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Description of document: Council of the Inspectors General on Integrity and Efficiency (CIGIE) Legislation Committee Meeting Minutes, 2012 - 2015

Requested date: 12-April-2016

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Final Response Release date: 11-December-2019

Posted date: 24-February-2020

Source of document: FOIA Officer
Council of the Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington, DC 20006
Fax: (202) 254-0162
Email: FOIASTAFF@cigie.gov

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Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

November 14, 2019

Subject: CIGIE Freedom of Information/Privacy Act Request [6330-2016-11]

This letter serves as the first interim response to your Freedom of Information Act (FOIA) request, to the Council of the Inspectors General on Integrity and Efficiency (CIGIE). You initially filed the request on April 12, 2016. This request was assigned FOIA case number 6330-2016-11. In your own words, you stated the following:

I request the meeting minutes of the Legislative Committee covering meetings during the time period January 2012 through December 2015.

Enclosed you will find the redacted 2015 meeting minutes for the CIGIE Legislation Committee. In 2015, that committee met during the following months: January through April and June through December. There was no meeting in May of 2015.

Also included with the enclosures is a one-page summary explaining the CIGIE FOIA redactions. The applicable redactions for this interim response include FOIA exemptions (b)(3) (50 U.S.C. § 3507); (b)(5) and (b)(6).

If you have questions, you may contact CIGIE's FOIA Public Liaison, Deborah Waller, Supervisory Government Information Specialist, at (202) 616-1210 or FOIASTAFF@cigie.gov. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
ogis@nara.gov
(202) 741-5770
(877) 684-6448 (toll free)
(202) 741-5769 (facsimile)

November 14, 2019
FOIA Case No. 6330-2016-11

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a smaller 'H' and a final loop.

Doug Holt
Acting Executive Director

Enclosures as stated



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

December 11, 2019

Subject: CIGIE Freedom of Information/Privacy Act Request [6330-2016-11]

This letter serves as the final response to your Freedom of Information Act (FOIA) request, to the Council of the Inspectors General on Integrity and Efficiency (CIGIE). You initially filed the request on April 12, 2016. As noted in the interim response provided on November 14, 2019, this request was assigned FOIA case number 6330-2016-11. In your own words, you stated the following:

I request the meeting minutes of the Legislative Committee covering meetings during the time period January 2012 through December 2015.

Enclosed you will find the redacted meeting minutes for the CIGIE Legislation Committee for the years 2012, 2013 and 2014. The prior interim response provided you with the meeting minutes from 2015.

Also included with the enclosures is a one-page summary explaining the CIGIE FOIA redactions. The applicable redactions for this interim response include FOIA exemptions (b)(3) (50 U.S.C. § 3507); (b)(5) and (b)(6).

If you have questions, you may contact CIGIE's FOIA Public Liaison, Deborah Waller, Supervisory Government Information Specialist, at (202) 616-1210 or FOIASTAFF@cigie.gov. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
ogis@nara.gov
(202) 741-5770
(877) 684-6448 (toll free)
(202) 741-5769 (facsimile)

December 11, 2019
FOIA Case No. 6330-2016-11

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

A requester may appeal a determination denying a FOIA request in any respect to the CIGIE Chairperson c/o Office of General Counsel, Council of the Inspectors General on Integrity and Efficiency, 1717 H Street NW, Suite 825, Washington, DC 20006. The appeal must be in writing, and must be submitted either by:

- (1) Regular mail sent to the address listed in this subsection, above; or
- (2) By fax sent to the FOIA Officer at (202) 254-0162; or
- (3) By email to FOIAAPPEAL@cigie.gov.

Your appeal must be received within 90 days of the date of this letter. The outside of the envelope should be clearly marked "FOIA APPEAL."

Sincerely,



Alan F. Boehm
Executive Director

Enclosures as stated

**CIGIE Legislation Committee Meeting Minutes
Tuesday, January 10, 2012
CIGIE Headquarters, Washington, DC**

Peg Gustafson, IG, SBA (Chair)
Marty Dickman, IG, RRB
Mark Bialek, IG, FRB
Paul Brachfeld, IG, NARA
Christopher Dentel, IG, CPSC
John Seeba, IG, FTC
Joaquin Ferrao, Deputy IG/Counsel, Peace Corps
Jackie Becker, Counsel, FRB
Mike McCarthy, Counsel, TIGTA
Glenn Harris, Counsel, SBA
Tony Ogden, Counsel, EPA
Sabrina Segal, Counsel, ITC
Christy Slamowitz, Counsel, USDA
Venetia Bell, Counsel, FMC
Sheldon Shoemaker, Special Assistant to IG, SBA
Nancy DiPaolo, Congressional Affairs, RATB
(b) (3)
George Penn, Senior Attorney, SSA
Michael Ching, Assistant Counsel, USDA
David Wonnenberg, Congressional Affairs, DOT
Matthew Sutphen, TIGTA
Adam Kaplan, Assistant Counsel, SBA

Introduction

Peg Gustafson (Chair, SBA) welcomed all members. She announced that Vice Chair Jack Callender (PRC) was unable to attend the meeting.

Sen. Lieberman Legislative Initiative Affecting OIGs

Ms. Gustafson reported on her meeting with (b) (6)
Senate Homeland Security and Governmental Affairs Committee (HSGAC). The

(b) (5)

Recovery Accountability & Transparency Board (RATB) Change

Ms. Gustafson announced that Department of Education IG Kathy Tighe has replaced Earl Devaney as chair of the RATB. Mr. Devaney retired at the end of 2011.

Pending Legislation—Status Updates:

1. **H.R. 2146/S.1222, *Digital Accountability & Transparency Act (DATA Act)***

Ms. Gustafson reported that there has been no movement on the DATA Act (H.R.2146), which is pending on the floor of the House of Representatives. (b) (5)

(b) (5)

2. **H.R. 2880/3660, *Contingency Operation and Emergency Oversight Act of 2011***

Ms. Gustafson reported on [H.R. 3660](#) (introduced by Rep. Russ Carnahan (D-MO) on December 14) and [H.R. 2880](#) (introduced by Rep. Tierney (D-MA) on September 9), both which have been referred to several committees. Each bill would create a special IG for overseas contingencies operations. Ms. Gustafson reported that (b) (5)

(b) (5)

3. **H.R. 1892, *Intelligence Authorization Act for Fiscal Year 2012***

Ms. Gustafson reported that H.R. 1892, the Intelligence Authorization Act for FY 2012, which included (b) (3) request for law enforcement authorities and authority to designate certain positions as OPM series 1811, has been signed into law. The legislation, as enacted, requires OPM to conduct a study of the authorities and personnel benefits of (b) (3) relative to other IGs and the impact that any difference would have on the ability of (b) (3) to recruit experienced investigators.

4. **S. 801, *Information Technology Investment Management Act of 2011***

Ms. Gustafson reported that Sen. Collins' (R-ME) staff reached out to the Legislation Committee for technical amendments to [S. 801](#), the Information Technology Investment Management Act of 2011, introduced by Sen. Carper (D-DE) on April 12, 2011, with Sen. Collins as a co-sponsor. This bill was referred to the Committee on Homeland Security and Governmental Affairs. In late November, staff of Senator Collins reached out to CIGIE for technical assistance. S.801 expands the responsibilities of agency heads with respect to the acquisition of information technology, among other provisions. Current language directs IGs to receive reports and review projects. The staff indicate that (b) (5)

(b) (5)

(b) (5)

5. H.R. 3371, *High-Performance Federal Buildings Act of 2011*

Ms. Gustafson reported on [H.R. 3371](#), the High-Performance Federal Buildings Act of 2011, introduced by Rep. Russ Carnahan (D-MO) on November 4, 2011 and referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management. This legislation would require OIGs to conduct a biennial review of their agency's compliance, and cost savings attributable to such compliance, with the requirements of the National Energy Conservation Policy Act. The reviews must be submitted to OMB, the Secretary of Energy, and various congressional committees. The Legislation Committee (b) (5)

Committee Chair's Testimony before Senate Subcommittee on Whistleblower Legislation

Ms. Gustafson reported that she testified on behalf of the Legislation Committee in a hearing before the HSGAC Contracting Oversight Subcommittee, chaired by Senator McCaskill (D-MO) to discuss [S. 241](#), the Non-Federal Employee Whistleblower Protection Act of 2011. This bill was introduced on January 31, 2011 and would bolster whistleblower protections for government contractors and other non-federal employees. At the Hearing, Ms. Gustafson discussed the results of the Legislation Committee's whistleblower survey sent to OIGs of agencies which received Recovery Act funding. She received from the Senate subcommittee members Questions for the Record.

Other Legislation:

Mike Ching (USDA) reported on [H.R. 3735](#), the Medicare Fraud Enforcement and Prevention Act of 2011, introduced by Rep. Ileana Ros-Lehtinen (R-FL) on December 23, 2011 and referred to the House Subcommittee on Health. This bill would require the HHS IG, in consultation with the Attorney General, to implement mechanisms for the sharing of information about suspected fraud relating to Federal healthcare programs.

Other Matters:

Coburn-Grassley Bi-Annual Report

Sheldon Shoemaker (SBA) reported that he had reached out to the staff of Sens. Coburn and Grassley to determine their continued interest in receiving bi-annual reports regarding IG investigations that have been closed. Both offices informed Mr. Shoemaker that they believe that the bi-annual reports are helpful and that OIGs should continue to provide this information.

Recovery Fund Availability

Ms. Gustafson reported that CIGIE has drafted (b) (5)

(b) (5)

IT Legislative Working Group

Mr. Bialek (FRB) reported that the CIGIE IT Legislative Working Group met on December 8, 2011. The group reviewed the list of current IT-related legislation affecting OIGs, as well as the Supreme Court's decision in the *Milner v. Department of the Navy*.

(b) (5)

Peace Corps IG update

Mr. Ferrao (Peace Corps) reported that the Peace Corps Volunteer Protection Act, signed into law on November 21, 2011, exempted the Peace Corps IG from a set term of employment. Mr. Ferrao also reported that H.R. 2136/S. 1145, the Civilian Extraterritorial Jurisdiction Act (CEJA) of 2011, would amend the Federal criminal code to grant jurisdiction over and impose penalties on federal contractors and employees who commit certain crimes outside of the United States while employed by or accompanying any agency of the United States other than the Department of Defense (DOD). The bill exempts an authorized intelligence activity that is carried out by or on behalf of any element of the intelligence community and conducted in accordance with law.

Adjournment

Ms. Gustafson thanked attendees and announced that the next meeting is scheduled for February 14, at CIGIE's administrative offices. There being no further business, the meeting adjourned at 11:05a.m.

**CIGIE Legislation Committee Meeting Minutes
Tuesday, February 14, 2012
CIGIE Headquarters, Washington, DC**

Peg Gustafson, IG, SBA (Chair)
Jack Callender, IG, PRC (Vice Chair)
Marty Dickman, IG, RRB
Mark Bialek, IG, FRB
Paul Brachfeld, IG, NARA

(b) (3)

Christopher Dentel, IG, CPSC
John Seeba, IG, FTC
Kathy Buller, IG, Peace Corps
Tony Ogden, Deputy IG, FRB
Andrew Patchan, Associate IG, FRB
Jackie Becker, Counsel, FRB
Chad Bungard, Counsel, SSA
John Simms, Counsel, NARA
Sheldon Shoemaker, Special Assistant to IG, SBA
Eric Hanger, Counsel, EPA
Mike McCarthy, Counsel, TIGTA
Glenn Harris, Counsel, SBA
Sabrina Segal, Counsel, ITC
Christy Slamowitz, Counsel, USDA
Michael Ching, Assistant Counsel, USDA
Nathan Richmond, Counsel for Congressional Affairs, DOT
Adam Kaplan, Assistant Counsel, SBA
Matthew Sutphen, TIGTA

Introduction:

Peg Gustafson (Chair, SBA) welcomed all members. Mark Bialek (FRB) announced that Tony Ogden is the new Deputy Inspector General for the Federal Reserve Board. The Committee approved the January 2012 Minutes.

Sen. Lieberman Legislative Initiative Affecting OIGs:

Ms. Gustafson reported that (b) (6) to the Senate Homeland Security and Governmental Affairs Committee (HSGAC), reached out to HSGAC committee staff concerning (b) (5)

(b) (5)

(b) (5)

Pending Legislation—Status Updates:

1. **S. 300, *Government Charge Card Abuse Prevention Act***

Ms. Gustafson next discussed [S. 300](#), the Government Charge Card Abuse and Prevention Act, which was passed by the Senate on July 25, 2011. This Bill was reported out of the House Oversight and Government Reform Committee on January 27.

Specifically, this Bill requires agencies to establish safeguards and internal controls over the use by employees of purchase/travel cards. Each IG of an agency with over \$10 million in purchase card and/or \$10 million in travel card spending must, on a semiannual basis, submit to OMB reports jointly issued with the agency head, on purchase cards and/or travel card use violations and a description of adverse actions taken against employees for such violations.

Additionally, All IGs of executive agencies would also be required to conduct “periodic” assessments of agency card programs to identify and analyze risks of improper purchases in order to then conduct targeted audits of specific purchase and travel card transactions. The reports would be submitted with recommendations, to the agency head. OIGs would then report to OMB on the agency’s implementation of the recommendations.

(b) (5)

2. **H.R. 2146/S.1222, *Digital Accountability & Transparency Act (DATA Act)***

Ms. Gustafson reported that there has been no movement on the DATA Act ([H.R.2146](#)), which is pending on the floor of the House of Representatives.

3. **S. 241, *Non-Federal Employee Whistleblower Protection Act***

Ms. Gustafson reported that she responded to the Questions for the Record (QFRs), asked by Senate subcommittee members proceeding her testimony (on behalf of the Legislation Committee) before the HSGAC Contracting Oversight Subcommittee concerning legislation affording federal contractors whistleblower protection. (b) (5)

(b) (5)

Ms. Gustafson reported that (b) (5)

(b) (5)

(b) (5)

4. H.R. 7, *American Energy and Infrastructure Jobs Act of 2012*

Ms. Gustafson announced that [H.R. 7](#), the American Energy and Infrastructure Jobs Act of 2012 was reported out of the House Committee on Transportation and Infrastructure on February 13. This legislation would grant law enforcement authority to the Amtrak Inspector General.

IT Legislative Working Group:

Jackie Becker (FRB) presented the IT Legislative Working Group's review and discussion on two pieces of legislation: [S. 413](#), the Cybersecurity and Internet Freedom Act of 2011, introduced by Sen. Lieberman (I-CT) on February 17, 2011 (and referred to HSGAC), and a staff discussion draft of the Cybersecurity Act of 2012 (which on the day of the meeting was introduced by Sen. Lieberman as the replacement bill to S. 413, [S. 2105](#)).

Ms. Becker's presentation included both the majority and dissenting opinions of subcommittee members; opinions which were also reflected in the Legislation Committee's subsequent discussion of the recommendations.

(b) (5)

Other Legislation:

Mike Ching (USDA) reported that [S. 2038](#), the Stop Trading on Congressional Knowledge Act, has passed both the House and Senate, although the House passed an amendment to the Senate bill, which has not yet been agreed to. Under this legislation, Federal employees who currently file Office of Government Ethics (OGE) Form 278 (SES and political appointees) would be subject to prompt reporting of financial transactions and their financial disclosure forms would be made public through a website maintained by OGE.

Recovery Fund Availability:

(b) (5)

HSGAC IG Congressional Budget Concerns:

Ms. Gustafson reported that the Minority staff for HSGAC has requested the submission of all OIG congressional budget requests. The nexus for the request is understood to be

(b) (5)

Adjournment:

Ms. Gustafson thanked attendees and announced that the next meeting is scheduled for March 13, at CIGIE's administrative offices. There being no further business, the meeting adjourned at 11:15a.m.

**CIGIE Legislation Committee Meeting Minutes
Tuesday, March 13, 2012
CIGIE Headquarters, Washington, DC**

Peg Gustafson, IG, SBA (Chair)
Martin Dickman, IG, RRB
Mark Bialek, IG, FRB
Pat O'Carroll, IG, SBA
Paul Brachfeld, IG, NARA
Kathy Buller, IG, Peace Corps
Andy Patchan, Associate Inspector General for Audits and Attestations, FRB
John Manibusan, FRB
Jackie Becker, Counsel, FRB
Chad Bungard, Counsel, SSA

(b) (3)

Nancy DiPaolo, Congressional & Intergovernmental Affairs, RATB
Judy Ringle, Counsel, CFTC
Eric Hanger, Counsel, EPA
Venetia Bell, Counsel, FMC
Sheldon Shoemaker, Special Assistant to IG, SBA
Mike McCarthy, Counsel, TIGTA
Glenn Harris, Counsel, SBA
Christy Slamowitz, Counsel, USDA
Michael Ching, Assistant Counsel, USDA
Misha Kelly, Special Agent-in-Charge of Congressional Affairs, SSA
Nathan Richmond, Counsel for Congressional Affairs, DOT
Adam Kaplan, Assistant Counsel, SBA

Introduction:

Peg Gustafson (Chair, SBA) welcomed all members. The Minutes from the February, 2012 meeting were approved by the Committee.

HSGAC Legislative Initiative Affecting OIGs:

Ms. Gustafson reported that she met with (b) (6) staffers on the Senate Homeland Security and Governmental Affairs Committee (HSGAC)

(b) (5)

Ms. Gustafson reported that the HSGAC staffers provided draft legislative language to be included in [REDACTED] This language did not

(b) (5)
(b) (3) expressed that the legislation (b) (5)
(b) (6) requested that the computer matching language (b) (5)
(b) (6) stated that he will obtain an opinion from (b) (5)

(b) (5)

DATA Act

Ms. Gustafson reported that the computer matching provision and Paper Work Reduction Act exemption, as well as technical amendments to the IG Act are included in the DATA Act, H.R.2146. However, (b) (5)

The Committee discussed (b) (5)

IT Legislation

Jackie Becker (FRB) reported that the Legislation Committee has (b) (5)
(b) (5)

Ms. Becker also reported that a cyber-security bill had been introduced by Sen. McCain (R-AZ), S. 2151, known as the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012” or “SECURE IT.”
(b) (5)

The Committee engaged in a discussion over whether (b) (5)

(b) (5)

Other Legislation:

S. 241, Non-Federal Employee Whistleblower Protection Act

Ms. Gustafson reported that the Members' technical comments regarding S. 241, the Non-Federal Employee Whistleblower Protection Act, were consolidated. (b) (5)

S. 2139, Comprehensive Contingency Contracting Reform Act of 2012

Ms. Gustafson reported that S. 2139, the Comprehensive Contingency Contracting Reform Act of 2012, had been introduced on February 29 by Senator McCaskill and referred to HSGAC. The bill directs CIGIE to designate an IG within 15 days after the commencement or designation of a military operation concerned as an overseas contingency operation that exceeds 30 days. This legislation does not create a new Inspector General.

CIGIE FOIA Requests:

Ms. Gustafson reported that the Legislation Committee had received Freedom of Information Act (FOIA) requests for Minutes from all meetings. (b) (6)
(b) (6) reported that her office was handling the requests and that appropriate redactions were made under the deliberative process privilege exemption to FOIA.

CIGIE Annual Conference

Ms. Gustafson announced that (b) (5)

Adjournment:

Ms. Gustafson thanked attendees and announced that the next meeting is scheduled for April 10 at CIGIE's administrative offices. There being no further business, the meeting adjourned at 11:17a.m.

CIGIE Legislation Committee Meeting Minutes
Tuesday, April 10, 2012
CIGIE Headquarters, Washington, DC

Peg Gustafson, IG, SBA (Chair)
Mark Bialek, IG, FRB
Hubert Bell, IG, NRC
Adam Trzeciak, IG, FMC
Christopher Dentel, IG, CPSC
Kathy Buller, IG, Peace Corps
Tony Ogden, Deputy IG, FRB
Sheldon Shoemaker, Special Assistant to IG, SBA
Jackie Becker, Counsel, FRB
Chad Bungard, Counsel, SSA
Nancy DiPaolo, Congressional & Intergovernmental Affairs, RATB

(b) (3)
Jennifer Counts, Peace Corps
Sabrina Segal, Counsel, USITC
Al Larsen, Counsel, NRO
Helen Mollick, Deputy Counsel, EPA
Matthew Sutphen, TIGTA
Christy Slamowitz, Counsel, USDA
R. Michael Ching, Assistant Counsel, USDA
Misha Kelly, Special Agent-in-Charge of Congressional Affairs, SSA
Nathan Richmond, Counsel for Congressional Affairs, DOT
Adam Kaplan, Assistant Counsel, SBA

Introduction:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the March, 2012 meeting were approved by the Committee.

