue other regular reminders about required reporting but nothing specifically about what Department employees should report as an Authorities Act allegation or how to do so. For example, a CA/EX/HRD official told OIG that when the division processes new staff, they inform them about reporting information to INV, but do not explicitly mention the Authorities Act. Similarly, DS issues an annual cable that references 1 FAM 053.2-6 and reminds staff about reporting Authorities Act allegations to INV but does not include specific details as to how to report.<sup>14</sup> While GTM has internal standard operating procedures for processing and reporting the Authorities Act allegations it receives, that guidance is exclusive to the division that processes the request and is not distributed beyond that division.

The absence of clarifying guidance leaves these Bureaus to define who is considered the “head” for reporting purposes and what behaviors constitute “serious” misconduct, which results in inconsistencies. For example, CA and DS consider the head to be the Assistant Secretary, whereas GTM considers it to be a Deputy Assistant Secretary. These differences may affect the length of time between a bureau receiving an allegation, notifying the “head,” and reporting it to INV.

The effect of the lack of a common definition of “serious misconduct” is more significant. Without a clear definition of the term, the Bureaus must make impromptu determinations as to which allegations meet the criteria and have occasionally sought INV’s assistance. INV has responded to specific questions about types of allegations to report, which they did not view as official guidance; CA and GTM, however, treated it as such and modified their reporting and

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<sup>11</sup> GAO-14-704G, September 2014, page 60.

<sup>12</sup> GAO-14-704G, September 2014, pages 29, 56.

<sup>13</sup> Cable 17 STATE 30412, “New Required Reporting of Allegations to the OIG,” March 30, 2017; 1 FAM 053.2-6, April 13, 2017.

<sup>14</sup> Cable 22 STATE 36524, “Office of the Inspector General (OIG) Reporting Requirements,” April 8, 2022. The cable specifies, “Posts and program offices in DS are required to report allegations that meet the criteria outlined in REF A and 1 FAM 053.2-6 directly to the OIG. This is a reporting requirement only; no further interaction or follow up with the OIG is required. Please ensure that allegations reported from post have been briefed to the Chief of Mission (COM), as appropriate, prior to the release of the report. As described in the REFs, the head of a bureau, post, or other office of the Department must report to the OIG certain allegations no later than five business days after the date on which the head is made aware of such allegation.”

internal guidance based on INV's responses. For example, based on a particular response from INV, CA/CID ceased sending allegations in which the subject's name is unknown, and GTM stopped reporting routine security violations and standard allegations involving failure to pay a government credit card. GTM officials inquired if they should report FS-01 or GS-15 employees who failed to pay credit card debt, but were advised by INV that unless the debt was egregious and exceeded an estimated dollar threshold that might signify fraud, they should not report it.<sup>15</sup> INV also provided feedback to GTM about reporting certain domestic violence allegations that narrowly interpreted the reporting requirement and advised GTM to stop reporting allegations involving anyone other than a senior official.<sup>16</sup> GTM incorporated these informal responses from INV into internal guidance and operating procedures, which employees use when deciding what to report to INV.<sup>17</sup> Although the ad hoc responses were intended to provide clarity, they may have inadvertently had the opposite effect, resulting in different understandings among the Bureaus about which allegations to report.

Bureau officials told OIG that they welcome the implementation of Department-wide guidance that defines and clarifies the broadly written law to eliminate overreporting and gives Department entities a common understanding of which allegations to report. Such guidance would conform to federal internal control standards.

### **While Bureaus Report Authorities Act Allegations, Due to Varying Approaches for Recording and Reporting, OIG Could Not Determine Exact Compliance Rates and Timeliness**

OIG attempted to determine the Department's compliance rate and timeliness for reporting Authorities Act allegations from October 1, 2018, through September 30, 2019, by comparing the allegations reported by the Bureaus to INV records.<sup>18</sup> OIG was able to confirm that the Bureaus reported Authorities Act allegations by matching 1 of 2 allegations provided by CA/EX/HRD, 55 of 60 CA/CID allegations, 163 of 427 DS allegations, and 45 of 74 GTM allegations to INV records. However, due to variances in how the Bureaus and INV record and report Authorities Act data, OIG was unable to determine the exact rates of compliance or timeliness.

Variances in Bureau- and INV-reported data include different subject name configurations, different descriptions of allegations, and dates that did not always align. For instance, the subject's name, post, and position were recorded differently across bureaus and in INV's data. Some names appeared misspelled or with a different variation (Dave rather than David), and others had the first and last names transposed.

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<sup>15</sup> Email exchange between GTM and INV, September 5, 2019.