Paperwork Reduction Act/ACUS Conference

IG Gustafson announced that she attended the March 28 meeting of the Administrative Conference of the United States (ACUS) Committee on Administration and Management in her capacity as Legislation Committee Chair. She was asked by CIGIE's representative to ACUS, HHS IG Daniel Levinson, to discuss the background and importance of CIGIE's legislative priority that seeks relief from the Paperwork Reduction Act (PRA) for IGs. After IG Gustafson's presentation and ensuing discussion, ACUS

(b) (5)
[Redacted]
[Redacted]
[Redacted]

HSGAC Legislative Initiative Affecting OIGs:

IG Gustafson reported that the dialogue continued with (b) (6) staffer on the Senate Homeland Security and Governmental Affairs Committee (HSGAC), concerning

(b) (5)

IG Gustafson also reported that (b) (5)

IG Gustafson also asked (b) (3), (b) (6) to touch base with (b) (5)

IT Legislation

Jackie Becker (FRB) reported that [H.R. 4263](#), the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012 (SECURE IT), was introduced in the House of Representatives on March 27 and referred to several committees. The House Bill identifies federal cyber-security centers and establishes voluntary and required disclosures that private sector companies must report on cybersecurity threats. The Bill is a companion to the identically-named cyber security bill that had been introduced last month in the Senate by Sen. McCain (R-AZ), [S. 2151](#).

Discussion ensued at the meeting on a provision in the legislation stating that (b) (5)

S. 241, Non-Federal Employee Whistleblower Protection Act

IG Gustafson reported that (b) (5) to [S. 241](#), the Non-Federal Employee Whistleblower Protection Act. Sen. (b) (5)

DATA Act

IG Gustafson reported that there has been no movement on the DATA Act, [H.R.2146](#).

Other Legislation:

IG Gustafson alerted the Committee to [H.R. 4268](#), a bill to abolish the Export-Import Bank of the United States within three years. The bill was introduced by Rep. Amash (R-MI) and Rep. Flake (R-AZ) on March 27 and referred to the Subcommittee on International Monetary Policy and Trade.

IG Gustafson also reported that [H. Con. Res. 112](#), establishing the budget for FY 2013 and setting forth appropriate budgetary levels for FY 2014 through 2022, was passed by the House on March 29, with several deficit reduction provisions mentioning the use of IGs.

Michael Ching (USDA) reported on [H.R. 4259/S. 2234](#), the End Trafficking in Government Contracting Act of 2012. This legislation requires, among other things, anti-trafficking clauses to be included in federal contracts. The House bill was introduced by Rep. Lankford (R-OK) on March 26 and referred to the Subcommittee on Courts, Commercial and Administrative Law. The Senate bill was introduced by Sen. Blumenthal (D-CT) on March 26 and referred to HSGAC.

Lastly, Mr. Ching also reported that the Stop Trading on Congressional Knowledge Act of 2012" (STOCK Act) was signed into law on April 4 as [PL 112-105](#). This law requires that within 30 days after receiving notification of a completed financial transaction, SES employees must file a report of the transaction. Additionally, the Office of Government Ethics is required to create a public database of financial disclosure reports filed by executive branch employees.

Adjournment:

IG Gustafson thanked attendees and announced that the next meeting is scheduled for May 8 at CIGIE's administrative offices. There being no further business, the meeting adjourned at 10:30 a.m.

**CIGIE Legislation Committee Meeting Minutes
Tuesday, May 8, 2012
CIGIE Headquarters, Washington, DC**

Peg Gustafson, IG, SBA (Chair)
Mark Bialek, IG, FRB
Kathy Buller, IG, Peace Corps
John Seeba, IG, FTC
Paul Brachfeld, IG, NARA
Tony Ogden, Deputy IG, FRB
Sheldon Shoemaker, Special Assistant to IG, SBA
Jackie Becker, Counsel, FRB
Chad Bungard, Counsel, SSA
Nancy DiPaolo, Congressional & Intergovernmental Affairs, RATB
(b) (3)
John Manibusan, FRB
Glenn Harris, Counsel, SBA
Sabrina Segal, Counsel, USITC
Eric Hanger, Counsel, EPA
Christy Slamowitz, Counsel, USDA
Nathan Richmond, Counsel for Congressional Affairs, DOT
Adam Kaplan, Assistant Counsel, SBA

Introduction:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the April, 2012 meeting were approved by the Committee.

Existing Legislation:

DATA Act

IG Gustafson reported that the Digital Accountability and Transparency Act of 2011 (H.R. 2146) was passed in the House on April 25. This legislation would establish a Federal Accountability and Spending Transparency Commission to replace the Recovery Accountability and Transparency Board. This bill would also exempt IGs from computer matching and the Paperwork Reduction Act, as well as incorporate technical amendments to the IG Reform Act. As amended, (b) (5)

(b) (5) Added to the bill during consideration on the House floor are provisions related to conference spending by federal agencies (see page 4 of these Minutes).

The bill is currently in the Senate for consideration and has been referred to the Homeland Security and Governmental Affairs Committee (HSGAC). Both Majority and Minority

(b) (5)

meeting with these staffers. Interested offices should contact (b) (6)

Postal Reform Act

IG Gustafson reported that the Senate passed S. 1789 the 21st Century Postal Reform Act of 2012 on April 25. The legislation exempts IGs from computer matching requirements, but only with respect to investigations relating to the Federal Employees' Compensation Act (FECA). IG Gustafson proposed that (b) (5)

(b) (5)

IT Legislation-Cybersecurity Bills

IG Gustafson reported that the Legislation Committee submitted letters to relevant House committees presenting its views on H.R. 4263, the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012 (SECURE IT). The House Bill identifies federal cyber-security centers and establishes voluntary and required disclosures that private sector companies must report on cybersecurity threats. The Bill is a companion to the identically-named cyber security bill that had been introduced last month in the Senate by Sen. McCain (R-AZ), S. 2151.

Jackie Becker (FRB) reported that H.R. 4257, the Federal Information Security Amendments Act of 2012 passed the House on May 7 and was referred to the Senate HSGAC. This legislation considerably amends the Financial Information Security Management Act (FISMA), re-establishing OMB as the oversight office with respect to all agency IT security operations. The legislation requires that agencies, through an automated and continuous monitoring capability, report IT security incidents to the federal information security incident center, appropriate security operations centers, and its IG.

Additionally, IGs are permitted to evaluate and consult on agency IT security controls.

(b) (5)

(b) (5)

(b) (6)

(b) (5)

Whistleblower Legislation

IG Gustafson reported that S. 743, the Whistleblower Protection Enhancement Act was reported out of HSGAC on April 19. This legislation creates an Ombudsman in IG offices to advise agency employees about whistleblower protections. The Legislation Committee has concerns (b) (5)

(b) (5)

IG Gustafson also reported that S. 241, the Non-Federal Employee Whistleblower Protection Act was reported out of HSGAC. The legislation, as amended, addressed

(b) (5)

New Legislation:

IG Gustafson alerted the Committee to several pieces of new legislation, including:

- H.R. 5322 which would create an Inspector General for the Metropolitan Washington Airports Authority. The bill was introduced on April 27, 2012, by Representative Frank Wolf (R-VA) and referred to HOGR and the House Transportation Committee.
- H.R. 4404, the *Sunshine on Government Act of 2012*, introduced by Rep. Crawford (R-AR) and referred to HOGR. This bill directs OMB to consult with CIGIE to establish a website that contains (1) A general description of the role of the Office of Inspector General; and (2) A description of the types of reports generally issued by the Offices of Inspector General, including the purpose, composition, and process used to create such reports. The Legislation Committee

(b) (5)

- S. Res. 427, introduced by Sen. Coburn (R-OK) on April 19, would require the report accompanying each public bill or joint resolution reported by any committee to contain: (1) an analysis by the Congressional Research Service (CRS) to determine if the bill or joint resolution creates any new federal program, office, or initiative that would duplicate or overlap any existing federal entity with similar mission, purpose, goals, or activities, along with a listing of all such overlapping or duplication; and (2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program, office, or initiative exists. This resolution was referred to the Senate Committee on Rules and Administration. A similar resolution, H. Res. 623, was introduced by Rep. Myrick (R-NC) in the House and referred to the House Rules Committee.

Legislation related to Government Conference Spending

IG Gustafson reported on several new bills relating to reporting and restrictions on government conference spending. None of the bills exempt IGs. She also stated that Sen. Shaheen had written to the IGs of all Cabinet-level agencies seeking any information

from investigations into conference spending and requesting that the IGs perform audits to ensure such spending does not run afoul of the law.

The relevant bills include:

- H.R. 4472, the *Government Spending Accountability Act*, introduced on April 23 by Rep. Ross (R-FL) and referred to HOCR;
- S. 1789 the 21st Century Postal Reform Act of 2012, passed in the Senate on April 25;
- H.R. 2146, the Digital Accountability and Transparency Act of 2011 which was passed in the House on April 25.
- H.R. 4631, the Government Spending Accountability Act of 2012, introduced on April 25 by Rep. Walsh (R-IL) and referred to HOCR;
- H.R. 4454, the Agency Conferences and Conventions Operating Under Necessary Transparency Act of 2012, introduced by Rep. Fleischmann (R-TN) on April 19 and referred to HOCR; and
- S. 2469, the Protect America's Cities from Government Blacklist Act of 2012, introduced by Sen. Heller (R-NV) on April 26 and referred to HSGAC, which prohibits an agency from discouraging or prohibiting the selection of a resort or vacation destination as the location for a conference or event.

IG Gustafson noted that (b) (5)

(b) (5)

Other News:

IG Gustafson announced that IG Seeba (FTC) would be retiring and the Committee wished him well.

Adjournment: IG Gustafson thanked attendees and announced that the next meeting is scheduled for June 12 at CIGIE's administrative offices. There being no further business, the meeting adjourned at 11:00 a.m.

**CIGIE Legislation Committee Meeting Minutes
Tuesday, June 12, 2012
CIGIE Headquarters, Washington, DC**

Peg Gustafson, IG, SBA (Chair)
Jack Callender, IG, PRC (Vice-Chair)
Mark Bialek, IG, FRB
Martin Dickman, IG, RRB
Kathy Buller, IG, Peace Corps
Hubert Bell, IG, NRC
Pat O'Carroll, IG, SSA
Christopher Dentel, IG, CPSC
(b) (3)
Paul Brachfeld, IG, NARA
Tony Ogden, Deputy IG, FRB
Sheldon Shoemaker, Special Assistant to IG, SBA
Misha Kelly, SSA
Matthew Sutphen, TIGTA
Jackie Becker, Counsel, FRB
Mike McCarthy, Counsel, TIGTA
John Simms, Counsel, NARA
Chad Bungard, Counsel, SSA
Tony Baptiste, Senior Auditor, CFTC
Sabrina Segal, Counsel, USITC
Eric Hanger, Counsel, EPA
Christy Slamowitz, Counsel, USDA
Nathan Richmond, Counsel for Congressional Affairs, DOT
Adam Kaplan, Assistant Counsel, SBA

Introduction:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the May, 2012 meeting were approved by the Committee.

Existing Legislation:

DATA Act

IG Gustafson reported that several Legislation Committee representatives, including Kathy Buller (Peace Corps), Nathan Richmond (DOT), Nancy di Paolo (RATB), and Chad Bungard/George Penn (SSA), met with staff from the Senate Homeland Security and Governmental Affairs Committee (HSGAC), to discuss the Digital Accountability and Transparency Act of 2011 (H.R. 2146) which passed in the House on April 25. Staffers

(b) (6)

(b) (5)

(b) (5)

The Legislation Committee members advised the staffers that (b) (5)

The staffers (b) (5)

IG Gustafson stated

(b) (5)

Whistleblower Legislation

IG Gustafson reported that S. 743, the Whistleblower Protection Enhancement Act passed in the Senate on May 8. This legislation requires IG offices to designate an Ombudsman who will educate agency employees about whistleblower protections. The legislation contains a caveat to the Ombudsman provision, stating that he/she shall not act as a legal representative, agent, or advocate of the employee or former employee. (b) (5)

IG

Gustafson also reported that there is a House version of the legislation, H.R. 3289, introduced by Rep. Issa (R-CA) and other members of the House Oversight & Government Reform Committee on November 1, 2011. This version contains the same language creating the IG Ombudsman as S. 743, but contains other provisions that are different. On May 30, the House Committee on Homeland Security granted an extension for further consideration of this bill, ending no later than Oct. 1.

Postal Reform Act

IG Gustafson reported that after the Senate passed S. 1789 the 21st Century Postal Reform Act of 2012, Sheldon Shoemaker began a dialogue with the House Oversight and Government Reform Committee (HOCR) (b) (5)

He

spoke with (b) (6) (b) (5)

S. 2139, Comprehensive Contingency Contracting Reform Act of 2012

Ms. Gustafson reported that she and other CIGIE members (Phyllis Fong, Carl Clinefelter, and Mark Bialek) met with (b) (6) staff to discuss S. 2139, the Comprehensive Contingency Contracting Reform Act of 2012, introduced on February 29 by Senator McCaskill and referred to HSGAC. The bill creates a standing committee within CIGIE, comprised of IGs designated to assist in contingency operations (DOD as the Lead, State, and USAID). The standing committee will plan, coordinate, and develop practices to improve oversight of overseas contingency operations.

(b) (5)

These comments were compiled and sent without attribution to the staff. (b) (3) (b) (5)

H.R. 4404, *Sunshine on Government Act of 2012*

IG Gustafson reported that (b) (6) spoke with the staff of Rep. Crawford (R-AR) who introduced this legislation requiring the creation of a website describing the IG role and IG reports. He informed the staff of the existing CIGIE website and referred them to CIGIE Executive Director, Mark Jones, for more information.

Other Issues:

7-Day Letter

IG Gustafson reported on her meeting with HOCR Majority staff concerning OIG's use of 7-Day letters, as authorized in Section 5(d) of the IG Act. (b) (5)

The Committee agreed that (b) (5)

STOCK Act

(b) (6) raised concerns that the Stop Trading on Congressional Knowledge Act of 2012 ("STOCK Act") (PL 112-105) (b) (5)

Adjournment:

IG Gustafson thanked attendees and announced that the next meeting is scheduled for July 10 at CIGIE's administrative offices. There being no further business, the meeting adjourned at 11:00 a.m.

CIGIE Legislation Committee Meeting Minutes
Tuesday, July 10, 2012
CIGIE Headquarters, Washington, DC

Peg Gustafson, IG, SBA (Chair)
Jack Callender, IG, PRC (Vice-Chair)
Mark Bialek, IG, FRB
Martin Dickman, IG, RRB
Kathy Buller, IG, Peace Corps
Karl Schornagel, IG, LOC
Christopher Dentel, IG, CPSC
(b) (3)
Sheldon Shoemaker, Special Assistant to IG, SBA
Misha Kelly, SSA
Judy Ringle, Counsel, CFTC
(b) (3)
John Manibusan, FRB
Jeanette McMillian, Counsel, IC
Matthew Sutphen, TIGTA
Glenn Harris, Counsel, SBA
Mike McCarthy, Counsel, TIGTA
John Simms, Counsel, NARA
Chad Bungard, Counsel, SSA
George Penn, Attorney, SSA
Sabrina Segal, Counsel, USITC
Eric Hanger, Counsel, EPA
Christy Slamowitz, Counsel, USDA
Nathan Richmond, Counsel for Congressional Affairs, DOT
Adam Kaplan, Assistant Counsel, SBA

Introduction:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the June, 2012 meeting were approved by the Committee.

Cybersecurity Legislation:

IG Gustafson reported that Jackie Becker (FRB) had compiled comments received from IT Working Group members concerning [S.3342](#), the *Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2012* (“SECURE IT”). This legislation was introduced by Senator McCain (R-AZ) on June 27 and is an updated version of [S. 2151](#) (also comparable to [H.R. 4263](#) (SECURE IT Act), introduced in the House by Rep. Bono-Mack (R-CA) on March 27). [S.3342](#) adds a section authorizing CIGIE to review compliance by cybersecurity centers, and by any agency receiving cyber threat information from such cybersecurity centers.

(b) (6) stated that he will work with Ms. Becker to circulate (b) (5)

(b) (6) stated that he believes that (b) (5)

IG Gustafson announced that Legislation Committee members will (b) (5)

Other Legislation

H.R. 4631, Government Spending Accountability Act of 2012

IG Gustafson reported that [H.R. 4631](#), the Government Spending Accountability Act of 2012 sponsored by Rep. Walsh (R-IL) passed the House Oversight & Government Reform Committee (HOGR) on June 27. This bill requires agencies to submit quarterly reports to Congress on any conference or meeting for which the agency must pay a fee and that: (1) is attended by 50 or more employees, or (2) has a total cost of \$100,000 or more.

H.R. 6020, Financial Services and General Governmental Appropriations Act of 2013

IG Gustafson reported that [H.R. 6020](#), the Financial Services and General Governmental Appropriations Act of 2013 sponsored by Rep. Emerson (R-MO), was sent to the House floor on June 26. This legislation requires OIGs, within 90 days of the bill's passage, to submit to the House and Senate Appropriations Committees a report on the procedures of their respective agencies to ensure compliance with applicable Federal laws, regulations, and Executive Orders on travel, conferences, and employee awards programs, including an evaluation of the effectiveness of such procedures.

S. 3286, Comprehensive Contingency Contracting Reform Act of 2012

IG Gustafson reported that the Legislation Committee informed HSGAC about concerns

(b) (3) (b) (5)

Other Issues:

7-Day Letter

IG Gustafson reported on a survey which was sent by the Committee to OIGs asking whether they had policies triggering the use of 7-Day letters, as authorized in Section 5(d) of the Inspector General Act of 1978. The survey came in response to concerns

(b) (5)

Glenn Harris (SBA/Chair of Council of Counsels to the Inspectors General (CCIG)) reported that a group of senior IG counsels had reviewed Section 5(d) of the IG Act and the relevant legislative history. In general, this group concluded that: (b) (5)

(b) (6) opined that (b) (5)

IG Gustafson stated that (b) (5)

Other Business:

IG Gustafson welcomed Karl Schoruagel, IG of the Library of Congress, as a new member of the Legislation Committee.

Adjournment:

IG Gustafson thanked attendees and announced that the next meeting is scheduled for August 14 at CIGIE's administrative offices. There being no further business, the meeting adjourned at 11:06 a.m.

CIGIE Legislation Committee Meeting Minutes

Tuesday, September 11, 2012

CIGIE Headquarters, Washington, DC

Peg Gustafson, IG, SBA (Chair)

Jack Callender, IG, PRC (Vice-Chair)

Martin Dickman, IG, RRB

Adam Trzeciak, IG, FMC

Paul Brachfeld, IG, NARA

Kathy Buller, IG, Peace Corps

(b) (3)

Tony Ogden, Deputy IG, FRB

Sheldon Shoemaker, Special Assistant to IG, SBA

(b) (3)

Al Larsen, Counsel, EPA

Glenn Harris, Counsel, SBA

John Simms, Counsel, NARA

Seth Kaufman, Attorney, DOT

Ben Goldstein, Attorney, LOC

Chad Bungard, Counsel, SSA

George Penn, Attorney, SSA

Christy Slamowitz, Counsel, USDA

Adam Kaplan, Assistant Counsel, SBA

Introduction:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the July, 2012 meeting were approved by the Committee. No August meeting was held.

Cybersecurity Legislation:

IG Gustafson reported that Legislation Committee members (including those from the IT Working Group) and Audit Committee Members, met with staff from the Senate Judiciary Committee, concerning [S. 3414](#), the Cybersecurity Act of 2012, introduced by Senator Lieberman on July 19. The Legislative Committee had previously met with, and provided comments to the Senate Homeland Security & Governmental Affairs Committee (HSGAC),

(b) (5)

The IG representatives expressed to the staffers **(b) (5)**

The Judiciary Committee asked IG representatives **(b) (5)**

Mr. Shoemaker (SBA) reported that (b) (5)

[REDACTED]

Existing Legislation:

S. 300, Government Charge Card Abuse Prevention Act of 2012

IG Gustafson reported that the House of Representatives passed [S. 300](#), the Government Charge Card Abuse Prevention Act of 2012, as amended, on August 1. The Senate passed the legislation on July 22. The bill requires the IG of each executive agency with more than \$10 million in annual purchase card and travel card spending to conduct “periodic audits or reviews” of purchase and travel card programs to analyze the risks of illegal, improper, or erroneous purchases and payments and to report the findings of such audits or reviews to the Director of OMB.

OIGs are also required, on a semiannual basis, to submit to OMB a joint report with the agency providing (a) a summary description of confirmed violations involving misuse of a purchase card following completion of a review by the agency or the IG; and (b) a summary description of all adverse personnel action, punishment, or other action taken based on each violation.

A separate section addresses the role of the DOD IG with respect to reviews of DOD purchase card and convenience card spending.

S. 1409, Improper Payments Elimination and Recovery Improvement Act of 2012

IG Gustafson reported that [S. 1409](#), the Improper Payments Elimination and Recovery Improvement Act of 2012 passed the Senate on August 1 and was referred to the House Committee on Oversight and Government Reform (HOCR). This legislation codifies [Executive Order 13520](#) concerning reducing improper payments. The legislation also reduces requirements for OIGs to enter into computer matching agreements with other agencies in order to assist in the detection and prevention of improper payments. (b) (3)

(b) (5)

[REDACTED]

DATA Act

IG Gustafson reported on a conversation with HSGAC staffer, (b) (6) who reported that (b) (5)

[REDACTED]

New Legislation:

S. 3481, Stop Wasteful Federal Bonuses and Conferences Act of 2012

IG Gustafson reported that [S. 3481](#), the Stop Wasteful Federal Bonuses and Conferences Act of 2012 was introduced by Sen. McCaskill on August 2 and referred to HSGAC. This legislation precludes an agency from awarding a bonus to an employee until 2 years after the end of the fiscal year in which the agency’s IG makes an adverse finding relating to the employee.

H.R. 6360, Oversight and Accountability in Wartime Contracting Act of 2012

IG Gustafson reported that [H.R. 6360](#), the Oversight and Accountability in Wartime Contracting Act of 2012, was introduced by Rep. Tierney on August 7 and referred to several House committees. This legislation requires IGs from DoD, State, and USAID to review and evaluate noncompetitive contracts and one-offer contracts entered into during contingency operations and to submit annual reports on such contracts to specified committees of Congress.

Other Issues:

7-Day Letter

IG Gustafson reported that (b) (5)




Cross-Cutting Project on Reporting to Congress

IG Gustafson reported that (b) (5)



Conference Spending

IG Gustafson reported (b) (5)



Federal Employee Tax Obligations

IG Gustafson reported that (b) (5) (b) (6) concerning [H.R. 828](#), the Federal Employee Tax Accountability Act of 2011, which passed in the House on July 31. This bill provides that Federal employees found to be delinquent in paying their taxes could subject them to agency sanctions.

Adjournment

IG Gustafson thanked attendees and announced that the next meeting is scheduled for October 9 at CIGIE's administrative offices. There being no further business, the meeting adjourned at 10:45 a.m.

**CIGIE Legislation Committee Meeting Minutes
Tuesday, October 9, 2012
CIGIE Headquarters, Washington, DC**

Peg Gustafson, IG, SBA (Chair)
Mark Bialek, IG, FRB
Martin Dickman, IG, RRB
Hubert Bell, IG, NRC
Christopher Dentel, IG, CPSC
Kathy Buller, IG, Peace Corps
Al Larsen, Counsel, EPA
Mike McCarthy, Counsel, TIGTA
Misha Kelly, SSA
Sheldon Shoemaker, Special Assistant to IG, SBA
Nathan Richmond, Counsel for Congressional Affairs, DOT
John Manibusan, FRB
Chad Bungard, Counsel, SSA
Paul Feeney, Deputy Counsel, USDA
Adam Kaplan, Assistant Counsel, SBA

Introduction:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the September, 2012 meeting were approved by the Committee.

Existing Legislation:

S. 300, Government Charge Card Abuse Prevention Act of 2012

IG Gustafson reported that the Government Charge Card Abuse Prevention Act of 2012, as amended, was signed into law on October 5, becoming [Public Law 112-194](#). The bill requires the IG of each executive agency with more than \$10 million in annual purchase card and travel card spending to conduct “periodic audits or reviews” of purchase and travel card programs to analyze the risks of illegal, improper, or erroneous purchases and payments and to report the findings of such audits or reviews to the Director of OMB.

OIGs are also required, on a semiannual basis, to submit to OMB a joint report with the agency providing (a) a summary description of confirmed violations involving misuse of a purchase card following completion of a review by the agency or the IG; and (b) a summary description of all adverse personnel action, punishment, or other action taken based on each violation.

A separate section addresses the role of the DOD IG with respect to reviews of DOD purchase card and convenience card spending.

Cybersecurity Legislation:

IG Gustafson reported that [S. 3414](#), the Cybersecurity Act of 2012 has not reached the Senate floor for debate, (b) (5)

[REDACTED]

IG Gustafson stated that the House and Senate appeared to be far apart on the differing cybersecurity bills, (b) (5)

[REDACTED]

DATA Act

IG Gustafson reported that Senator Warner (D-VA) introduced a new DATA Act bill, [S. 3600](#) on September 20, which was referred on the same day to the Senate Homeland Security & Governmental Affairs Committee (HSGAC). S. 3600 creates a Fraud Center, which requires the Secretary of the Treasury, in consultation with agency heads and IGs, to use collected agency spending data to detect, prevent, and recover improper payments through pre-award, post-award pre-payment, and post-payment analysis. The bill also requires that every two years, IGs submit to Congress a report on the completeness, timeliness, quality, and accuracy of the data submitted and the implementation and use of consistent data standards by the agency. The Legislation Committee (b) (5)

[REDACTED]

Unlike the DATA Act passed in the House on April 25 ([H.R. 2146](#)), S. 3600 does not contain provisions exempting IGs from computer matching requirements and the Paperwork Reduction Act, nor does it incorporate technical amendments to the IG Reform Act. IG Gustafson announced that the Legislation Committee will (b) (5)

[REDACTED]

Improper Payments Elimination and Recovery Improvement Act of 2012

IG Gustafson reported that [H.R. 4053](#) the Improper Payments Elimination and Recovery Improvement Act of 2012, was reported out of the House Committee on Oversight & Government Reform on September 20. The legislation codifies [Executive Order 13520](#) concerning reducing improper payments.

The Senate version [S. 1409](#), was passed by the Senate on August 1 and unlike the House version, reduces requirements for OIGs to enter into computer matching agreements with other agencies in order to assist in the detection and prevention of improper payments. The Congressional Budget Office (CBO) contacted the Legislation Committee, expressing

(b) (5)

Whistleblower Protection Act

IG Gustafson announced that [S. 743](#), the Whistleblower Protection Enhancement Act of 2012, passed the Senate and House (as amended), on September 28th. The passed legislation requires OIGs, other than those in the Intelligence Community, to designate a Whistleblower Protection Ombudsman to educate agency employees about prohibitions on retaliation for protected disclosures and rights and remedies against such retaliation.

IG Gustafson reported that some OIGs had received letters from Senator Tester (D-MT), asking when an Ombudsman for whistleblowers will be created. IG Bialek (FRB) noted that EPA IG had experimented with an Ombudsman role in the past and that he could provide materials to share concerning the establishment of this position.

Government Employee Accountability Act

IG Gustafson reported that [H.R. 6016](#), the Government Employee Accountability Act, introduced by Rep. Mike Kelly (R-PA) was reported out of HOCR on September 21. This bill imposes punishments for Senior Executive Service (SES) malfeasance and sets forth administrative leave requirements for such employees. The bill authorizes an agency head to determine there is reasonable cause to believe that an SES employee has committed a crime based on a report received from the agency's IG.

New Legislation:

Non-Federal Employee Whistleblower Protection Act of 2012

IG Gustafson reported that [H.R. 6406](#), the Non-Federal Whistleblower Protection Act of 2012, was introduced in the House by Rep. Speier (D-CA) on September 13 and referred to several House committees. This legislation is the companion bill to [S. 241](#), introduced by Sen. McCaskill in January, 2011 and reported out of HSGAC. This legislation sets forth provisions on: (1) time limitations for determinations by IGs on whether to conduct or continue an investigation of a reprisal complaint against a non-federal employee whistleblower, (2) access by a complainant to the IG's investigative file, (3) the standard of proof for showing the occurrence of a reprisal, (4) agency actions to deny relief or remedy a reprisal, (5) the exhaustion of administrative remedies authorizing civil action by a complainant, and (6) non-enforceability of waivers and arbitration of disputes.

Other Issues:

7-Day Letter

IG Gustafson reported that (b) (5)

Adjournment

IG Gustafson thanked attendees and announced that she will determine whether or not to have a November meeting, and notify members accordingly. The meeting adjourned at 10:28 a.m.

CIGIE Legislation Committee Meeting Minutes
Tuesday, December 11, 2012
Postal Regulatory Commission Headquarters, Washington, DC

Peg Gustafson, IG, SBA (Chair)
Jack Callender, IG, PRC (Vice-Chair)
Christopher Dentel, IG, CPSC
Marty Dickman, IG, RRB*
Kathy Buller, IG, Peace Corps*
Nancy DiPaolo, RATB*
(b) (3)
Christy Slamowitz, Counsel, USDA
Glenn Harris, Counsel, SBA
Al Larsen, Counsel, EPA
Mike McCarthy, Counsel, TIGTA
Jackie Becker, Counsel, FRB
John Simms, Counsel, NARA
Sheldon Shoemaker, Special Assistant to IG, SBA
Venetia Bell, Counsel, FMC
John Manibusan, FRB
Chad Bungard, Counsel, SSA
George Penn, Attorney, SSA
Melissa Wright, IC
(b) (3)
Adam Kaplan, Assistant Counsel, SBA

***Via teleconference**

Introduction:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members and thanked IG Callender (PRC) for reserving the room for the meeting at the Postal Regulatory Commission. The Minutes from the October 2012 meeting were approved by the Committee.

Existing Legislation:

Whistleblower Protection Act

IG Gustafson announced that the Whistleblower Protection Enhancement Act of 2012 was signed into law by President Obama on November 27, becoming PL 112-199. The passed legislation requires OIGs, those of which are led by a Presidentially-appointed, Senate-confirmed Inspectors General as set forth in Section 3 of the Inspector General Act, to designate a Whistleblower Protection Ombudsman within 30 days after enactment to educate agency employees about prohibitions on retaliation for protected disclosures and rights and remedies against such retaliation.

IG Gustafson reported that Carolyn Lerner, head of the Office of Special Counsel will provide to CIGIE liaisons a pamphlet on whistleblower rights under the new law and present at the next CIGIE meeting. (b) (5)

A discussion ensued among Committee members as to the best place within an OIG for the Ombudsman to be placed, with several offices contemplating placing the Ombudsman in their Counsel Division or Hotline office. While the Ombudsman provision applies only to Presidentially Appointed/Senate Confirmed IGs, the Office of Special Counsel recommends that all IGs appoint an Ombudsman.

S. 3254/H.R. 4310, National Defense Authorization Act for Fiscal Year 2013

IG Gustafson reported that S. 3254, the National Defense Authorization Act (NDAA) for Fiscal Year 2013, passed in the Senate with an amendment, by unanimous consent on December 4. The House version of the bill, H.R. 4310, passed in the House on May 18. The bills are currently in Conference. The Senate version of the NDAA attaches several pieces of legislation which are of interest to the IG community including:

- **IG Coordination in Contingency Operations:** The creation of a standing committee within CIGIE, comprised of IGs designated to assist in contingency operations (DOD as the Lead, State, and USAID). The standing committee will plan, coordinate, and develop practices to improve oversight of overseas contingency operations;
- **IG Investigations into Whistleblower Retaliation by Contractors:** Permanently extends non-federal employee whistleblower rights to all employees of DOD contractors, subcontractors, or grant recipients; covers the same universe for all other non-intelligence community contracts or grants in a four-year pilot, pending a GAO study and recommendations on making the rights permanent; allows contractor whistleblowers to file retaliation complaints with the relevant OIG, which (within 180 days) must conduct an investigation and report its findings to the agency head;
- **IG Investigations into Allegations of Human Trafficking by Contract/Grant Recipients:** Upon receiving a referral from an agency contracting or grants officer, requires OIGs to conduct an investigation into a contract or grant recipient's purported use of human trafficking and submit a report to the agency as to whether the allegations are substantiated; and
- **Improper Payments/Computer Matching Provision:** Reduces requirements for OIGs to enter into computer matching agreements with other agencies in order to assist in the detection and prevention of improper payments. No cost-benefit analysis is required for such agreements. The Congressional Budget Office

issued a score of “no cost” for this provision. This provision codifies Executive Order 13520 concerning reducing improper payments.

DATA Act

IG Gustafson reported that there was no scheduled action on the Senate version of the DATA Act bill, S. 3600.

Cybersecurity Legislation

IG Gustafson reported that the Senate could not reach cloture on S. 3414, the Cybersecurity Act of 2012, so the bill will have to be re-introduced in another Congress. The Legislation Committee will continue to advocate for a b(3) statutory exemption under FOIA to permit the withholding of documents relating to IG reports which expose vulnerabilities in an agency’s information security system next Congress.

IG Gustafson reported that in a meeting between Legislation Committee members and Senate Judiciary Committee staff on this matter, staffers (b) (5)

Recovery Operations Center

IG Gustafson reported that the Recovery Operations Center (ROC), launched with the American Recovery & Reinvestment Act in 2009, was set to expire at the end of 2013. (b) (5)

Congressional Letters:

Rep. Posey Letter

IG Gustafson reported that in response to Rep. Posey’s October letter, she understood that (b) (5)

Rep. Issa Letter

IG Gustafson reported that House Oversight & Government Reform Chairman Darrell Issa had issued a letter to OIGs asking them to identify the five top short and long term recommendations for their respective agencies by December 28. (b) (6)

stated that HOCR is (b) (5)

(b) (6) reported that according to HOCR staff, (b) (5)

CIGIE Annual Performance Plan

IG Gustafson reported that Mark Jones has been tasked with creating the CIGIE external communications plan, (b) (5)

STOCK Act

IG Gustafson reported that H.R. 6634 was signed into law on December 7, 2012. This bill extends the date by which certain Executive Branch public financial disclosure forms must be made available on the internet to April 15, 2013.

Adjournment

IG Gustafson thanked attendees and announced that she will determine whether or not to have a January meeting, and notify members accordingly. The meeting adjourned at 10:53 a.m.

**CIGIE Legislation Committee Meeting Minutes
Tuesday, February 19, 2013, 2:00pm
CIGIE Headquarters, Washington, DC**

Peg Gustafson, IG, SBA (Chair)
Christopher Dentel, IG, CPSC
Deb Jeffrey, IG, CNCS
Marty Dickman, IG, RRB
Kathy Buller, IG, Peace Corps
Nancy DiPaolo, RATB
(b) (3)
Paul Feeney, USDA
Michael Volpe, Counsel, GAO
Al Larsen, Counsel, EPA
Glenn Harris, Counsel, SBA
Mike McCarthy, Counsel, TIGTA
Sheldon Shoemaker, Special Assistant to IG, SBA
Stephanie George, Attorney, LOC
Nathan Richmond, DOT
John Manibusan, FRB
Chad Bungard, Counsel, SSA
Melissa Wright, IC
Adam Kaplan, Assistant Counsel, SBA

Introduction:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the December 2012 meeting were approved by the Committee.

Draft Letter to OMB Outlining CIGIE Legislative Priorities:

IG Gustafson presented a proposed draft of a letter which will be sent by the Committee to OMB outlining CIGIE's legislative priorities for the 113th Congress. Priorities outlined in the letter include: (b) (5)

[REDACTED]

IG Gustafson asked that Committee members provide input to her on the letter prior to March 12.

IG Gustafson also reported that in a meeting with OMB Controller Danny Werfel, she and IG Tighe (Education) (b) (5)

(b) (5)

DATA Act/Meeting with HOGF staff:

IG Gustafson announced Legislation Committee and RATB members met with staff from the House Oversight and Government Reform Committee (HOGF). The staffers expressed that

(b) (5)

OGR staffers noted that (b) (5)

The Senate Homeland Security & Governmental Affairs Committee (HSGAC) has reached out to the Legislation Committee concerning the DATA Act and a meeting will be scheduled.

IG Gustafson reported that in the HOGF meeting, (b) (5)

HOGF staffers also spoke about (b) (5)

Lastly, HOGF staff (b) (5)

New Legislation:

Hurricane Sandy Disaster Relief Appropriations Act

IG Gustafson reported that many OIGs received supplemental funds pursuant to the Disaster Relief Appropriations Act, 2013, signed into law by President Obama on January 29 ([PL 113-2](#)).

H.R. 314, Inspector General Improvement Act of 2013

IG Gustafson announced that Rep. Jo Ann Emerson (who has since resigned her seat) introduced [H.R. 314](#), the IG Improvement Act of 2013 on January 18, 2013. The bill, referred to HOGF, assigns existing OIGs to take on oversight responsibilities for several agencies and programs.

(b) (6)

expressed (b) (5)

Additional Suspension/Debarment Issues:

IG Gustafson reported on a survey sent by the Committee to OIGs seeking comment on proposals which would give IGs the authority to suspend/debar. (b) (5)

summary of the survey results was communicated to HOGR staff.

A

At the meeting, (b) (6) expressed concerns (b) (5)

New House Oversight Caucus:

IG Gustafson informed the Committee that she had been contacted by the office of Rep. Jackie Speier (D-CA). Rep. Speier is interested in (b) (5)

Final Issues/Adjournment:

IG Gustafson thanked all members for attending and announced that the next meeting will be on March 19 at 10:00 a.m. She also invited Committee members to join her in meeting with congressional staffers if they are interested. The meeting adjourned at 2:45 p.m.

CIGIE Legislation Committee Meeting Minutes
Tuesday, March 19, 2013, 10:00am
CIGIE Headquarters, Washington, DC

Peg Gustafson, IG, SBA (Chair)
Christopher Dentel, IG, CPSC
Karl Schornagel, IG, LOC
Kathy Buller, IG, Peace Corps
Sheldon Shoemaker, Special Assistant to IG, SBA
Michael Volpe, Counsel, GAO
Al Larsen, Counsel, EPA
Glenn Harris, Counsel, SBA
Christy Slamowitz, Counsel, USDA
Nathan Richmond, DOT
Judy Ringle, Attorney, CFTC
Matthew Sutphen, Counsel, TIGTA
John Simms, Counsel, NARA
Chad Bungard, Counsel, SSA
George Penn, Senior Attorney, SSA
Adam Kaplan, Assistant Counsel, SBA

Introduction:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the February 2013 meeting were approved by the Committee.

Draft Letter to OMB Outlining CIGIE Legislative Priorities:

IG Gustafson thanked members whose offices reviewed and submitted comments to the proposed letter drafted by the Committee to OMB outlining CIGIE's legislative priorities for the 113th Congress. (b) (5)

DATA Act:

IG Gustafson announced that Legislation Committee members participated on a conference call with staff from Sen. Warner's office, the Senate Homeland Security & Governmental Affairs Committee (HSGAC) and the House Committee on Oversight & Government Reform (HOGR), to discuss both Houses' proposed versions of the DATA Act. (b) (6) staffer for Sen. Warner, asked the Committee (b) (5)

(b) (5) In response to a request from IG Gustafson, (b) (5)

(b) (5) IG Gustafson forwarded these comments to Sen. Warner's office.

The Legislation Committee (b) (5)

(b) (5)

(b) (5)

IG Gustafson announced that the Committee had facilitated a meeting between HOCR staff and Interagency Suspension and Debarment Committee chairs [Inspectors General Allison Lerner (NSF) and Steve Linick (FHFA)] to provide comments on Rep. Issa's draft legislation (b) (5) which among other things, (b) (5)

H.R. 983, Online Communications and Geolocation Protection Act

IG Gustafson announced that [H.R. 983](#), the Online Communications and Geolocation Protection Act was introduced in the House on March 6. The bill, introduced by Rep. Lofgren, was referred to the House Judiciary Committee and the Select Committee on Intelligence. The legislation requires that the government get a warrant based on probable cause before intercepting or forcing the disclosure of electronics communications and geolocation data. The bill requires agency heads to notify their respective IG if they decline to discipline an employee accused of violating the provisions of the Act. (b) (5)

S. 417, To reduce the number of nonessential vehicles purchased and leased by the Federal Government, and for other purposes.

IG Gustafson announced that [S. 417](#), a bill to reduce the number of nonessential vehicles purchased and leased by the Federal Government, was introduced by Sens. Coburn and Shaheen on February 28 and referred to HSGAC. The bill, aimed at reducing the number of vehicles purchased and leased by the government, does not provide an exemption for vehicles used by law enforcement.

Other Items

- **Mikulski Amendment to Continuing Resolution:** IG Gustafson announced that Sen. Mikulski had submitted an amendment to the Senate's Continuing Resolution for FY 2013, requiring agencies to notify their IG when planning conferences that cost over \$100,000.
- **FOIA Legislation:** Ms. Slamowitz (USDA) reported that Reps. Issa and Cummings had published a [discussion draft](#) of a bill (b) (5)
- **HOCR Testimony:** IG Gustafson announced that Rep. Issa has begun calling HOCR hearings in which IGs are asked to testify about unimplemented IG recommendations by their respective agencies. The IGs from DOT and Education have already testified. Some IGs have been called to testify by their agency's respective House appropriations committee as well.