<sup>16</sup> Email exchange between GTM and INV, February 5, 2021. The Act requires the reporting of "any allegation" of conduct defined by the act, and the reporting of criminal conduct is not limited to senior officials.

<sup>17</sup> HR/ER/CSD Guidelines for OIG Reporting Pursuant to 22 U.S.C. 3929, September 30, 2021.

<sup>18</sup> See Appendix A for further details on the team's approach to requesting and comparing allegations.

The description of the allegations, both in the descriptions provided by reporting bureaus and in INV's case management system, also were sometimes vague, limited, or different enough that we could not determine whether allegations matched. For example, the list of Authorities Act reports INV provided the evaluation team contained broad categories of allegations such as "contract fraud" or "other employee misconduct."<sup>19</sup> Similarly, the allegations CA/CID included in its report to OIG involved descriptions such as "inappropriate access to information" or "adjudication irregularities," but did not include details about what those terms meant.<sup>20</sup> In another example, CA/EX/HRD, DS, and GTM all reported an allegation that a Passport Specialist had previous arrests not reported to the Department. INV's data contained an allegation for the same subject, but it was for a different allegation—bullying and spreading false rumors about colleagues.

In addition, because the Bureaus and INV received and reported allegations at different times, OIG could not rely on the reported dates to compare Authorities Act allegations or determine whether the Department is meeting the 5-day reporting requirement. For example, CA/CID tracks the dates it sends allegations to the CA Front Office, but not the dates the bureau reports the allegations to INV. DS and GTM did not include dates for a majority of their referrals. Additionally, INV does not track the dates it receives complaints, only when it enters the reports in its database, which may or may not be the same date.<sup>21</sup>

Despite the limitations of the data, and OIG's inability to determine overall compliance rates, it appears that CA, DS, and GTM are generally making good faith efforts to comply with the Authorities Act by reporting allegations to INV. Developing consistent tracking of reports by both the Bureaus and INV, coupled with clearer guidance, will enhance OIG's ability to assess the Department's timeliness and compliance in the future.

## CONCLUSION

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OIG found that the Bureaus appear to be making a good faith effort to comply with Authorities Act reporting requirements, but absent additional guidance that defines key terms, the Bureaus will likely continue to report inconsistently, overreport, and report allegations that may contain little useful information. Due to variances in how the Bureaus and INV record and report Authorities Act allegations, OIG could not accurately evaluate the Department's compliance rate or timeliness for reporting allegations of criminal and serious misconduct, as required by the Act.

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<sup>19</sup> INV uses these categories because they are the categories it is required to report on in OIG's Semi-Annual Report to Congress.

<sup>20</sup> CA/CID officials told OIG that examples of "adjudication irregularities" are allegations where a consular adjudicator may be processing or denying a higher percentage of applicants than other adjudicators in an office or where an adjudicator cherry-picks certain categories of applicants for approval or denial.

<sup>21</sup> INV's case management system was designed prior to the Authorities Act and does not track the dates INV receives allegations, but rather when a file is opened.

## RECOMMENDATIONS

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OIG issued the following recommendations to the Office of the Under Secretary for Management (M) to improve the consistency and timeliness of Department reporting of Authorities Act allegations. The Department did not provide formal comments but told OIG that it agreed with the recommendations. The Department provided technical comments which we incorporated as appropriate.

**Recommendation 1:** The Under Secretary for Management should develop standard guidance for all reporting entities, clarifying which allegations the Department should report to OIG under the Authorities Act and defining the terms “serious misconduct” and “head of the Department entity,” and include affected stakeholders in the development of the guidance.

**Management Response:** The Department agreed with this recommendation. In technical comments, the Bureau of Diplomatic Security (DS) requested clarification on whether an allegation must be reported by both a post and DS headquarters or whether such duplicate reporting is unnecessary.

**OIG Reply:** This recommendation can be closed when OIG receives a copy of the guidance. The request for clarification to avoid duplicate reporting is an example of the type of issue that can be addressed in such guidance.

**Recommendation 2:** The Under Secretary for Management should develop a standard approach to tracking reporting dates to ensure compliance with the law and update internal guidance accordingly.

**Management Response:** The Department agreed with this recommendation.

**OIG Reply:** This recommendation can be closed when OIG receives a copy of the updated guidance.

## APPENDIX A: PURPOSE, SCOPE, AND METHODOLOGY

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The Office of Inspector General (OIG) initiated this evaluation to determine: (1) whether the Department provided sufficient guidance on the reporting requirement; and (2) whether the Department reports all applicable allegations within the designated timeframe. OIG conducted this evaluation in accordance with the Quality Standards for Inspection and Evaluation as issued by the Council of the Inspectors General on Integrity and Efficiency.