- **Climate Change Letter:** IG Gustafson reported that Legislation Committee hosted a conference call with congressional staff regarding the letter sent to 70 IGs from the Bicameral Task Force on Climate Chang (Rep. Waxman and Sen. Whitehouse, joined by co-chairs Rep. Ed Markey and Sen. Ben Cardin). The Bicameral Task Force reaffirmed they want a response by March 29. There will be a follow-up call to IGs of agencies which routinely deal with climate change issues.
- **House Budget Resolution:** IG Gustafson reported that H. Con. Res. 25, the [House Concurrent Resolution](#) for the FY 2014 budget puts forth a Policy Statement that Congress, with the assistance of GAO and OIGs, should make it a high priority to review unobligated agency balances and identify savings for deficit reduction.

Adjournment

IG Gustafson thanked all members for attending and announced that unless major issues arise, there will likely be no meeting in April. The next meeting will be held on May 14.

CIGIE Legislation Committee Meeting Minutes
Tuesday, May 14, 2013, 10:00am
CIGIE Headquarters, Washington, DC

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. She thanked the Members for their hard work on the Committee and noted that she was elected to a second term as the Committee Chair.

The Minutes from the March 2013 meeting were approved by the Committee. It also was noted that the Committee published a newsletter on April 25, highlighting the activities of the Committee and legislation identified as having CIGIE interest.

STATUS UPDATES

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

- (b) (6)
 - As reported in February, the Legislation Committee shared the draft (b) (5)
[REDACTED]
 - IG Gustafson, Special Assistant to the IG Sheldon Shoemaker, and IGs Lerner and Linick met with HOCR staff, (b) (6) and (b) (6) on April 4.
 - IGs Lerner and Linick shared their insight on (b) (5)
[REDACTED]
 - Subsequently, IGs Lerner and Linick coordinated with the Committee Chair (b) (5)
[REDACTED]
- H.R. 313, Government Spending Accountability Act of 2013
 - This bill was introduced on January 18, by retired Congresswoman Jo Ann Emerson.
 - The bill establishes (b) (5) requirements relative to conferences, to include public posting of conference presentations, spending thresholds (\$500,000 that can be waived), limitations on participants in certain circumstances, and other provisions.

- The bill, as amended was reported out of HOCR on March 20, and is pending further action on the House floor.
- H.R. 1163, Federal Information Security Amendments Act of 2013
 - This bill was introduced on March 14 by Chairman Issa and Ranking Member Cummings. The bill is a carryover from the prior Congress, for which CIGIE provided views by letter dated April 24, 2012.
 - The bill was voted out of Committee and passed on the House floor the same day—April 16. The bill is now pending before the Senate and has been referred to HSGAC.

NEW LEGISLATION

IG Gustafson led a discussion of summarizing new legislation introduced since the March 2013 meeting:

- S. 549, Public Online Information Act of 2013
 - This bill was introduced on March 13 by Senator Tester
 - The bill is intended to establish an advisory board and mandate federal agencies to post all “public” information permanently on a website.
 - The bill includes a provision requiring an IG compliance review every 4 years, which of course, is to be published on the IG website.
 - The bill has been referred to and is pending before HSGAC.
- S. 808, A bill to establish the Office of the Inspector General of the Senate
 - This bill was introduced on April 24, by Senator McCaskill
 - The bill intends to establish the Office of the Inspector General (IG) of the Senate.
 - Requires the Majority and Minority Leaders of the Senate to appoint the first IG.
 - Limits the IG to an initial five-year term and two additional terms if reappointed.
 - Requires the IG to: (1) audit and investigate Senate programs and operations; (2) review legislation and regulations relating to Senate programs and operations, and make recommendations concerning their impact on the economy and efficiency in the administration of such programs and operations or the prevention and detection of fraud and abuse in them; and (3) keep the Committee on Rules and Administration and the Committee on Appropriations informed concerning fraud and other serious problems, abuses, and deficiencies relating to such administration and recommend corrective action.
 - Requires the Office to establish a publicly available website for posting its reports and audits, including a direct homepage link for individuals to report fraud, waste, and abuse without being required to disclose personally identifying information.

- S Con Res 8, Fiscal 2014 Senate Budget Resolution
 - The Resolution, which is the Congress' internal budget guide, includes a provision authored by Senator Boozman. The provision is intended to offer support to strengthen OIGs:

SEC. 363. DEFICIT-NEUTRAL RESERVE FUND TO INCREASE THE CAPACITY OF AGENCIES TO ENSURE EFFECTIVE CONTRACT MANAGEMENT AND CONTRACT OVERSIGHT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase the capacity of Federal agencies to ensure effective contract management and contract oversight, including efforts such as additional personnel and training for Inspectors General at each agency, new reporting requirements for agencies to track their responses to and actions taken in response to Inspector General recommendations, urging the President to appoint permanent Inspectors General at agencies where there is currently a vacancy, and any other effort to ensure accountability from contractors and increase the capacity of «Inspectors General» to rout out waste, fraud, and abuse in all government contracting efforts, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2013 through 2018 or the period of the total of fiscal years 2013 through 2023.

- The Resolution is pending a Conference with the House relative to the House-passed budget resolution.
- H.R. 1768, Accountability Review Board Reform Act of 2013
 - This bill was introduced on April 26 by Rep. Edward Royce (CA-39).
 - The bill is intended to Amend the Diplomatic Security Act to increase the effectiveness of Accountability Review Boards by reconstituting such Boards to increase their independence from the Department of State.
 - Section 4 of the bill requires the CIGIE Chair to appoint two members of the Accountability Review Board referenced in the Diplomatic Security and Anti-terrorism Act (22 USC 4832):

SEC. 4. ACCOUNTABILITY REVIEW BOARDS.

(a) Membership.—Subsection (a) of section 302 of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832) is amended—

(1) by striking the first sentence and inserting the following new sentence: “A Board shall consist of five members, two appointed by the Secretary of State, two appointed by the Chairperson of the Council of Inspectors General on Integrity and Efficiency (the CIGIE Chairperson), and one appointed by the Director of National Intelligence.”; and

(2) by striking the final two sentences and inserting the following new sentences: “Members of a Board who are not Federal officers or employees shall each be paid at a rate not to exceed the maximum rate of basic pay payable for level IV of the Executive Schedule under section 5317 of title 5, United States Code, for each day (including travel time) during which such members are engaged in the actual performance of duties vested in such Board. Members of the Board who are Federal officers or employees shall receive no additional pay by reason of such membership. Only in exceptional circumstances may a member of a Board be a current Federal officer or employee.”.

(b) Staff.—Paragraph (2) of subsection (b) of section 302 of the Omnibus Diplomatic Security and Antiterrorism Act is amended to read as follows:

“(2) STAFF.—

“(A) IN GENERAL.—A Board may hire staff to assist the Board, and may have any Federal Government employee assigned or detailed to such Board, with or without reimbursement, to assist such Board. Any such assignee or detailee shall retain without interruption the rights, status, and privileges of his or her regular employment.

“(B) SPECIAL RULE.—Any individual who is hired, assigned, or detailed to assist a Board under subparagraph (A) shall be subject to the rule relating to the avoidance of conflicts of interest under subsection (a) in the same manner and to the same extent as a Member of such a Board is subject to such avoidance under such subsection.

“(C) OFFICE OF THE INSPECTOR GENERAL.—To the maximum extent practicable, individuals assisting the Board shall be employees of the Office of the Inspector General of the Department of State.”.

- The bill is pending before the House Foreign Affairs Committee.

- (b) (5)

- H.R. 1793, Global Partnerships Act of 2013
 - This bill was introduced on April 26, by Rep. Connolly.
 - This is the USAID Reauthorization and Foreign Assistance bill—Global Partnerships Act of 2013.”
 - The bill includes a provision that establishes an Overseas Private Investment Corporation, which shall be an agency of the United States under the policy guidance of the Secretary of State and the Interagency Policy Committee on Global Development.
 - The provision also establishes an Inspector General for this “Corporation,” which is to be appointed by the Board of the Corporation.
 - The bill is pending before several House oversight committees.
- H.R. 1856, Closing Long-Empty Accounts Now Act of 2013 (CLEAN Act)
 - This bill was not on the agenda that was emailed, as it was introduced just last week.
 - This bill was introduced on May 7 by Representative Kuster.
 - The bill requires CIGIE to submit a report to Congress relative to USG bank accounts that have had a zero balance for 180 days or more, along with recommendations for closure of accounts.
 - (b) (5)

SEC. 2. DOCUMENTING AND CLOSING LONG-EMPTY FEDERAL BANK ACCOUNTS.

(a) **Inspectors General» Report.**—Not later than six months after the date of the enactment of this Act, the Council of the «Inspectors General on Integrity and Efficiency shall submit to Congress a report that—

(1) lists each bank account held by the United States Government that has a balance of zero dollars for 180 days or more; and

(2) recommends which of these accounts should be immediately closed.

(b) **Closure of Accounts Required.**—Not later than 7 days after the report is submitted under subsection (a), the head of each agency with a bank account recommended for closure in the report described in subsection (a) shall close each such account that is managed by the agency.

(c) **Agency Defined.**—In this section, the term “agency” has the meaning given that term in section 551 of title 5, United States Code.

- **H.R. 1858, Congress Leads by Example Act of 2013**
 - This bill was introduced on May 7 by Representative Norton.
 - The bill is intended to amend the Congressional Accountability Act of 1995 to provide enhanced enforcement authority for occupational safety and health protections applicable to the legislative branch, to provide whistleblower protections and other anti-discrimination protections for employees of the legislative branch, and for other purposes.
 - Disclosures to Inspectors General are protected as whistleblower disclosures.
 - The bill is pending before several House oversight committees.

OTHER BUSINESS

IG Gustafson led a discussion of summarizing other legislative matters that have occurred since the March 2013 meeting:

- IG Gustafson and Special Assistant Shoemaker met with several committee staffs relative to CIGIE matters:
 1. Majority Staff - HSGAC, Subcommittee on Efficiency and Effectiveness of Federal Programs and the Federal Workforce
 - This was an introductory meeting with (b) (6) (b) (6) was briefed on the mission and role of CIGIE, and the Legislation Committee was identified as the POC for the IG Community.
 2. Majority and Minority Staff – HSGAC
 - This meeting included (b) (6) staff.

- The meeting was a dialogue involving CIGIE's legislative priorities, as outlined in our letter to OMB.
 - (b) (5) [REDACTED]
3. Minority Staff – HSGAC, Subcommittee on Financial and Contracting Oversight
- This was an introductory meeting with Ranking Member Johnson's staff.
 - The role of CIGIE was discussed.
- Information Technology Working Group Update
 - The IT Working Group convened on May 7. IG Bialek provided the Committee with an update on the three prevailing pieces of cybersecurity legislation which are actively under debate in the Congress.
 - The IT Working Group was requested to draft (b) (5) [REDACTED]

MEETING - DATE/TIME

- The next meeting is scheduled for June 11.
- The meeting adjourned.

CIGIE Legislation Committee Meeting Minutes
Tuesday, June 11, 2013 10:00am
CIGIE Headquarters, Washington, DC

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the May 2013 meeting were approved by the Legislation Committee (“the Committee”).

STATUS UPDATES

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

➤ **H.R. 1768: Accountability Review Board Reform Act of 2013**

The Committee reached out to (b) (5) seeking insight into the provision in [H.R. 1768](#) requiring the CIGIE Chair to appoint two members to the Accountability Review Board referenced in the Diplomatic Security and Anti-Terrorism Act (22 U.S.C. 4832). The bill, introduced by Rep. Royce on April 26 (referred to the House Committee on Foreign Affairs), requires that to the maximum extent practicable, individuals assisting the Board be State OIG employees. (b) (5)

➤ **H.R. 1856, Closing Long-Empty Accounts Now Act of 2013 (CLEAN Act)**

The Committee had a discussion with staffers from the House Oversight & Government Reform Committee (HOCR) (b) (5)
[H.R. 1856](#) was introduced by Rep. Kuster on May 7 and referred to HOCR. HOCR advised Committee members (b) (5)

➤ **H.R. 2061/S. 994, DATA Act**

Reps. Issa and Cummings re-introduced [H.R. 2061](#), the Digital Accountability and Transparency Act of 2013 (“DATA Act”), on May 21, 2013. This bill differs from last Congress’ version in that: 1) DATA standardization will be established by the Department of Treasury, which will maintain a publicly available machine-readable format for the data; 2) there is no reporting requirement for recipients of federal awards, unless they fall under a 3-year pilot program created to evaluate consolidated reporting for parties which receive over \$10 billion in federal funds from multiple agencies, among other criteria; and 3) the Recovery Accountability & Transparency Board will be downsized to run the Recovery Operations Center and the consolidated reporting pilot program.

Unlike the version introduced last Congress, this version of the DATA Act does not contain OIG exemptions from the Paperwork Reduction Act or Computer Matching Act, nor does it incorporate the technical amendments to the IG Reform Act of 2008. IG Gustafson noted that at the May CIGIE meeting, (b) (5)

The Committee will (b) (5)

➤ **EASY Savings Act of 2013**

On May 9, Rep. Charles Fleischmann introduced [H.R. 1931](#), the EASY Savings Act of 2013, which was then referred to HOCR. This legislation requires OIGs to refer to the Chief Financial Officer of the agency any potential surplus funds or unnecessary budget authority identified by an agency employee, along with any recommendations of the Inspector General.

➤ **H.R. 2221, Sunshine on Government Act of 2013**

On June 3, Rep. Eric Crawford introduced [H.R. 2221](#), the Sunshine on Government Act of 2013, which requires OMB, in consultation with CIGIE, to create a centralized website for OIG reports. The bill was referred to HOCR. When this legislation was introduced last year, (b) (5)

IG Reform Act and Congressional Reporting Requirements

IG Gustafson led a discussion regarding Rep. Issa's concerns (b) (5)

The Committee reached out to (b) (5), (b) (6) to open up a dialogue with (b) (5)

(b) (5)

Information Technology Working Group Update

IG Bialek (FRB) and Andrew Patchan (Associate IG for IT, FRB) briefed the Committee on the IT Working Group's draft comments to [H.R. 1163](#), the Federal Information Security Amendments Act of 2013, which passed in the House on April 16, and to [H.R. 1468](#), the Strengthening and Enhancing Cybersecurity by Using Research, Education, Information, and Technology Act of 2013 or SECURE IT, introduced by Rep. Blackburn on April 10. (b) (5)

(b) (5)

IG Gustafson reported that (b) (5)

OIG Appropriations

IG Gustafson reported that CIGIE plans to (b) (5)

(b) (5) CIGIE
is working with (b) (6) to coordinate this outreach effort.

Next Meeting/Adjournment

The next meeting will be held on Tuesday, July 9 at 10:00am. IG Gustafson adjourned the meeting at 11:00am.

CIGIE Legislation Committee Meeting Minutes
Tuesday, July 9, 2013 10:00am
CIGIE Headquarters, Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)
Jack Callender, IG, PRC (Vice-Chair)
Christopher Dentel, IG, CPSC
Deb Jeffrey, IG, CNCS
Marty Dickman, IG, RRB
Karl W. Schornagel, IG, LOC
Kathy Buller, IG, Peace Corps
Tony Ogden, Deputy IG, FRB
Nancy DiPaolo, RATB
(b) (3)
Sheldon Shoemaker, Special Assistant to IG, SBA
Paul Feeney, USDA
Ashley Sellers-Hansen, EPA
Glenn Harris, Counsel, SBA
John Simms, Counsel, NARA
Jason Derr, Attorney, FRB
Tony Baptiste, CFTC
Andy Patchan, FRB
David Wonnemberg, DOT
Chad Bungard, Counsel, SSA
George Penn, Attorney, SSA
Adam Kaplan, Assistant Counsel, SBA

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the June, 2013 meeting were approved by the Legislation Committee (“the Committee”).

STATUS UPDATES

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

➤ **H.R. 2061/S. 994, DATA Act**

Reps. Issa and Cummings introduced [H.R. 2061](#), the Digital Accountability and Transparency Act of 2013 (“DATA Act”), on May 21. [S. 994](#), the Senate version of the DATA Act, was introduced by Sen. Warner that same day. GAO submitted comments to the House Oversight & Government Reform Committee (HOCR)

(b) (5)

(b) (5) The Committee (b) (5)

The Committee also reiterated comments to the legislation (b) (5)

(b) (6) stated that (b) (5)

IG Gustafson intends to (b) (5)

➤ **H.R. 2221, Sunshine on Government Act of 2013**

This bill is a carryover bill from the 112th Congress. In the prior Congress, the Legislation Committee and CIGIE Executive Director Mark Jones contacted the office of Rep. Eric Crawford, the sponsor of [H.R. 2221](#), the Sunshine on Government Act of 2013. It was noted that CIGIE is redesigning its website and that many of the provisions seek to mandate information already deemed important and included on the CIGIE website. Rep. Crawford's bill, introduced on June 3 (and referred to HOCR), requires OMB—in consultation with CIGIE—to create a centralized website for OIG reports.

➤ **Proposed (b) (5) Bill**

IG Gustafson received an email from (b) (6)

seeking comments on a plan to deal with (b) (5)

he Legislation Committee (b) (5)

CIGIE/OIG Budgets

IG Gustafson indicated that (b) (5)

he Committee will work with (b) (6)

to coordinate a meeting on the CIGIE budget to include context of OIG budgets generally.

OIG Legislative Proposals for CIGIE Consideration

(b) (6) recommended (b) (5)

(b) (6) (b) (5)

IG Gustafson reported that (b) (6) (b) (5)

Information Technology Working Group Update

Deputy IG Ogden (FRB) reported that (b) (5)

Next Meeting/Adjournment

The Committee agreed to (b) (5)

IG Gustafson also will announce in the coming days whether an August meeting will be convened, though it is noted that Congress begins its month-long recess on August 5.



APPROVAL OF PREVIOUS MEETING MINUTES

- Meeting minutes from the July 2013 Legislation Committee meeting were approved.

STATUS UPDATES

IG Gustafson reported the following:

- **Draft** (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
- **S.1360, Improper Payments Agency Cooperation Enhancement Act of 2013**
 - S.1360 was introduced on July 24 by Senator Carper along with five other cosponsors, including RM Coburn.
 - The bill was reported favorably out of HSGAC on July 31.
 - On August 14, (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
 - (b) (5) [REDACTED]

Specifically, (b) (6) suggested that (b) (5)

- **H.R. 2061/S.994 Digital Accountability and Transparency Act of 2013**

- H.R. 2061 was introduced on May 21, 2013, by Chairman Issa and Ranking Member Cummings.
- As mentioned in June, a data validation-type review of USASpending data by OIGs remains in the newly introduced bill. (b) (5)
- (b) (5)
- Our comments were sent to the Committee staff on June 28.
 - (b) (5)
- On July 24, HSGAC staff (b) (5)
- We again coordinated with (b) (5)
- (b) (5)

“(g) Accountability for Federal Funding-

“(1) IN GENERAL- Not later than 18 months after the issuance of standards described in subsection (e), and every 2 years thereafter until the date that is 6 years after such date of enactment, the Inspector General of each Federal agency, in consultation with the Comptroller General of

the United States, shall review a sampling of the spending data submitted under this Act by the Federal agency and shall submit to Congress and make publically available a report on the completeness, timeliness, quality, and accuracy of the data sampled and the implementation and use of consistent data standards by the Federal agency. The first report prepared by or for a Federal agency shall be submitted and made available no later than the date that is 24 months after the date that the standards described in section (e) are issued, or the date on which a Federal agency's financial statements are required by law to be submitted, whichever date is the latter. Subsequent reports shall be submitted and made available on the same date that the agency's financial statements are submitted for the applicable time period and may be included as a part of such financial statements.

- We anticipate (b) (5)

- **H.R. 3032, Executive Cyberspace Coordination Act of 2013**

- The bill was introduced on August 2 by Rep. Langevin along with 7 cosponsors. It is a minority bill and is noted as being related to H.R. 1163, which was introduced by Rep. Issa and moved through the House earlier this year. (b) (5)
- The bill is pending before HOCR and the Committee on Homeland Security.
- The bill does the following:
 - Executive Cyberspace Coordination Act of 2013 - Establishes in the Executive Office of the President the National Office for Cyberspace to serve as the principal office for coordinating issues relating to cyberspace. Establishes within such Office the Federal Cybersecurity Practice Board to be responsible for developing and updating information security policies and procedures.
 - Requires the Director of the National Office for Cyberspace to: (1) oversee information security policies and practices, (2) establish a national program to instruct students in cybersecurity education and computer literacy, (3) review federal agency budgets relating to the protection of information infrastructures, and (4) ensure the operation of a central federal information security incident center.

- Requires each federal agency to perform an annual independent audit of its information security programs and practices and submit the results of such audit to the Director.
- Requires the Secretary of Commerce, on the basis of proposed standards developed by the National Institute of Standards and Technology (NIST), to promulgate information security standards pertaining to federal information systems.
- Prohibits any agency from entering into a contract, an order under a contract, or an interagency agreement for information technology without including requirements for effective information security that supports the operations and assets of that agency.
- Requires the Director of the Office of Management and Budget (OMB) to require each agency to conduct an initial vulnerability assessment for any major information system.
- Establishes in the Executive Office of the President the Office of the Federal Chief Technology Officer. Includes among the duties of such Officer: (1) advising the President and agency officials on information technology infrastructures, strategy, and use; (2) leading an interagency effort to ensure the use of best-in-class technologies; (3) promoting technological innovation in the federal government; (4) establishing public-private sector partnership initiatives; and (5) gathering information on significant developments and trends in information technology.
- Grants the Secretary of Homeland Security (DHS) primary authority for the protection of the critical information infrastructure, as defined by this Act.

OTHER BUSINESS

IG Gustafson reported the following:

- IG Access Issues
 - The Committee has been apprised of several IGs experiencing access issues

(b) (5)
- CIGIE Budget

- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]

- Integrity Committee Briefing

- On August 27, IGs Fong, McFarland, and Gustafson, along with Sheldon Shoemaker, Mark Jones, FBI personnel (Phillip Johnson, Jonathan Frenkel, and Christopher McDonough) and OSC personnel (Adam Miles and Jason Zuckerman) met with (b) (6) [REDACTED]
- (b) (5) [REDACTED]
- The discussion (b) (5) [REDACTED]
- The staff (b) (5) [REDACTED]
- Staff (b) (5) [REDACTED]
- (b) (5) [REDACTED]

- IG Community Legislative Proposals

- The Committee (b) (5) [REDACTED]

- Program Integrity Funding Proposal

- On May 8, 2013, SSA IG Pat O’Carroll testified at a hearing before the Senate Committee on Homeland Security and Governmental Affairs, entitled “Curbing Federal Agency Waste and Fraud: New Steps to Strengthen the Integrity of Federal Payments.”
- As Chairman of the CIGIE Improper Payments Information Act/Guidance Committee, Pat provided testimony from both the CIGIE and SSA OIG perspective. In his written testimony, Pat cited IPERA as providing up to 5 percent of the amounts collected from recovery auditing by an agency to be used by the IG of that agency; the money to be used to carry out IPERA or any other activities of the IG relating to investigating improper payments or auditing internal controls associated with payments. However, pursuant to OMB guidance, this provision applies only to recoveries of overpayments made from discretionary appropriations. (b) (5)
[REDACTED]
- IG O’Carroll testified that SSA OIG and other OIGs continue to support legislation to establish an agency revolving fund for integrity activities to help ensure payment accuracy or an expansion of the recovery auditing provisions of IPERA to all Government funds, not just discretionary funds. (b) (5)
[REDACTED]
- Subsequent to this hearing, (b) (5)
[REDACTED]
- (b) (5)
[REDACTED]
- (b) (5)
[REDACTED]

- Information Technology Working Group Update

FRB IG Bialek reported the following:

- As discussed in July, (b) (5)
[Redacted]
- Potential Hearing – (b) (5)
[Redacted]
 - (b) (5)
[Redacted]
 - (b) (5)
[Redacted]
 - For CIGIE, (b) (5)
[Redacted]

MEETING - DATE/TIME

- The next meeting is scheduled for October 8.

CIGIE Legislation Committee Meeting Minutes
Tuesday, November 12, 2013 10:00am
CIGIE Headquarters, Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)
Mark Bialek, IG, FRB/CFPB
Christopher Dentel, IG, CPSC
Michael Horowitz, IG, DOJ
Marty Dickman, IG, RRB
Allison Lerner, IG, NSF
Kathy Buller, IG, Peace Corps*
Elizabeth Dean, IG, FCA*
Nancy DiPaolo, RATB
Jay Lerner, DOJ
Kristin Klima, SSA
George Penn, Attorney, SSA
Nancy DiPaolo, RATB
Ken Chason, Counsel, NSF
Jackie Becker, Counsel, FRB/CFPB
(b) (3)
Sheldon Shoemaker, Special Assistant to IG, SBA
Al Larsen, Counsel, EPA
Paul Feeney, USDA
Judith Ringle, Counsel, CFTC
Chad Bungard, Counsel, SSA
Adam Kaplan, Assistant Counsel, SBA

*participated via telephone

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the September, 2013 meeting were approved by the Legislation Committee (“the Committee”).

STATUS UPDATES

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

➤ **IG Reform Act**

(b) (5)

➤ **H.R. 2061/S. 994, DATA Act**

[S. 994](#), the Senate version of the DATA Act, was marked up by the Senate Homeland Security & Governmental Affairs Committee (HSGAC) last week to include language (b) (5)

[REDACTED]

The House version of the DATA Act, [H.R. 2061](#), was introduced in the House on May 21 and reported out of HOCR on May 22. (b) (5)

[REDACTED]

➤ **H.R. 3345, SUSPEND Act**

[H.R. 3345](#), the Stop Unworthy Spending, or “SUSPEND” Act, was introduced in the House by Rep. Issa on October 28. The bill was reported out of HOCR with one amendment by Rep. Chaffetz. The bill, which consolidates 41 suspension and debarment offices into a Board of Civilian Suspension and Debarment (BCSD), also creates a Remedy Coordination Official within each agency who must be promptly notified of each significant investigation of fraud or corruption related to procurement or grant activities affecting the agency. (b) (5)

[REDACTED]

(b) (5)

[REDACTED]

(b) (6) noted that (b) (5)

[REDACTED]

OTHER BUSINESS

➤ **IG Access Issues**

As discussed at the September meeting, the Committee has been apprised of several IGs experiencing access issues for information protected in some manner by statutory language. The Legislation Committee (b) (5)

[REDACTED]

(b) (5)

➤ **Program Integrity/IPERA**

(b) (5)

(b) (6) indicated he would (b) (5)

➤ **Cybersecurity Legislation**

IG Gustafson reported that the Legislation Committee had sent a formal letter expressing its views on various cybersecurity legislation to all relevant congressional committees. She thanked the Federal Reserve Board OIG for taking the lead on this initiative.

CONGRESSIONAL HEARINGS AND MEETINGS

- IG Gustafson reported that she and IG Horowitz (DOJ) will be testifying at a hearing of the Senate HSGAC Subcommittee on the Federal Workforce on November 19. The subject of the hearing is, "Strengthening Government Oversight: Examining the Roles and Effectiveness of Oversight Positions Within the Federal Workforce." The IG witnesses plan to discuss challenges facing OIGs caused by sequestration, among other issues.

- IG Gustafson also reported on a meeting that she had with Rep. Jim Cooper's and Senator McKaskill's staff, in which the staff sought her perspective on (b) (5)

IG Gustafson suggested that (b) (5)

- IG Gustafson reported that she met with an HSGAC subcommittee (b) (5)

Next Meeting/Adjournment

The next CIGIE Legislation Committee meeting will be held on Tuesday, December 10 at the CIGIE Headquarters. IG Gustafson thanked members for attending and the meeting adjourned at 11:30am.

CIGIE Legislation Committee Meeting Minutes
Tuesday, February 11, 2014 10:00am
CIGIE Headquarters, Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)
Mark Bialek, IG, FRB/CFPB
Christopher Dentel, IG, CPSC
Marty Dickman, IG, RRB
Elizabeth Dean, IG, FCA
Allison Lerner, IG, NSF
Kathy Buller, IG, Peace Corps
Tony Ogden, Deputy IG, FRB
Nancy DiPaolo, RATB
Sheldon Shoemaker, Special Assistant to IG, SBA
Jay Lerner, DOJ
Ken Chason, Counsel, NSF
Christy Slamowitz, Counsel, USDA
Glenn Harris, Counsel, SBA
John Simms, Counsel, NARA
Vincent Mulloy, Counsel, CNCS
Dan Meyer, DOD
Marta Erceg, Counsel, Education
Melissa Wright, IC
Jeanette McMillan, Counsel, IC
(b) (3)
David Wonnenberg, DOT
Jackie Becker, Counsel, FRB/CFPB
Al Larsen, Counsel, EPA
B. Chad Bungard, Counsel, SSA
Adam Kaplan, Assistant Counsel, SBA

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the November, 2013 meeting were approved by the Legislation Committee (“the Committee”).

UPDATES FROM ATTENDEES:

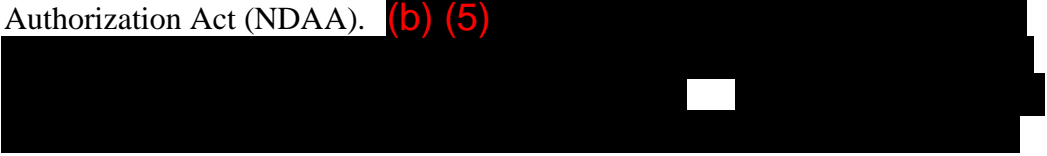
➤ **8th Circuit Decision on Whistleblower Rights under the Recovery Act**

Marta Erceg (Education) briefed the Committee on the 8th Circuit Court of Appeals’ December 2, 2013 decision in *Business Communications Inc. v. Duncan*. The 8th Circuit held that an employer of an American Recovery & Reinvestment

Act (ARRA) whistleblower was deprived of its due process rights because it was not afforded a hearing to confront and cross examine adverse witnesses, either before or after the Secretary of Education issued an order to the employer to pay back pay to and reinstate the whistleblower. The government has petitioned the 8th Circuit for an *en banc* hearing and Ms. Erceg will report back to the Committee as this matter evolves.

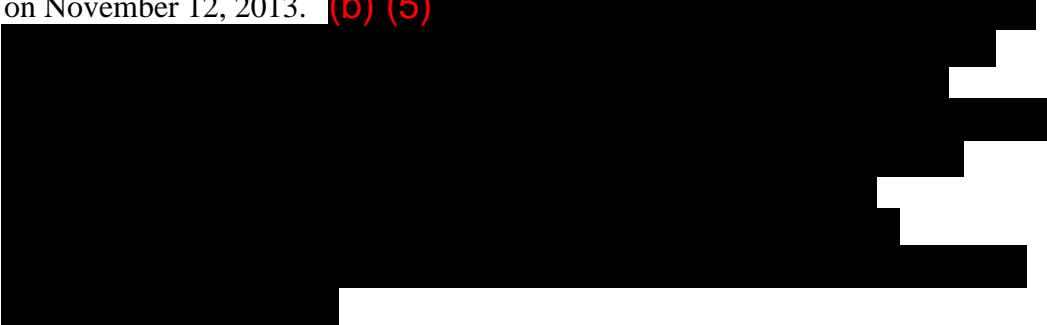
➤ **Subgrantee Whistleblower Rights under the National Defense Authorization Act**

Ms. Erceg also reported on a matter involving the Department of Education in which it was determined that employees of subgrantees were not covered under the contractor whistleblower protections provided for in the National Defense Authorization Act (NDAA). (b) (5)



➤ **Intelligence Community Legislation**

Ms. McMillan, Counsel to the Intelligence Community IG and Dan Meyer, DOD OIG Director of Whistleblowing and Transparency, discussed S. 1681, the Intelligence Authorization Act for Fiscal Year 2014, introduced by Sen. Feinstein on November 12, 2013. (b) (5)



STATUS UPDATES

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

➤ **IG Reform Act**

IG Gustafson reported that she, along with IGs Horowitz (DOJ) and Buller (Peace Corps) testified at a House Oversight & Government Reform (HOCR) hearing on January 15. During the hearing, members discussed potential OIG reforms which may be included in the IG Reform Act which Chairman Issa is drafting. The

testifying IGs received questions on the Computer Matching Act, privacy issues, the necessity of a statutory exemption to prevent disclosure of sensitive cybersecurity records under FOIA, and testimonial subpoena authority. Chairman Issa stated that he intends to include legislative language to require that Congress be notified when an IG is under investigation. The Committee will continue to serve as HOCR's main contact as the IG Reform Act progresses.

➤ **Oversight Workforce Improvement Act**

On January 16, 2014, Sens. Tester and McCaskill introduced S. 1953, the Oversight Workforce and Improvement Act of 2014. This bill, referred to the Senate Homeland Security & Governmental Affairs Committee (HSGAC), provides for OIG exemption from the Paperwork Reduction Act and a statutory exemption under FOIA for the disclosure of information relating to cybersecurity. The legislation includes technical amendments to the IG Reform Act, but does not provide an exemption for OIGs to the Computer Matching Act reportedly due to expressed privacy concerns by some members related to the Affordable Care Act.

(b) (5)

➤ **H.R. 2061/S. 994, DATA Act**

The Committee spoke with staff from the HOCR Majority and Minority to discuss the House's version of the DATA Act, H.R. 2061. (b) (5)

➤ **S. 1360, Improper Payments Agency Cooperation Enhancement Act of 2013**

The Committee discussed with Sen. Carper's HSGAC staff (b) (5)

This bill was reported out of HSGAC on December 12, 2013. The legislation provides for certain programmatic exemptions for OIGs for computer matching, such as access to Social Security or Postal records. There is an identical Improper Payments bill in the House, H.R.3555, introduced on November 20, 2013 by Rep. Bustos and referred to HOCR and the Committee on Ways & Means.

➤ **S. 1730, Clearing Unnecessary Regulatory Burdens Act of 2013**

S. 1730, introduced by Sens. Collins on November 19, 2013, requires OIGs to oversee agency compliance in conducting reviews of how regulations affect small businesses. The bill was referred to HSGAC. (b) (5)

➤ **S. 1792, Grants Oversight and New Efficiency Act**

S.1792, the Grants Oversight and New Efficiency Act (GONE Act), was introduced by Sen. Fischer on December 10, 2013, and referred to HSGAC. The bill, in part, directs CIGIE to conduct a review of grant accounts in federal agency payment management systems which have a zero balance for more than 180 days and for which the grant award period has expired. (b) (5)

➤ **H.R. 3770, CFPB-IG Act of 2013**

H.R.3770, the CFPB-IG Act of 2013, was introduced on December 12, 2013 by Rep. Stivers. The bill was referred to HOGR. The legislation establishes an Inspector General for the Consumer Financial Protection Board (CFPB), to be appointed by the President, by and with the advice and consent of the Senate.

➤ **H.R. 3669, Federal Probation System Reform Act**

H.R.3669, the Federal Probation System Reform Act, was introduced by Rep. Maffei on December 5, 2013 and referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. This bill establishes within the United States Probation and Pretrial Services System an Inspector General for Probation and Pretrial Services.

OTHER BUSINESS

➤ **Committee Testimony**

IG Gustafson reported that on November 19, 2013, she testified on behalf of the Committee at a hearing titled, “Strengthening Government Oversight: Examining the Roles and Effectiveness of Oversight Positions Within the Federal Workforce,” called by the Federal Workforce Subcommittee of HSGAC. The IG discussed challenges facing OIGs caused by sequestration, among other issues.

➤ (b) (5)

IG Gustafson discussed an initiative (b) (5)

➤ (b) (5)

(b) (6) requested that (b) (5)
IG Gustafson indicated that (b) (5)

NEXT MEETING/ADJOURNEMENT

The next CIGIE Legislation Committee meeting will be held on Tuesday, March 11 at the CIGIE Headquarters. IG Gustafson thanked members for attending and the meeting adjourned at 11:47am.

CIGIE Legislation Committee Meeting Minutes
Tuesday, March 11, 2014 10:00am
CIGIE Headquarters, Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)
Jack Callender, IG, PRC (Vice-Chair)
Marty Dickman, IG, RRB
Hubert Bell, IG, NRC
Deb Jeffrey, IG, CNCS
Kathy Buller, IG, Peace Corps
Tony Ogden, Deputy IG, FRB
Nancy DiPaolo, RATB
Mike McCarthy, Counsel, Ex-Im Bank
Sheldon Shoemaker, Special Assistant to IG, SBA
Christy Slamowitz, Counsel, USDA
John Simms, Counsel, NARA
Judy Ringle, Counsel, CFTC
Ken Chason, Counsel, NFC*
Eric Weems, DOT*
(b) (3)
Jackie Becker, Counsel, FRB/CFPB
Al Larsen, Counsel, EPA
B. Chad Bungard, Counsel, SSA
Adam Kaplan, Assistant Counsel, SBA

*via telephone

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the February, 2014 meeting were approved by the Legislation Committee ("the Committee").

STATUS UPDATES

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

➤ **IG Reform Act**

IG Gustafson reported that the House Oversight and Government Reform Committee (HOCR) continues to draft an IG reform bill under direction of Chairman Issa. The Legislation Committee has been in contact with HOCR staff

(b) (5)

➤ **H.R. 1211, FOIA Oversight and Implementation Act of 2014**

On February 25, 2014, the House of Representatives unanimously passed H.R. 1211, the FOIA Oversight and Implementation Act of 2014 ("FOIA Act"). This legislation would create a government-wide, online portal for visitors to make FOIA requests and view regularly requested documents. The centralized site would be run by OMB. Other reforms in H.R. 1211 include establishing an open government advisory committee, requiring all agencies to update their FOIA regulations, and providing the Office of Government Information Services with the ability to submit reports and testimony directly to Congress and the President. The bill would also require OIGs to periodically review agency compliance with handling FOIA requests, including the timely processing of requests, assessment of fees and fee waivers, and the proper use of exemptions. OIGs are also tasked with making recommendations to the agency head for disciplinary actions for noncompliance with FOIA processing and other requirements imposed on agencies by the Act.

(b) (5)

OTHER BUSINESS

➤ **Potential Hearing on OIG Oversight of Small Agencies**

IG Gustafson reported on the possibility of a hearing being called by the Senate Homeland Security & Governmental Affairs Committee's (HSGAC) Subcommittee on Financial and Contracting Oversight concerning oversight of agencies with no IG. Sen. McCaskill's office approached the Committee to discuss ideas on addressing the gap in agency oversight. Hubie Sparks, IG of the Appalachian Regional Commission and member of the CIGIE Small IG working group also has had conversations with the staffers. The Legislation Committee

(b) (5)

➤ (b) (5)

(b) (5)

➤ **DATA Act**

Nancy DiPaolo (RATB) reported that there has been no movement on the DATA Act, (b) (5) about the legislation, which passed the House on November 18, 2013. The Senate version of the DATA Act, introduced by Sen. Warner on May 21, 2013, is S. 994.

➤ **DATA Integrity Board**

(b) (6) inquired whether IGs in other offices (b) (5)

(b) (5)

NEXT MEETING/ADJOURNEMENT

The next CIGIE Legislation Committee meeting is set to be held on Tuesday, April 8 at the CIGIE Headquarters. IG Gustafson thanked members for attending and the meeting adjourned at 11:00am.

Peggy Gustafson, Inspector General
U.S. Small Business Administration
CIGIE Legislation Committee – Meeting Minutes for May 8, 2014

Attendees:

Peg Gustafson, IG, SBA (Chair)
Jack Callender, IG, PRC (Vice-Chair)*
Mark Bialek, IG, FRB
Elizabeth Dean, IG, FCA
Marty Dickman, IG, RRB
Kathy Buller, IG, Peace Corps
Tony Ogden, Deputy IG, FRB
Mike McCarthy, Counsel, Ex-Im Bank
Sheldon Shoemaker, Special Assistant to IG, SBA
Christy Slamowitz, Counsel, USDA
John Simms, Counsel, NARA
Eric Weems, DOT
(b) (3)
(b) (3)
Jackie Becker, Counsel, FRB/CFPB
Ashley Nagon, EPA
Kristin Klima, SSA
George Penn, SSA
Glenn Harris, Counsel, SBA
Nancy DiPaulo, RATB

*via telephone

APPROVAL OF PREVIOUS MEETING MINUTES (March 2014)

The March 11, 2014 meeting minutes were motioned for approval, and the motion was agreed upon by the Members.

LEGISLATION

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

New

H Con Res 96, A concurrent resolution establishing the budget for the United States Government for fiscal year 2015 and setting forth appropriate budgetary levels for fiscal years 2016 through 2024.

- The resolution was introduced on April 4, and voted out of the House on April 11.

- (b) (5)
- That said, a provision indicating unobligated balances are a high priority for the Congress is included in the resolution. Congress, GAO, and OIGs are directed to focus on these balances to identify savings for deficit reduction.

SEC. 607. POLICY STATEMENT ON DEFICIT REDUCTION THROUGH THE CANCELLATION OF UNOBLIGATED BALANCES.

(c) Deficit Reduction.—Congress, with the assistance of the Government Accountability Office, the Inspectors General, and other appropriate agencies should continue to make it a high priority to review unobligated balances and identify savings for deficit reduction.

HR 4245, Transparency in Government Act

- Rep. Quigley introduced H.R. 4245, which is a bill to amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes.
- The bill's principal aim appears to be to provide sunshine on all spending related to earmarks, basically from lobbying to expenditure by the executive branch. There also are provisions such as public disclosure of CRS reports, FOI amendments, judicial branch transparent, etc. (b) (5)
- There is an IG review requirement related to certain spending and contracting data.

“SEC. 5. IMPROVING DATA QUALITY.