For the first objective, OIG reviewed the Department's reporting guidance, including the cable issued on March 30, 2017 and the Foreign Affairs Manual (FAM) provision that advised employees about the requirement. OIG also reviewed the Bureau of Diplomatic Security's (DS) internal cables reminding employees to report misconduct, and the Bureau of Global Talent Management's (GTM) standard operating procedures. OIG interviewed Bureau officials responsible for compiling and reporting Authorities Act allegations in the Bureau of Consular Affairs (CA), DS, and GTM to obtain information on how the Bureaus determine what allegations to report to OIG, and what guidance they provide to their employees on complying with the Act. OIG also interviewed officials from INV responsible for compiling and tracking Authorities Act reports provided by the Bureaus.

For the second objective, OIG requested that CA, DS, and GTM provide data on all allegations in fiscal year 2019 (October 1, 2018 through September 30, 2019) in the following categories:

- (1) criminal misconduct by any employee;
- (2) misconduct involving employees at the FS-1, GS-15, or GM-15 level or higher; and
- (3) Department employees who are authorized to carry a weapon, make an arrest, or conduct a search and whose conduct would constitute perjury, result in suspension for a first offense or loss of law enforcement authority.

Using the reporting criteria in 1 FAM 053.2-6(f), "Required Reporting of Allegations to the OIG," we asked the Bureaus to provide the following information for each allegation in their records that was subject to the Authorities Act reporting requirement:

- name of subject (last, first, middle initial)
- grade
- position title
- post, bureau, or office
- allegation(s)
- the date the allegation was received by the post, bureau, or office head
- the date the allegation was reported to OIG

After standardizing and cleaning the data to allow for allegation comparisons, OIG compared 60 CA/CID allegations, 2 CA/EX/HRD allegations, 427 DS allegations, and 74 GTM allegations

against 189 INV allegations by matching subject first and last names. A comparison of the names of subjects in 189 INV allegations against bureau-provided data produced inconsistent results across all three bureaus.

OIG then conducted expanded name searches in INV's case management system, applying staff judgment to identify additional subject name matches or possible matches.<sup>22</sup> The INV case management system search resulted in 19 additional matches for CA/CID, 65 additional matches for DS, and 8 additional matches for GTM. Table 1 shows a comparison of the different Bureaus' Authorities Act match rates with INV data. OIG interviewed CA, DS, GTM, and INV officials about how they identified the Authorities Act allegations they provided to OIG as part of this review.

**Table 1: Comparison of Bureau and INV Allegation Match Rates**

	CA/EX/HRD	CA/CID	DS	GTM
Total Reported Allegations <sup>a</sup>	2	83	430	74
Allegations Removed for Lack of Detail <sup>b</sup>	0	23	3	0
Total Compared Allegations <sup>c</sup>	2	60	427	74
Allegation Subject Names Matched <sup>d</sup>	1	36	98	37
Percent of Allegation Subject Names Matched	50%	60%	23%	50%
Unmatched Subject Names Found in INV's System <sup>e</sup>	0	19	65	8
Total Matched Allegations <sup>f</sup>	1	55	163	45
Percent of Total Matched Allegations	50%	92%	38%	61%

**Source:** OIG analysis of Department and OIG data.

**Notes:** <sup>a</sup> The number of allegations provided by each of the Bureaus in response to OIG's request for all allegations that met the Authorities Act reporting criteria in fiscal year 2019.

<sup>b</sup> OIG removed allegations where the name of the subject of the allegation was "unknown" or where the name contained anything other than the name of an individual (for example, Agriculture and Trade Office, Miami JTTF, or Various LE Staff). In total, OIG removed 23 CA/CID allegations, 3 DS allegations, and 7 INV allegations.

<sup>c</sup> The number of Bureau-provided allegations that OIG compared against INV-provided allegations after removing allegations for lack of detail.

<sup>d</sup> The number of allegations from each Bureau that OIG was able to match to INV records by comparing the subject's first and last names.

<sup>e</sup> The number of additional allegations from each Bureau that OIG was able to match through an expanded name search of subject names in INV's case management system.

<sup>f</sup> The combined total of Bureau provided allegations that OIG was able to match to INV records through direct name matching and the expanded name search.

<sup>22</sup> For Bureau-reported subjects that did not match names on INV's list, OIG manually entered the last name into INV's case management system to look for cases with that name. If a search for the last name did not produce a match, OIG ran a second search using the subject's first name. If a name resulted from the search, OIG reviewed the corresponding case details and attachments to determine whether the allegations, location, dates, and other case details matched.

## APPENDIX B: 1 FAM 053.2-6

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1 FAM 053.2-6, "Required Reporting of Allegations to the OIG," outlines the Department's guidance on Authorities Act reporting (see Figure 5).