“(a) Inspector General» Data Audit.—Each «Inspector General» shall annually audit for the previous fiscal year the data used on the website created by this Act for the relevant Federal agency of the «Inspector General», in compliance with generally accepted Government auditing standards, and submit a report on such audit to the Director of the Office of Management and Budget that includes at least the following:

“(1) A review of data used for the website to verify accuracy of the data and assess the process used for improving data quality.

“(2) A review of a statistically representative sample of Federal awards to determine whether Federal agencies have appropriate measures in place to review data submissions under this Act for accuracy and completeness.

“(3) An identification and report on new standards that «Inspector General» recommends for implementation by agencies to improve data quality.

“(b) OMB Report.—Not later than April 1 of each year, the Director of the Office of Management and Budget shall make each report submitted under subsection (a) for the previous fiscal year available to the public, including a review of the findings of the audit and recommendations to improve data quality, through the website created by this Act.”.

HR 4312, Public Online Information Act of 2014

- The Public Online Information Act (POIA) requires executive branch agencies to publish all publicly available information on the Internet in a timely fashion and in user-friendly formats. The legislation requires each agency to establish a searchable catalog of all disclosed public documents. It also creates an advisory committee to help develop government-wide Internet publication policies. Rep. Israel previously introduced the legislation in the 111th and 112th Congress.
- Under POIA, The Office of Management and Budget's E-Government Administrator and Chief Information Officers at independent agencies are responsible for crafting regulations to implement POIA. The public is granted a limited private right of action (similar to that under the Freedom of Information Act) to guarantee that the government lives up to its transparency obligations. There are exemptions for trade secrets, matters of national security, personal privacy and other information that is exempt from disclosure under the Freedom of Information Act.
- Internet disclosure of public records becomes mandatory three years after enactment of the bill. Public records generated, updated or released after enactment must be published online.
- Examples of information that is required by law to be public but is not available online include:
 - Reports disclosing lobbying activities (SF-LLLs) by government contractors and grantees made in connection with winning a grant.
 - Filings by high-level government officials of their personal financial interests.
 - Reports of when executive branch official travel is paid for by third-parties and not the government.

SEC. 7. EXECUTIVE BRANCH INTERNET PUBLICATION MANDATE.

(d) Inspector General» Reviews.—The Inspector General of each agency shall conduct periodic reviews regarding agency compliance with Internet publication requirements, no less often than once every four years. The reviews shall be published on the Internet.

S. 2263, Stop Wasteful Federal Bonuses Act of 2014

- S. 2263 was introduced by Senators Ayotte and McCaskill on April 28. Add to bill list.
- The bill was referred to HSGAC.
- The bill prohibits a federal agency from awarding a bonus to any employee for five years after the end of a fiscal year in which the Inspector General of the

agency or another senior ethics official or the Comptroller General (GAO) makes an adverse finding relating to the employee. Requires repayment of a bonus awarded in any year in which an adverse finding is made.

`(b) Adverse Findings-

`(1) IN GENERAL- The head of an agency shall not award a bonus to an employee of the agency until 5 years after the end of the fiscal year in which the Inspector General or another senior ethics official of the agency or the Comptroller General of the United States makes an adverse finding relating to the employee.

`(2) PREVIOUSLY AWARDED BONUSES- If the Inspector General or another senior ethics official of the agency or the Comptroller General of the United States makes an adverse finding relating to an employee, the head of the agency employing the employee, after notice and an opportunity for a hearing, shall issue an order directing the employee to repay the amount of any bonus awarded to the employee during the year during which the adverse finding is made.'

H.R. 4533, NSA Internal Watchdog Act

- H.R. 4533 was introduced by Rep. Cooper, along with Representatives Himes and Smith on April 30, 2014.
- Of note, the bill does make the NSA IG a PAS. It has some specific provisions relative to appointing and the role of the NSA OIG's counsel. The NSA OIG is provided testimonial subpoena authority, and there are specific provisions relative to the availability to members of Congress of the NSA OIG's reports.
- The bill was referred to HOGR, in addition to Committees on Judiciary and Intelligence.

Updates

Draft - IG Reform Act

- On April 8, IG Fong, IG Gustafson, and Mark Jones met with HSGAC and HOGR majority and minority staff to discuss IG reforms that are being considered in discussions across the Hill. The staff discussed the following issues that they are deliberating internally:
 - (b) (5)
 - (b) (5)
 - (b) (5)
 - (b) (5)
 - (b) (5)

- (b) (5)
 - (b) (5)
- (b) (5)

S. 994, Digital Accountability and Transparency Act of 2013

- The bill, S. 994, as amended, has passed both the Senate and House and is pending the POTUS signature.
 - The IG review mandate remains intact in Section 6. IGs will need to conduct a review within 18 months after guidance is issued to agencies on data standards established. The guidance is to be issued within 12 months of enactment, so within 2 ½ years after enactment, IGs will have conducted a review and published the same. Subsequent reports are able to be tied to the financial statement reviews as suggested by the Audit Committee.
 - The RATB's Recovery Operations Center is addressed in Section 6. It states that the Treasury Secretary "may" establish a data analysis center or expand an existing center. Upon the establishment of a data analysis center or the expansion of an existing center, and on or before the date on which the RATB terminates, there are transferred to the Department of the Treasury all assets identified by the Secretary that support the operations and activities of the Recovery Operations Center relating to the detection of waste, fraud, and abuse in the use of Federal funds that are in existence on the day before the transfer. Though much of this provision provides discretion to the Treasury Secretary, should a center be established or expanded, the Secretary shall enter into agreements with IGs to provide data from the data analysis center for the purpose of identifying fraud, waste and abuse, and for use in the conduct of criminal and other investigations. The Treasury Secretary may require reimbursement for carrying out such agreements.

“SEC. 6. ACCOUNTABILITY FOR FEDERAL FUNDING.

(a) INSPECTOR GENERAL REPORTS.—

“(1) IN GENERAL.—In accordance with paragraph (2), the Inspector General of each Federal agency, in consultation with the Comptroller General of the United States, shall—

“(A) review a statistically valid sampling of the spending data submitted under this Act by the Federal agency; and

“(B) submit to Congress and make publically available a report assessing the completeness, timeliness, quality, and accuracy of the data sampled and the implementation and use of data standards by the Federal agency.

“(2) DEADLINES.—

“(A) FIRST REPORT.—Not later than 18 months after the date on which the Director and the Secretary issue guidance to Federal agencies under section 4(c)(1), the Inspector General of each Federal agency shall submit and make publically available a report as described in paragraph (1).

“(B) SUBSEQUENT REPORTS.—On the same date as the Inspector General of each Federal agency submits the second and fourth reports under sections 3521(f) and 9105(a)(3) of title 31, United States Code, that are submitted after the report under subparagraph

(A), the Inspector General shall submit and make publically available a report as described in paragraph (1). The report submitted under this subparagraph may be submitted as a part of the report submitted under section 3521(f) or 9105(a)(3) of title 31, United States Code.

One additional bill the Committee has been monitoring was subject of legislative activity after the agenda was transmitted to the Committee:

H.R. 2548, Electrify Africa Act of 2014

- The bill was introduced on June 27, 2013, by Congressmen Royce, Engel, Smith, and Bass.
- The bill was referred to the House Committee on Foreign Affairs and to the Committee on Financial Services.
- The purpose of the bill is to establish a comprehensive United States Government policy to assist countries in sub-Saharan Africa to develop an appropriate mix of power solutions for more broadly distributed electricity access in order to support poverty alleviation and drive economic growth, and for other purposes.
- Among the provisions, the Investment Advisory Council board within Overseas Private Investment Corporation is directed to appoint an Inspector General:

“(e) Investment Advisory Council.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the use of an investment advisory council to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the investment advisory council shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The investment advisory council shall terminate on December 31, 2017.”;

(2) in section 234(c) (22 U.S.C. 2194(c)), by inserting “eligible investors or” after “involve”;

(3) in section 235(a)(2) (22 U.S.C. 2195), by striking “2007” and inserting “2017”;

(4) in section 237(d) (22 U.S.C. 2197(d))—

(A) in paragraph (2), by inserting “, systems infrastructure costs,” after “outside the Corporation”; and

(B) in paragraph (3), by inserting “, systems infrastructure costs,” after “project-specific transaction costs”; and

(5) by amending section 239(e) (22 U.S.C. 2199(e)) to read as follows:

“(e) Inspector General».—The Board shall appoint and maintain an «Inspector General» in the Corporation, in accordance with the «Inspector General Act of 1978 (5 U.S.C. App.)”.

- The bill was reported to the House on May 2, 2014, and pending passage on the House floor.

OTHER BUSINESS

HSGAC, Subcommittee on Financial and Contracting Oversight—Oversight of Small Agencies

- Following the April 10 testimony before the Committee on Homeland Security and Government Affairs, Subcommittee on Financial and Contracting Oversight (the Subcommittee), we sent out notice to the Community that the Subcommittee

(b) (5)

- We’ve received QFRs, which are due on June 2:

- (b) (5)

- (b) (5)

- (b) (5)

- (b) (5)

- (b) (5)

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- (b) (5)
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- (b) (5)

(b) (5)

- (b) (5)
- (b) (5)
- (b) (5)

(b) (5)

- (b) (6) requested that (b) (5) be included as a CIGIE legislative initiative.
- At the last meeting, IG Gustafson indicated that (b) (5)
- The revised proposal was circulated with the meeting notice and agenda.
- (b) (5)

ADJURNMENT

- The meeting adjourned.
- The next meeting is scheduled for June 10.

Peggy Gustafson, Inspector General

U.S. Small Business Administration

CIGIE Legislation Committee – Meeting Minutes for June 10, 2014

CIGIE Headquarters-Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)

Mark Bialek, IG, FRB

Elizabeth Dean, IG, FCA

Martin Dickman, IG, RRB

Allison Lerner, IG, NSF*

Christopher Dentel, IG, CPSC

Kathy Buller, IG, Peace Corps

Michael Horowitz, IG, DOJ

Sheldon Shoemaker, Special Assistant to IG, SBA

Mike McCarthy, Counsel, Ex-Im Bank

Christy Slamowitz, Counsel, USDA

Jay Lerner, Senior Counsel, DOJ

Chad Bungard, Counsel, SSA

Melissa Wright, IC

Nathan Richmond, DOT

Al Larsen, Counsel, EPA

Jose Vega, Attorney, Peace Corps

Adam Kaplan, Assistant Counsel, SBA

*via telephone

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the May 2014 meeting were approved by the Legislation Committee (“the Committee”).

LEGISLATION:

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

New Legislation

➤ **[H.R. 2548, Electrify Africa Act of 2014](#)**

This legislation, introduced by Rep. Royce on June 27, 2013, passed the House on May 8, 2014 and was received by the Senate where it was referred to the Committee on Foreign Relations. The bill requires the Board of Directors of the Overseas Private Investment Corporation (OPIC) to appoint an OPIC Inspector General.

➤ **H.R. 4601, Deficit Reduction for Infrastructure, Value, and Efficiency Now Act**

This legislation (“The DRIVE Act”) was introduced by Rep. Kuster on May 7, 2014, and referred to the House Subcommittee on Livestock, Rural Development, and Credit on June 3. Among other provisions, the bill requires CIGIE to, within six months of the bill’s passage, submit to Congress a report listing each bank account held by the government that has a balance of zero dollars for 180 days or more and provide recommendations for accounts that should be closed immediately. (b) (5)

➤ **H.R. 3080, Water Resources Reform and Development Act (WRRDA) of 2013**

This legislation passed the House and Senate and was sent to the President for signing on June 3, 2014. The bill requires an OIG to conduct a financial review and within 90 days of completion, submit a report to Congress when its respective agency claims that it lacks financial resources to render a decision relating to a project study mandating an environmental impact statement or environmental assessment.

Draft Legislation

➤ (b) (5)

The Senate Homeland Security and Governmental Affairs Committee (HSGAC) is working on a draft of (b) (5)

➤ (b) (5)

There has been no indication of movement on this prospective legislation. IG Gustafson reported that (b) (5)

OTHER BUSINESS:

➤ **HSGAC, Subcommittee on Financial and Contracting Oversight—Oversight of Small Agencies – QFR Responses and CIGIE Recommendations**

IG Gustafson reported that the Committee submitted responses to the Questions for the Record (QFRs) posed by the HSGAC Subcommittee on Financial and Contracting Oversight following her April 10 testimony on oversight of small agencies. The Committee is preparing a draft (b) (5)

(b) (5)

(b) (5)

- 1) (b) (5)
- 2) (b) (5)
- 3) (b) (5)

- 4) (b) (5)

and

- 5) (b) (5)

IG Gustafson stated that (b) (5)

➤ **Indonesian Inspectors General event**

IG Gustafson reported that she represented the Committee at a panel event on Capitol Hill convened by former PBGC IG Rebecca Batts explaining the role of American OIGs to an Indonesian delegation.

- (b) (5)
IG Gustafson reported that (b) (5)

- (b) (5) **Proposal**
IG Gustafson reported that (b) (5) **Proposal** (b) (5)

(b) (5)

➤ **Sen. Coburn 7-Day Letter**

Al Larsen (EPA) reported that Sen. Coburn [placed a hold](#) on the nominee to head the Chemical Safety Board (CSB) due to the CSB's "refusing to cooperate" with an EPA IG investigation, which resulted in EPA IG issuing a 7-Day letter. EPA IG oversees the CSB.

ADJURNMENT:

IG Gustafson adjourned the meeting at 11:15am. The next meeting will be held at 10am on July 8, 2014, at CIGIE Headquarters.

Peggy Gustafson, Inspector General

U.S. Small Business Administration

CIGIE Legislation Committee – Meeting Minutes for July 9, 2014

CIGIE Headquarters-Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)

Elizabeth Dean, IG, FCA

Martin Dickman, IG, RRB

Allison Lerner, IG, NSF

Christopher Dentel, IG, CPSC

Kathy Buller, IG, Peace Corps

Mark Bialek, IG, FRB

Pat O'Carroll, IG, SSA

Mike McCarthy, Acting IG, Ex-Im

Tony Ogden, Deputy IG, FRB

Sheldon Shoemaker, Special Assistant to IG, SBA

Rob Storch, DOJ

Nancy DiPaolo, RATB

Eric Weems, DOT

Kristin Klima, SSA

Jeff Flood, EPA

Douglas Carney, GAO OIG

Christy Slamowitz, Counsel, USDA

Chad Bungard, Counsel, SSA

(b) (3)

(b) (3)

Judith Ringle, Counsel, CFTC

Melissa Wright, IC

Adam Kaplan, Assistant Counsel, SBA

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the June 2014 meeting were approved by the Legislation Committee ("the Committee").

LEGISLATION:

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

Enacted into Law

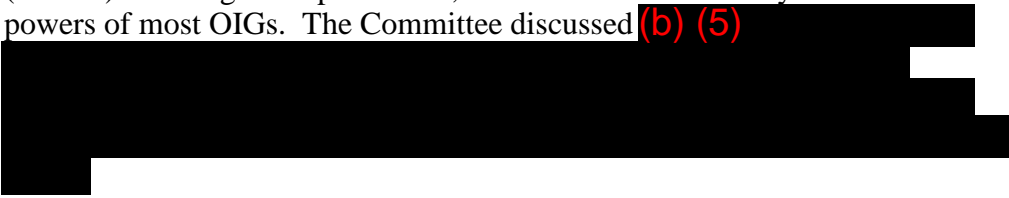
[Intelligence Community Authorization Act of 2014](#)

The Intelligence Community Authorization Act of 2014 was signed by the President on July 7, becoming [Public Law 113-126](#). The law requires that IGs for the National Security Agency and the National Reconnaissance Office be Presidentially-Appointed, Senate-Confirmed. Currently, IGs for these agencies are appointed by the respective agency Directors.

New Legislation

➤ **H.R. 4934, Regulatory Agency Demilitarization Act**

This legislation, introduced by Rep. Stewart (R-UT) and 16 cosponsors on June 23, 2014, was referred to the House Oversight & Government Reform Committee (HOCR). Among other provisions, the bill removes statutory law enforcement powers of most OIGs. The Committee discussed (b) (5)



➤ **H.R. 4937, Protection Against Wasteful Spending Act of 2014**

This legislation was introduced by Rep. McKinley (R-WV) on June 23, 2014, and referred to the HOCR. Among other provisions, the bill requires agency heads to (1) implement in each of fiscal years 2014-2020 all of the recommendations of the agency's IG regarding wasteful and excessive spending, or duplicative programs causing wasteful and excessive spending; and (2) report to Congress on such implementation. Agencies that fail to implement an IG recommendation are prohibited from obligating funds for conference attendances and bonuses for politically-appointed officials.

➤ **S. 2430, Special Inspector General for Monitoring the ACA Act of 2014**

This legislation was introduced by Sen. Roberts (R-KS) on June 4, 2014 and referred to the Senate Committee on Health, Education, Labor, and Pension. The bill establishes the Office of the Special Inspector General for Monitoring the Affordable Care Act and requires that the IG be Presidentially-Appointed, Senate-Confirmed.

➤ **S. 2439, NSA Internal Watchdog Act**

This legislation was introduced by Sen. McCaskill (D-MO) on June 5, 2014 and referred to the Senate Select Committee on Intelligence. This bill requires the IG of the National Security Agency to be Presidentially-Appointed, Senate-Confirmed and directs the completion of particular audits of NSA surveillance and data collection.

➤ **S. 2521, Federal Information Security Modernization Act of 2014**

This legislation was introduced by Sen. Carper (D-DE) and cosponsored by Sen. Coburn (R-OK), and reported without amendment favorably out of the Senate

Homeland Security and Governmental Affairs Committee (HSGAC) on June 25, 2014. The bill amends the Federal Information Security Management Act of 2002 (FISMA) to: (1) reestablish the oversight authority of the Director of the OMB with respect to agency information security policies, and (2) set forth authority for the DHS Secretary to carry out the operational aspects of such policies for IT systems. Specifically, the bill allows the Comptroller General to provide technical assistance to OIGs in carrying out FISMA duties.

Prior to the Markup, HSGAC staffers asked the Legislation Committee for comments. The IT Legislative Working Group submitted comments, which HSGAC will consider at a later date. IG Gustafson thanked IG Bialek and his staff for preparing the comments.

Draft Legislation

- (b) (5)
IG Gustafson reported that congressional staff had discussions with various stakeholders concerning reform of (b) (5)

Senate staff will continue to work with CIGIE on this draft legislation.

OTHER BUSINESS:

- **HSGAC, Subcommittee on Financial and Contracting Oversight—Oversight of Small Agencies**

IG Gustafson thanked those who commented on a draft Views letter to the HSGAC Subcommittee on (b) (5)

- **Sen. Coburn 7-Day Letter**

Jeff Flood (EPA) reported that Sen. Coburn [placed a hold](#) on the nominee to head the Chemical Safety Board (CSB) due to the CSB's "refusing to cooperate" with an EPA IG investigation, which resulted in EPA IG issuing a 7-Day letter. (b) (5)

- **Access Issues**

IG Gustafson reported that (b) (5) [REDACTED] CIGIE
[REDACTED] also submitted a views letter to OLC.

ADJURNMENT:

IG Gustafson adjourned the meeting at 11:00am. The next meeting is tentatively scheduled to be held at 10am on August 12 at CIGIE Headquarters.

Peggy Gustafson, Inspector General

U.S. Small Business Administration

CIGIE Legislation Committee – Meeting Minutes for September 9, 2014

CIGIE Headquarters-Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)

Jack Callender, IG, PRC (Vice-Chair)

Elizabeth Dean, IG, FCA

Deb Jeffrey, IG, CNCS

Martin Dickman, IG, RRB

Allison Lerner, IG, NSF

Christopher Dentel, IG, CPSC

Mark Bialek, IG, FRB

Mike McCarthy, Acting IG, Ex-Im

Tony Ogden, Deputy IG, FRB

Sheldon Shoemaker, Special Assistant to IG, SBA

Nancy DiPaolo, RATB

Erica Frohman, DOJ

John Simms, Counsel, NARA

Al Larsen, Counsel, EPA

Nathan Richmond, DOT

Christy Slamowitz, Counsel, USDA

Chad Bungard, Counsel, SSA

George Penn, Attorney, SSA

Jose Vega, Attorney, Peace Corps

Adam Kaplan, Assistant Counsel, SBA

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the July 2014 meeting were approved by the Legislation Committee (the Committee). IG Gustafson noted that three IGs (IG Horowitz, IG Elkins, and IG Buller) were preparing to testify on September 10 before the House Oversight & Government Reform Committee (HOCR) hearing titled “Obstructing Oversight: Concerns from Inspectors General.”

LEGISLATION:

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

New Legislation

- **H.R. 5181, Retention of Electronic Correspondence of Regulatory Decisions Act of 2014 (RECORD Act)** This legislation, introduced by Rep. Speier (D-CA) on July 23, 2014, was referred to the House Oversight & Government Reform Committee (HOCR). The bill requires agencies to designate e-mail accounts of senior officials that should be preserved and retained as records. OIGs would be required to review existing/proposed legislation and regulations relating to records retention and make recommendations in their semiannual reports concerning agency compliance with such requirements.
- **H.R. 4490, United States International Communications Reform Act of 2014** This bill, introduced by Rep. Royce (R-CA) on April 28, 2014, passed the House by voice vote on July 28, 2014. Among other provisions, the bill grants the IG for the Department of State oversight responsibilities for the United States International Communications Agency and the Freedom News Network.
- **H.R. 4254, Stop Wasteful Bonuses in Department of Veterans Affairs Act of 2014** This legislation was introduced by Rep. Sinema (D-AZ) on July 29, 2014, and referred to HOCR. The bill prohibits agencies from awarding a bonus to any employee for five years after the end of a fiscal year in which the IG of the agency or another senior ethics official or the Comptroller General makes an adverse finding relating to the employee. The legislation also requires repayment of a bonus awarded in any year in which such an adverse finding is made.
- **S.2747, Small Business Regulatory Sunset Act of 2014** This legislation was introduced by Sen. Kirk (R-IL) on July 31, 2014, and referred to the Senate Homeland Security and Governmental Affairs Committee (HSGAC). The bill requires OIGs to determine whether their agencies have conducted a review of agency rules which have a significant economic impact on small businesses, along with small business compliance guides required to be published under the Small Business Regulatory Enforcement Fairness Act of 1996. OIGs are required to notify agency heads of the results of the determination and any issues obstructing the OIG review. Should the OIG notify the agency head that the review has not been conducted, it must determine after six months whether the agency has completed the review, or notify Congress if the agency has not. If the OIG notifies Congress that the agency has not conducted the review, the agency will lose one percent of its appropriations used to pay salaries.

Existing Legislation

➤ S. 2521, Federal Information Security Modernization Act of 2014

The IT Legislative Working Group submitted technical comments to HSGAC

(b) (5)

The bill amends the Federal Information Security Management Act of 2002 (FISMA) to: (1) reestablish the oversight authority of the Director of the OMB with respect to agency information security policies, and (2) set forth authority for the DHS Secretary to carry out the operational aspects of such policies for IT systems. Specifically, the bill allows the Comptroller General to provide technical assistance to OIGs in carrying out FISMA duties.

Draft Legislation

➤ (b) (5) :

IG Gustafson reported that (b) (5)

(b) (5)

Additionally, (b) (5)

(b) (5)

OTHER BUSINESS:

➤ (b) (5) IG Access to Tax Returns

IG Gustafson reported that a staffer from (b) (5) inquired about OIG access to tax return information, in connection with the provisions of the Computer Matching Act. The inquiry was posed (b) (5)

(b) (5)

➤ Small Agency IG Working Group

IG Gustafson reported that (b) (5)

(b) (5)

issues.

ADJURNMENT:

IG Gustafson adjourned the meeting at 11:15am. The next meeting is scheduled to be held at 10am on October, 14 at CIGIE Headquarters.

Peggy Gustafson, Inspector General

U.S. Small Business Administration

CIGIE Legislation Committee – Meeting Minutes for October 14, 2014

CIGIE Headquarters-Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)

Michael Horowitz, IG, DOJ

Elizabeth Dean, IG, FCA

Deb Jeffrey, IG, CNCS

Hubert Bell, IG, NRC

Kathy Buller, IG, Peace Corps

Allison Lerner, IG, NSF

Christopher Dentel, IG, CPSC

Mark Bialek, IG, FRB/CFPB

Sheldon Shoemaker, Special Assistant to IG, SBA

Jay Lerner, DOJ

Judith Ringle, Counsel, CFTC

Al Larsen, Counsel, EPA*

Chad Bungard, Counsel, SSA

Adam Kaplan, Assistant Counsel, SBA

*via phone

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the September 2014 meeting were approved by the Legislation Committee (the Committee).

LEGISLATION:

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

New Legislation

➤ **[H.R. 5492, Inspector General Empowerment Act of 2014](#)**

This bill, introduced by House Oversight and Government Reform (HOCR) Chairman Darrell Issa, and co-sponsored by HOCR Ranking Member Cummings and Rep. Meadows, was introduced in the House on September 16 and passed Mark-Up in HOCR on September 17. The legislation amends the IG Act to (1) grant IGs the use of testimonial subpoena authority, with checks built in for DOJ approval; (2) authorize appropriations for CIGIE through FY 2021; (3) assigns CIGIE additional responsibilities with respect to disputes involving the jurisdiction of more than one OIG; (4) exempts OIGs from Computer Matching and Paperwork Reduction Act requirements; and (5) incorporates most of the technical amendments to the IG Act. The legislation does not contain any provisions amending Section 6(a) of the IG Act with respect to access issues, nor

does it address a fix in light of the Supreme Court's decision in the *Milner* case concerning use of Freedom of Information Act exemption 2.

The Committee has been advised that (b) (5)

(b) (6) suggested that (b) (5) IG

Gustafson responded that (b) (5)
(b) (6) suggested that (b) (5)

(b) (6) commented that (b) (5)
IGs (b) (6) (b) (6) and (b) (6) agreed to (b) (5)

IG Gustafson asked Committee members for feedback on a coming draft Views letter on H.R. 5492. The Committee also agreed (b) (5)

Proposed Stand-Alone Legislation re: (b) (5)
(b) (6) has received notice that (b) (5)
(b) (6) also suggested that
Sec. 2(b) of Rep. Issa's legislation (HR 5492, above) (b) (5)

The Committee agreed that (b) (5)

➤ **H.R. 5630, Inspector General Vacancy Act of 2014**

This legislation was introduced by Rep. Patrick Murphy on September 18 and referred to HOCR. The legislation provides that if the President does not nominate an IG within 180 days after a vacancy occurs in that position, the acting IG will be deemed to be appointed, by and with the advice and consent of the Senate.

OTHER BUSINESS:

➤ **Small Agency IG Working Group**

IG Dean (FCA) reported that the Small Agency IG Working Group had met with staff from Sen. McCaskill's office and was continuing to work on

(b) (5)

Ms.

Dean said that the group (b) (5)

➤ **Mandated IG reviews**

The Committee is compiling lists of mandatory OIG reviews/audits in order to obtain a concrete understanding on existing requirements mandated upon OIGs.

IG Gustafson proposed (b) (5)

ADJURNMENT:

IG Gustafson adjourned the meeting at 11:15am. The next meeting is scheduled for November 11 which is a federal holiday. The November meeting may be rescheduled based on circumstances. If it is not, the Committee will reconvene on December 9.

Peggy Gustafson, Inspector General
U.S. Small Business Administration
CIGIE Legislation Committee – Meeting Minutes for December 9, 2014
CIGIE Headquarters-Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)
Michael Horowitz, IG, DOJ
Marty Dickman, IG, RRB
Mike McCarthy, Ex Im
Christy Slamowitz, USDA
George Penn, SSA
Christopher Dentel, IG, CPSC
John Manibusan, FRB
Nancy DiPaolo, RATB
Nathan Richmond, DOT
Kathy Gallo, FCA
Jay Lerner, DOJ
Judith Ringle, Counsel, CFTC
Al Larsen, Counsel, EPA
Joaquin Ferrao, Counsel, Peace Corps
Jose Vega, Peace Corps
Melissa Wright, ODNI
Sheldon Shoemaker, Special Assistant to IG, SBA

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the October 2014 meeting were approved by the Legislation Committee (the Committee).

LEGISLATION:

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

New Legislation

Senator Coburn - Computer Matching Proposal

- On November 13, Senator Coburn introduced S. 2927 Inspectors General Streamlining Act.
- The bill seeks to exempt IGs from the requirements of the CMPPA by excluding OIGs from the definition of ‘matching program’ in the CMPPA.
- The approach mirrors the exemption available to HHS via the Affordable Care Act, though the Coburn exemption is placed in the IG Act as opposed to the CMPPA.

- (b) (5)
- (b) (5)
- Below represents the amendments sought by CIGIE:

(b) (5)

We therefore recommend the following changes to S. 2927:

(b) (5)

(b) (5)

- Special thanks to (b) (6) for taking time with Senator Coburn's staff while (b) (6) to discuss the proposed changes. Also, thanks to (b) (6) (b) (6) working with (b) (6) to advance the proposal to introduction.

Updates

H.R. 5492, Inspector General Empowerment Act of 2014, as amended

- (b) (5)
- (b) (5)

(b) (5)

○ (b) (5)

▪ (b) (5)

▪ (b) (5)

▪ (b) (5)

▪ (b) (5)

• (b) (5)

• (b) (5)

A Couple of Updates on Bills that Occurred Last Week After Sending Agenda:

- **S. 2151, Federal Information Security Modernization Act of 2014**

- (b) (5)

- (b) (5)

- (b) (5)

- (b) (5)

- Below are the consolidated comments and questions provided by the CIGIE Legislation Committee's IT Working Group and the Federal Audit Executive Council (FAEC) IT Committee:

(b) (5)

(b) (5)

(b) (5)

- **S. 1618**, Enhanced Security Clearance Act of 2014
 - In October 2013, Senator Collins and 7 cosponsors introduced the Enhanced Security Clearance Act of 2014.
 - As introduced, the bill included a mandate for IGs to keep of list of individuals in their agencies that possessed a security clearance. OPM IG also was directed to conduct a review of the enhanced security clearance system within two years after the date of implementation.
 - On December 2, HSGAC amended the bill by substitute and discharged the bill.
 - The amended language strikes the requirement for IGs to maintain a list of individuals in their agencies that possessed a security clearance; however, each IG within an “agency” is to conduct a review of the enhanced security clearance system within two years after the date of implementation.
- **H.R. 3979, 2015 National Defense Authorization Act (NDAA)**
 - NDAA was subject to an informal conference in November. The agreed upon bill cleared the House on December 3.
 - (b) (5)
 - FITARA provides CIOs across government with increased authority and responsibility for IT matters within agencies.

HSGAC, Subcommittee on Financial and Contracting Oversight—Oversight of Small Agencies

- (b) (6) expressed concern that (b) (5)
(b) (5)
- We understand (b) (6) and (b) (6) are considering (b) (5)
(b) (5)

Other

(b) (5)

- (b) (5)
- (b) (5)
- (b) (5)
- (b) (5)

Legislative Priorities

- The 114th Congress will begin in January. (b) (5)
(b) (5)
- (b) (5)
- (b) (5)
- Other proposals that have been brought to the Committee's attention, which we may consider:
 - (b) (5)
 - (b) (5)
 - (b) (5)
- (b) (5)
- The list of legislative priorities compiled will be approved through CIGIE using regular order—Legislation Committee, Executive Council, and Membership.

- (b) (5)

Adjournment

- The next meeting is scheduled for January 13.

Peggy Gustafson, Inspector General

U.S. Small Business Administration

CIGIE Legislation Committee – Meeting Minutes for January 13, 2015

CIGIE Headquarters-Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)

Marty Dickman, IG, RRB

Mike McCarthy, Ex Im

George Penn, SSA

Nancy DiPaolo, RATB

Nathan Richmond, DOT

Jay Lerner, DOJ

Al Larsen, Counsel, EPA

Elizabeth Dean, FCA

Deb Jeffrey, CNCS

Tony Ogden, FRB-CFPD

John Simms, NARA

Tristan Siegel, SSA

Kathy Buller, Peace Corps

Jackie Becker, FRB-CFPB

Sheldon Shoemaker, Special Assistant to IG, SBA

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the December 2014 meeting were approved by the Legislation Committee (the Committee).

LEGISLATION:

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

Updates

[S. 2521](#), Federal Information Security Modernization Act of 2014

- S. 2521 was signed into law by the President on December 18, 2014. The bill is narrow in scope in contrast to past cybersecurity measures.
- The bill will update the 2002 FISMA law.
 - The bill delineates the roles and responsibilities of the Office of Management and Budget and Department of Homeland Security, moves agencies away from paperwork-heavy processes toward real-time and automated security, and puts greater management and oversight attention on data breaches.
- The new FISMA law retains the requirement for annual Inspector General reviews

of their respective agency information security program and practices, but incorporates a couple of important changes.

- The new FISMA law retains the requirement for OIGs to test security of a representative subset of the agency's systems, but changes the past requirement to assess the agency's "compliance" with information security policies, procedures, standards, and guidelines, to assess the "effectiveness" of the information security policies, procedures, standard, and guidelines.
- In addition, the new law provides that the Director shall consult with CIGIE, in addition to consulting with the Secretary, the CIO Council, and other interested parties as appropriate, to ensure the development of guidance for evaluating the effectiveness of information security.

- **H.R. 83, Consolidated and Further Continuing Appropriations Act, 2015**

H.R. 83 was signed into law by the President on December 16, 2014. The bill provides funding for fiscal year 2015 for 11 of the 12 regular appropriations measures. The Homeland Security appropriation measure was enacted as a continuing resolution, set to expire on February 27. H.R. 83 contains a provision that seeks a consultative role by CIGIE relative to financial statement reviews:

SEC. 746. Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Council of Inspectors General on Integrity and Efficiency, the Government Accountability Office, and other stakeholders shall develop—(1) criteria for an agency that has demonstrated a stabilized, effective system of internal control over financial reporting, whereby the agency would qualify for a consolidated Department level audit for obtaining a financial statement audit opinion, rather than an agency level audit; and (2) recommendations on how to improve current financial reporting requirements to increase government transparency, in conjunction with the implementation of the Digital Accountability and Transparency Act of 2014 (Public Law 113–101), and better meet the needs of all stakeholders.

Other

Congressional Relations Handbook

- The Legislation Committee consented to advancing the draft Congressional Relations Handbook to the Executive Council.

Legislative Priorities

- We received no new legislative proposals following our December meeting or the request for proposals made to the full membership at the CIGIE December meeting.
- As such, we have the following proposals to consider:
 - (b) (5)
 - (b) (5)
 - (b) (5)

- (b) (5)
- (b) (5)
- (b) (5)
- (b) (5)
- The Legislation Committee indicated that the proposal (b) (5)
- (b) (5)
- A discussion ensued on (b) (5)
- The matter will be discussed again at the next Committee meeting.
- A discussion ensued as to whether or not (b) (5)
- he matter should be broached as a discussion point at the next full Council meeting.
- It was agreed that (b) (5)
- (b) (5) has requested to table the proposal (b) (5)
- (b) (5)

Adjournment

- The next meeting is scheduled for February 10.

Peggy Gustafson, Inspector General

U.S. Small Business Administration

CIGIE Legislation Committee – Meeting Minutes for February 10, 2015

CIGIE Headquarters-Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)

Marty Dickman, IG, RRB

Allison Lerner, IG, NSF

Mark Bialek, IG, FRB/CFPB

Arthur Elkins, IG, EPA

Elizabeth Dean, IG, FCA

Patrick McFarland, IG, OPM*

Kathy Buller, IG, Peace Corps

Hubert Bell, IG, NRC*

Mike McCarthy, Acting IG, Ex-Im

Sheldon Shoemaker, SBA

George Penn, SSA

Miguel Castillo, CFTC

Burt Benson, OPM*

Nancy DiPaolo, RATB

Nathan Richmond, DOT

Jay Lerner, DOJ

Nicole Starman, DOT

Tim Nelson, SIGAR

Tristan Siegel, SSA

Al Larsen, EPA

(b)(3)

John Simms, NARA

Melissa Wright, IC

Tristan Siegel, SSA

Adam Kaplan, SBA

***via telephone**

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the January 2015 meeting were approved by the Legislation Committee (the Committee).

LEGISLATION:

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

H.R. 491, Geolocation Privacy and Surveillance Act (“GPS Act”)

This legislation, introduced by Rep. Chaffetz on January 22, requires agency heads to notify their IG in the event that the agency declines to discipline an employee who has been found to have intentionally divulged geolocation information pertaining to another person, outside of the permissible circumstances set forth in the bill. The agency must provide its IG with the reasons for its determination to refrain from taking disciplinary action. The bill has been referred to the House Judiciary Committee and Intelligence Committee (Permanent Select).

S. 282, Taxpayer’s Right-to-Know Act

This legislation, introduced by Sen. Lankford on January 28, was referred to the Senate Homeland Security & Governmental Affairs Committee (HSGAC). The bill requires OMB to publish a website identifying every government program, along with accompanying links to any evaluation, assessment, or program performance reviews by the agency, an Inspector General, or GAO released during the preceding 5 years.

H.R. 653, FOIA Act

On February 2, Reps. Issa and Cummings introduced the FOIA Act, which was referred to the House Committee on Oversight & Government Reform (HOCR). The legislation requires the IG of each agency to periodically review agency compliance with the statutory requirements of the Freedom of Information Act (FOIA), including the timely processing of requests, assessment of fees and fee waivers, and the use of exemptions. The bill also requires IGs to make necessary recommendations to the head of the agency, including recommendations for disciplinary action for FOIA noncompliance. Moreover, the bill requires agencies to, within 180 days of enactment, issue revised FOIA regulations in accordance with the legislation’s amendments and requires OIGs to review agency noncompliance with issuing the revised regulations.

The Senate’s version of the FOIA Act bill, the [FOIA Improvement Act of 2015](#), does not contain provisions mandating actions by OIGs.

(b) (5)

IG Gustafson stated that (b) (5)

This legislation (b) (5)

The Committee advised (b) (5)

Other Matters

Sen. Carper Letter to OMB concerning Improper Payments

IG Gustafson informed the Committee that CIGIE Chair Michael Horowitz (DOJ) will send a note of appreciation to Sen. Carper for his January 27 letter to OMB regarding improper payment oversight.

Congressional Relations Handbook

The [CIGIE Congressional Relations Handbook](#) is now posted on the CIGIE website.

Congressional Hearings

On February 3, IGs Horowitz (DOJ), Elkins (EPA), and Buller (Peace Corps) testified at a HOGR Hearing entitled, “Inspectors General: Independence, Access, and Authority.”

On February 24, IGs Lynick (State), Roth (DHS), O’Carroll (SSA), and Horowitz, will testify at an HSGAC hearing pertaining to IG reform issues.

CIGIE Legislative Priorities

A discussion was held concerning proposed CIGIE Legislative Priorities for the 114th Congress. Jay Lerner (DOJ) informed the Committee that IG Horowitz and IG Lerner (NSF, CIGIE Vice-Chair) had met with Sen. Grassley’s staff on IG reform issues. Mr. Lerner reported that (b) (5)

among other matters.

The Committee discussed the following priorities for the 114th Congress:

- (b) (5)
- (b) (5)
- (b) (5)
- (b) (5)

➤ (b) (5)

(b) (5)

➤ (b) (5)

(b) (5)

➤ (b) (5)

(b) (5)

➤ (b) (5)

(b) (5)

Additional proposals by (b) (5)

(b) (5)

(b) (5)

IG Lerner reported that she and IG Tighe (Education) were looking at a potential legislative fix to address (b) (5)

(b) (5)

Adjournment

IG Gustafson adjourned the meeting at 11:45am. The next meeting will be held at CIGIE Headquarters on Tuesday, March 10, beginning at 10:00am.

Peggy Gustafson, Inspector General

U.S. Small Business Administration

CIGIE Legislation Committee – Meeting Minutes for March 10, 2015

CIGIE Headquarters-Washington, DC

Attendees:

Peg Gustafson, IG, SBA (Chair)

Marty Dickman, IG, RRB

Allison Lerner, IG, NSF

Mark Bialek, IG, FRB/CFPB

Elizabeth Dean, IG, FCA

Hubert Bell, IG, NRC

Chris Dentel, IG, CPSC

Kevin Mulshine, IG, AOC

Deb Jeffrey, IG, CNCS

Kathy Buller, IG, Peace Corps

Emilia DiSanto, State

Sheldon Shoemaker, SBA

George Penn, SSA

Helen Cooper, SSA

John Simms, NARA

Nancy DiPaolo, RATB

Jennifer Kaplan, EPA

Nathan Richmond, DOT

Jay Lerner, DOJ

Parisa Salehi, Ex-Im

Marguerite Nealon, DOT

Jackie Becker, FRB

Judith Ringle, CFTC

Melissa Wright, IC

Adam Kaplan, SBA

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the February 2015 meeting were approved by the Legislation Committee (the Committee).

LEGISLATION:

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

S.579 - Inspector General Empowerment Act of 2015

This legislation was introduced by Senators Grassley, Johnson, and McCaskill on February 26, and marked up favorably with an amendment in the nature of a substitute by the Senate Homeland Security & Governmental Affairs Committee (HSGAC) on

March 4, 2015. IG Gustafson reported that the legislation (b) (5) [REDACTED]. The legislation includes exemptions for IGs from computer matching and the Paperwork Reduction Act, and includes most of the technical amendments to the IG Act that existed in the legislation introduced by Rep. Issa in the last Congress.