Figure 5: 1 FAM 053.2-6

### **1 FAM 053.2-6 Required Reporting of Allegations to the OIG**

*(CT:ORG-411; 04-13-2017)*

- a. Effective December 16, 2016, section 209(c)(6) of the Foreign Service Act of 1980, as added by section 203 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 3929(c)(6)), provides:

#### REQUIRED REPORTING OF ALLEGATIONS AND INVESTIGATIONS AND INSPECTOR GENERAL AUTHORITY.—

(A) **IN GENERAL.**—The head of a bureau, post, or other office of the Department of State (in this paragraph referred to as a 'Department entity') shall submit to the Inspector General a report of any allegation of—

- (i) waste, fraud, or abuse in a Department program or operation;
- (ii) criminal or serious misconduct on the part of a Department employee at the FS-1, GS-15, or GM-15 level or higher;
- (iii) criminal misconduct on the part of a Department employee; and
- (iv) serious, noncriminal misconduct on the part of any Department employee who is authorized to carry a weapon, make arrests, or conduct searches, such as conduct that, if proved, would constitute perjury or material dishonesty, warrant suspension as discipline for a first offense, or result in loss of law enforcement authority.

(B) **DEADLINE.**—The head of a Department entity shall submit to the Inspector General a report of an allegation described in subparagraph (A) not later than 5 business days after the date on which the head of such Department entity is made aware of such allegation.

- b. Any allegation meeting the criteria reflected in the statute should immediately be brought to the attention of the relevant head of a bureau, post, or bureau-level office. (Bureau-level offices are entities on the Department's organizational chart as revised from time to time, see Department Organizational Chart.)
- c. The first report by any Department entity should cover the period beginning December 16, 2016 (the day the law went into effect), and ending not later than five business days before the date of that report. Thereafter, any additional reportable information is due not later than the five-business day deadline stated in the statute.
- d. Questions regarding this reporting requirement may be directed to the Office of the Legal Adviser for Management (L/M), or the OIG's General Counsel or Deputy General Counsel.

- e. As outlined in [1 FAM 053.2-5](#), any Department employee or other personnel may continue to raise any allegations directly to OIG, via the OIG Hotline, [internalhotline@stateoig.gov](mailto:internalhotline@stateoig.gov), or 1-800-409-9926, or the other methods listed elsewhere in the FAM. All Employees, Locally Employed Staff, Foreign National Employees, individuals providing services via Personal Service Agreements (PSAs), Personal Service Contractors (PSCs), third party contractors, subcontractors, and grantees at all levels are also reminded of the existing reporting requirement contained in [1 FAM 053.2-5](#) paragraph d and the existing reporting requirements regarding criminal activity, employee misconduct, allegations of harassment, or any other reportable offenses to the relevant action office in Washington.
- f. Below is a reporting template, which may be modified pursuant to the situation or needs of the reporting entity.

SENSITIVE BUT UNCLASSIFIED

[date of memo]

TO: OIG – Assistant Inspector General for Investigations

FROM: [Head of bureau, post, or other bureau-level office]

SUBJECT: Report of Allegations to OIG

The following is a report of allegations required pursuant to section 209(c)(6) of the Foreign Service Act of 1980, as added by section 203 of the Department of State Authorities Act, Fiscal Year 2017 (22 U.S.C. 3929(c)(6)).

Name	Grade	Position Title	Post, Bureau, or Office	Allegation(s)	Date Allegation Received by Memo Sender
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For more information regarding these allegations, please contact [name, title, phone number of POC].

The information provided in this report is preliminary and may be unsubstantiated. Any records or information provided to the OIG in the preliminary report are compiled for law enforcement purposes under the meaning of the Freedom of Information Act, 5 U.S.C. 552. The information in this preliminary report may constitute Personally Identifiable Information. The unauthorized disclosure of information contained in this preliminary report could reasonably be expected to constitute a violation of the Privacy Act of 1974, 5 U.S.C. 552a. To the extent the information pertains to an open investigation, the release of such preliminary information could reasonably be expected to interfere with enforcement proceedings.

Source: Department of State Foreign Affairs Manual

## ABBREVIATIONS

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CA	Bureau of Consular Affairs
CID	Consular Integrity Division
DS	Bureau of Diplomatic Security
FAM	Foreign Affairs Manual
GTM	Global Talent Management
INV	Office of Inspector General's Office of Investigations
OIG	Office of Inspector General

## OIG TEAM MEMBERS

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1-800-409-9926

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If you fear reprisal, contact the  
OIG Whistleblower Coordinator to learn more about your rights.

[WPEAOmbuds@stateoig.gov](mailto:WPEAOmbuds@stateoig.gov)

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