The legislation also provides the following items:

- Testimonial Subpoena Authority for OIGs, with an approval mechanism built in for the Department of Justice (DOJ).
 - The Committee discussed whether (b) (5) [REDACTED]
- Provisions allowing the placement of IGs in paid or unpaid non-duty status. The bill provides that Presidentially-appointed IGs may only be placed in such status by the President, with notice to Congress, and such status must be limited to 10 days unless extended by the President upon the recommendation of the CIGIE Integrity Committee. IGs of Designated Federal Entities may be placed in non-duty status by the heads of their agencies, with notice to Congress, and such status must be limited to 10 days unless extended by the agency head upon the recommendation of the CIGIE Integrity Committee.
 - The Committee anticipates that (b) (5) [REDACTED]
- The striking of “General Supervision” with respect to an agency’s relationship with its OIG.
 - The Committee discussed whether (b) (5) [REDACTED]
- Increased CIGIE resources and codification of CIGIE as a mediator for disputes on matters involving the jurisdiction of more than one OIG.
- Limited timeframes for the CIGIE Integrity Committee to review, refer, and/or complete in an investigation into allegations involving another OIG or the Office of Special Counsel. Includes congressional notification requirements at completion of investigation.
 - The Committee resolved (b) (5) [REDACTED]

- Vacancies: Requires the Comptroller General to conduct a study on the effect of vacant Inspector General positions and the impact of such vacancies upon the respective OIGs.
- Requirement for OIGs to submit reports to Congress every six months on: 1) investigations involving employees receiving pay at the rate specified for GS–15 level or above, where misconduct was found but no prosecution resulted; 2) reports authored by OIGs that are not available to the public; 3) a detailed description of any instance of whistleblower retaliation, including information about the official found to have engaged in retaliation and what, if any, consequences the imposed to hold that official accountable, provided that the OIG obtains whistleblower consent before revealing any personally identifiable information; 4) a detailed description of any attempt by an agency to interfere with OIG independence; 5) investigations, evaluations, and audits conducted by the OIG that were closed and not disclosed to the public; 6) outstanding unimplemented recommendations by an agency as well as the aggregate potential cost savings of those open recommendations; 7) instances where an agency has resisted OIG oversight or significantly delayed OIG access to information; and 8) any audits, evaluations, and investigations provided by the OIG to its agency for comment but not returned within 60 days.
 - The Committee discussed (b) (5)
- Amendments to legislation: Sens. Johnson and Baldwin included amendments in the legislation requiring OIGs to publicly post on their websites and report to Congress on suggested recommendations submitted to agencies. The amendments also require OIGs to report back to complainants the results of any actions taken emanating from their complaint.
- There is no provision in the legislation creating a statutory exemption under FOIA for addressing the Supreme Court’s decision in the *Milner* case. The legislation also does not address other Committee priorities such as changes to the Program Fraud Civil Remedies Act (PFCRA) or the Federal Information Technology Acquisition Reform Act (FITARA), the latter of which the IT Working Group, led by Kathy Tighe, is currently working on. The Committee resolved to raise fixes to PFCRA and FITARA in future meetings with congressional staff.

Next Steps on S. 579

IG Gustafson requested that comments on the legislation be submitted to (b) (6) by close of business on March 13, prior to consideration of the legislation at the March 17 CIGIE meeting. The Committee expects (b) (5)

Other Matters

Chaffetz-Cummings Letter

The Committee made note that OIGs received a letter from Reps. Chaffetz and Cummings seeking information on open and unimplemented recommendations.

Adjournment

IG Gustafson adjourned the meeting at 11:45am. The next meeting will be held at CIGIE Headquarters on Tuesday, April 14, beginning at 10:00am.

**Peggy Gustafson, Inspector General
U.S. Small Business Administration
CIGIE Legislation Committee – Meeting Minutes for April 14, 2015
CIGIE Headquarters-Washington, DC**

Attendees:

Peg Gustafson, IG, SBA (Chair)
Marty Dickman, IG, RRB
Allison Lerner, IG, NSF
Elizabeth Dean, IG, FCA
Chris Dentel, IG, CPSC
Pat O’Carroll, SSA
Deb Jeffrey, IG, CNCS
Kathy Buller, IG, Peace Corps
David Lee, NRC
Tony Ogden, FRB
Kristin Klima, SSA
Sheldon Shoemaker, SBA
George Penn, SSA
John Simms, NARA
Nancy DiPaolo, RATB
Ashley Negron, EPA
Rob Storch, DOJ
Jackie Becker, FRB
Adam Kaplan, SBA

INTRODUCTION:

Small Business Administration Inspector General (IG) Peg Gustafson (Chair, Legislation Committee) welcomed all members. The Minutes from the March 2015 meeting were approved by the Legislation Committee (the Committee).

LEGISLATION:

IG Gustafson led a discussion of legislative matters that the Committee has been monitoring or engaged in active dialogue:

[S. 579, Inspector General Empowerment Act of 2015](#)

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

HSGAC staff has requested CIGIE views as soon as possible so they may be fully considered prior to further action by the Senate.

On March 30, IGs Horowitz, Lerner, and Gustafson met with staff of the House Oversight and Government Reform Committee (HOCR). The meeting served as an opportunity to discuss the various provisions of S. 579 and their potential impact. HOCR staff indicated that (b) (5)

Additionally, it is the Committee's understanding that (b) (5)

Federal Information Technology Acquisition Reform Act (FITARA)/Milner Fix

IG Gustafson reported that while a fix to address IG independence concerns about FITARA was not included in the IG Empowerment Act, (b) (5)

(b) (6) indicated that OMB's draft guidance issued after the passage of FITARA (b) (5)

IG Gustafson stated that (b) (5)

(b) (6) raised the possibility (b) (5)

S.614 - Federal Improper Payments Coordination Act of 2015

This legislation was introduced by Sen. Carper on February 27 and reported without amendment favorably out of HSGAC on March 4. The legislation expands the availability of the Do Not Pay Initiative to include access to the databases for states and state contractors, along with the Federal judicial and legislative branches. Further, the legislation requires OMB, in consultation with federal, state, and local stakeholders including CIGIE, to issue guidance to relevant agencies regarding the implementation of the Do Not Pay Initiative (as amended by this legislation), within 6 months of the bill's enactment. The guidance must also include the establishment of deadlines for access to and use of databases that verify an individual's eligibility for payment.

S 740, Geospatial Data Act of 2015

On March 16, Sen. Hatch introduced the above legislation which was referred to the Senate Committee on Commerce, Science, and Transportation. The legislation requires that at least every 2 years, covered OIGs or agency senior ethics officials submit to Congress an audit of the collection, production, acquisition, maintenance, distribution, use, and preservation of geospatial data by the covered agency. The Committee will continue to monitor this legislation.

S. 742, Stop Wasteful Federal Bonuses Act of 2015

This legislation, introduced by Sen. Ayotte on March 16 and referred to HSGAC, prohibits agencies from awarding bonuses to employees until 5 years after the end of a fiscal year in which the IG or another senior ethics official of the agency or the Comptroller General makes an adverse finding relating to the employee. The bill also requires agencies to recover bonuses previously awarded to employees during a year in which an adverse finding is made relating to that employee by an IG, senior ethics official, or Comptroller General.

S.794 - A bill to extend whistleblower protections for defense contractor employees to employees of contractors of the elements of the intelligence community.

This legislation was introduced by Sen. McCaskill on March 18 and referred to the Senate Select Committee on Intelligence. The bill would extend whistleblower protections to contractors in the Intelligence community.

S. 846, Small Business Regulatory Sunset Act of 2015

This legislation, introduced by Sen. Kirk on March 24 and referred to HSGAC, requires agencies to establish a plan for the periodic review (every nine years) of: (1) its rules that have a significant economic impact on a substantial number of small entities, and (2) any small entity compliance guide required to be published by an agency. The bill requires OIGs to, within 6 months of the required completion of the review, determine whether their respective agencies have conducted the review appropriately, notify the agency head of the results of the review and any access problems, and notify Congress if the agency does not address the identified problems.

S. 854, Nuclear Waste Administration Act of 2015

This legislation, introduced by Sen. Alexander and referred to the Senate Committee on Energy and Natural Resources, would establish a Presidentially-Appointed, Senate-Confirmed IG for the proposed Nuclear Waste Administration.

S Con Res 11, An original concurrent resolution setting forth the congressional budget for the United States government for fiscal year 2016 and setting forth the appropriate budgetary levels for fiscal years 2017 through 2025.

The Senate passed its Budget Resolution on March 27. Sec. 4376 of the resolution permits the Senate Budget Committee Chairman to revise the allocations of a committee in order to strengthen and reform OIGs, reducing vacancies in such Offices, and providing for improvements in the overall economy, efficiency, and effectiveness of Inspectors General by the amounts provided in such legislation for those purposes, so long as such legislation would not increase the deficit over either the period of the total of fiscal years 2016 through 2020 or the period of the total of fiscal years 2016 through 2025.

H Con Res 27, An original concurrent resolution establishing the budget for the United States government for fiscal year 2016 and setting forth appropriate budgetary levels for fiscal years 2017 through 2025

The House passed its Budget resolution on March, 25. Sec. 816 of this resolution states that Congress, with the assistance of GAO, OIGs, and other appropriate agencies should continue to make it a high priority to review unobligated balances and identify savings for deficit reduction. This provision is identical to that contained in past House budget resolutions.

H.R. 1381, Transparency in Government Act of 2015

This legislation, introduced by Rep. Quigley on March 16, requires OIGs to conduct an annual audit of the data used on USAspending.gov and report on such audit to OMB. The reports must include: (1) A review of data used for the website to verify accuracy of the data and assess the process used for improving data quality; (2) A review of a statistically representative sample of Federal awards to determine whether agencies have appropriate measures in place to review required data submissions for accuracy and completeness; and (3) An identification and report on new standards that IGs recommend for implementation by agencies to improve data quality. Additionally, OIGs must periodically conduct an inspection or review of contract files to determine if the agency is providing appropriate consideration of whether a contractor is on an excluded parties list. OIGs must submit a report containing the results of such inspection or review to HOCR and HSGAC.

H.R.1385 - Preserving American Privacy Act of 2015

This legislation, introduced by Rep. Poe on March 17, was referred to the House Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. The bill provides a legal framework for the operation of public unmanned aircraft systems (drones), and includes restrictions on disclosure of information obtained via such systems. The bill requires disciplinary action against federal employees who violate provisions of the act and should an agency determine that disciplinary action is unwarranted, it must notify its OIG.

H.R.1560 - Protecting Cyber Networks Act

This legislation, introduced by Rep. Nunes on March 24 seeks to improve cybersecurity through enhanced sharing of information about cybersecurity threat between Federal and non-Federal entities. The bill requires the IGs of DHS, IC, DOJ, and DOD, in consultation with the Council of IGs on Fiscal Oversight, to jointly submit to Congress a report on the receipt, use, and dissemination of cyber threat indicators and defensive measures that have been shared with Federal entities, as identified under the Act.

The legislation also requires the DHS IG, in consultation with the Privacy and Civil Liberties Oversight Board and the IG of each Federal agency that receives cyber threat indicators or defensive measures shared with the National Cybersecurity and Communications Integration Center (“the Center”) to, within two years after the date of the enactment, and periodically thereafter submit to the House Committee on Homeland

Security and HSGAC a report containing a review of the use of cybersecurity risk information shared with the Center.

OTHER BUSINESS:

Annual CIGIE Meeting

IG Gustafson announced that several items of legislative interest are included on the agenda for the annual CIGIE meeting, including the IG Reform Bill and a panel on the role of government oversight.

Election for Committee Chair

IG Gustafson announced that she has been nominated to serve again as Chair of the Legislation Committee, but she has decided not to seek re-election.

Adjournment

IG Gustafson thanked members for attending and the meeting adjourned at 11:45am.

**Kathy A. Buller, Inspector General
Peace Corps
CIGIE Legislation Committee – Meeting Minutes for June 9, 2015
CIGIE Headquarters-Washington, DC**

Attendees:

Kathy A. Buller, IG, Peace Corps (Chair)
Steve Linick, IG, DOS (Vice chair)
Peg Gustafson, IG, SBA
Elizabeth Dean, IG, FCA
Marty Dickman, IG, RRB
Allison Lerner, IG, NSF
Christopher Dentel, IG, CPSC
Deb Jeffrey, IG, CNCS
Tony Ogden, FRB
Mike McCarthy, Ex-Im
Melissa Wright, IC IG
Linette Romer, DOS
Thomas Lehrich, AOC
Nathan Richmond, DOT
Joscelyn Funnie, SSA
George Penn, SSA
Hubert Bell, NRC
Jay Lerner, DOJ
Al Larson, EPA
Joaquin Ferrao, Peace Corps
Chris Fontanesi, Peace Corps

INTRODUCTION:

Peace Corps Inspector General (IG) Kathy A. Buller (Chair, Legislation Committee) welcomed all members. The Minutes from the April 2015 meeting were approved by the Legislation Committee (the Committee).

IG Buller announced the Vice chair of the Legislation Committee by introducing Mr. Steve Linick, Department of State (DOS) OIG. IG Linick in turn introduced Ms. Linda Romer as a point of contact for DOS OIG.

LEGISLATION:

IG Buller led a discussion of legislative matters that the Committee has been monitoring or engaging in active dialogue:

[H.R. 2935, Inspector General Empowerment Act of 2015](#)

IG Buller reviewed Legislation Committee members' comments on markup of H.R. 2935:

- One IG requested that we clarify language to ensure that DFE IGs are included.

- Consistent with what we have said in the past, (b) (5), expressed concern that the scope of Testimonial Subpoena Authority (“TSA”) (b) (5)
- (b) (5) expressed concern about (b) (5)
- (b) (5) expressed concern about (b) (5)
- (b) (5)
- (b) (5) recommended more explicit (b) (5) as well as various technical changes to the MPA and PRA sections.
- (b) (5) questioned whether a (b) (5)
- (b) (5) questioned why CIGIE resource authorization was removed from this version of the legislation.

IG Buller noted that the Legislation Committee has worked with (b) (5) to address their concerns, including raising their issues with the House Committee on Oversight and Government Reforms (HOCR) staff. She noted that new issues were raised as well, including (b) (5)

A question was raised as to what will (b) (5) do to further act on the Legislative Committee’s comments

- IG Buller noted that (b) (5)
- Mr. Joaquin Ferrao noted that (b) (5)

[Views Letter: S. 579, Inspector General Empowerment Act of 2015](#)

IG Buller asked the attendees whether they had reviewed the draft letter and whether there were any additional comments to those already received. The consensus was that the (b) (5)

One attendee noted (b) (5)

IG Buller noted that (b) (5)

Noting some of the reporting requirements in S. 579, IG Peg Gustafson asked about whether IGs were posting investigations on their websites.

(b) (5) they post a summary of investigative findings for staff members GS-15s and above. There was a related discussion concerning the Johnson letter and how the request matches with the reporting requirements in the bill.

DOJ OIG noted that they unveiled an initiative to post summaries of investigations for employees GS-15 and above; however, (b) (5)

CIGIE letter to Senator MCCaskill on IG Pay

It was noted that this issue (b) (5)

(b) (5)

group commented that (b) (5)

The

It was also noted that (b) (5)

The letter was circulated for further feedback from the community.

DOJ Hearing Before HSGAC

Mr. Jay Lerner (DOJ) discussed IG Horowitz's testimony regarding the impact lengthy vacancies of Inspector General positions has on OIGs. He noted that it was an opportunity for the Project on Government Oversight and others to discuss issues facing IGs. There is no indication that the Chairman or the minority on HSGAC intent to introduce legislation on this issue.

[H.R. 1557, Federal Employee Antidiscrimination Act](#)

The bill has been reported out of HOCR and placed on the House calendar, and a committee report has been issued.

The bill amends the Federal Employee Antidiscrimination and Retaliation Act of 2002 and expands accountability within the Federal government. The bill would prevent implementation

or enforcement of any non-disclosure agreement that prohibits or restricts an employee from reporting waste of funds, violations of law, mismanagement, etc. to Congress, the Office of Special Counsel, or an OIG.

[H.R. 1560, Cybersecurity Amendments](#)

The bill has been passed by the House (307 – 116) and received by the Senate. A similar bill was introduced in the Senate on April 15 with slightly different requirements – S.754. Sen. Sasse’s staff has reached out to the Legislation Committee for feedback.

The bill seeks to improve cybersecurity through enhanced sharing of information about cybersecurity threats. The bill requires biennial joint OIG reporting by certain OIGs, in consultation with the Council of Inspectors General on Financial Oversight, on the receipt, use, and dissemination of cyber threat indicators and defensive measures shared with federal entities pursuant to the bill. Further, it was noted that (b) (5)

Mr. Ferrao noted that the House and Senate versions differ in the reporting requirements, most notably that the Senate version requires several IGs to produce a biennial report on the impact of cybersecurity sharing on civil liberties, (b) (5)

[H.R. 1731, National Cybersecurity Protection Advancement Act of 2015](#)

The bill passed by the House and was appended to HR 1560.

The bill amends the Homeland Security Act of 2002 to enhance multi-directional sharing of information related to cybersecurity risks and strengthen privacy and civil liberties protections. The bill requires that each OIG receiving cyber threat indicators or defensive measures shared with the National Cybersecurity and Communications Integration Center perform periodic reports containing a review of the use of cybersecurity risk information shared with the Center.

[H.R. 1735, National Defense Authorization Act for fiscal year 2016](#)

The bill was passed by the House on May 15 and received by the Senate, which submitted a motion to invoke cloture. The bill is being considered by the Senate today.

House staff reached out to CIGIE in April regarding a possible provision in the bill (b) (5)

[S. 282, Taxpayers Right-To-Know Act](#)

The bill was reported out of HSGAC with an amendment.


The bill seeks to provide taxpayers with an annual report disclosing the cost and performance of Government programs and areas of duplication among them. The bill requires OMB to provide links on its websites to OIGs' reviews of their respective agencies programs.

[H.R. 1938, IG Transparency Act](#)

The bill was introduced on April 22 and referred to HOCR. Identical language appears in S.579.

The bill amends the IG Act to require IGs to submit issued "work product" to (i) the head of each establishment reviewed; (ii) the HSGA/HOCR/Approps/Comms of Jurisdiction; (iii) an individual or entity causing a work product to be initiated; and "(vi) any Member of Congress upon request; and not later than 3 days after the work product is submitted in final form to the head of the establishment, post the work product on the website of the Office of Inspector General."

Mr. Ferrao noted that this bill (b) (5)



[H.R. 2003, Stopping Improper Payments to Deceased People Act](#)

The bill was introduced and has been referred to the Committee on Ways and Means and HOCR.

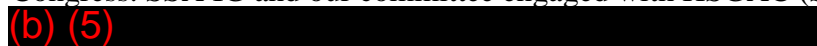
The bill seeks to improve agency cooperation on improper payments and ensure rightful Social Security payments. The bill requires OMB to conduct a report on alternative forms of death data.

The bill directs the Social Security Commissioner to "provide for the use of information regarding all deceased individuals" held by the Commissioner to Federal agencies (and their IGs) that provide federally funded benefits.

The bill directs OMB to consult with CIGIE and other relevant agencies before issuing guidance in accordance with the bill.

The bill is almost identical to S. 1073 below. There was a predecessor bill considered in the last Congress. SSA IG and our committee engaged with HSGAC (Sen. Carper's) staff. This bill

(b) (5)



Mr. Ferrao noted the proposal that a working group headed by SSA OIG be established to work these two bills. Joselyn (SSA) was introduced as the point person heading the working group.

[H.R. 2400, Special Inspector General for Monitoring the Affordable Care Act of 2015 or the SIGMA Act of 2015](#)

The bill has been referred to the Committees on Energy and Commerce; Natural Resources; Education and the Workforce; Ways and Means; HOCR ; House Administration; the Judiciary; Rules; and Appropriations. A similar bill is being considered in the Senate - S. 1368.

The bill appoints a Special IG to monitor ACA. The Special IG will oversee individual healthcare; healthcare plans; healthcare providers; healthcare employers; Federal government reports, programs, and contractors associated with the ACA risk adjustment programs; all contracts awarded under the ACA; developments in the healthcare marketplace; risks associated with the ACA; the Federal Data Service Hub; IRS duties relating to the ACA; the effect of ACA on the right of conscience, including religious institutions and abortions; among others.

The Special IG will coordinate with the IGs of HHS, SSA, DHS, Veterans' Affairs, DOD, DOL, the Peace Corps, and any other Federal IG; and will have the duties and responsibilities of inspectors general under the IG Act of 1978.

The bill states that HHS will provide the Special IG with resources necessary to complete its mission.

The office of the Special IG will sunset on either January 1, 2025 or shortly after the last year ACA is in effect.

[S. 754, Cybersecurity Information Sharing Act of 2015](#)

H.R. 1560 has been passed by the House (307 – 116) and received by the Senate. A similar bill was introduced in the Senate on April 15 with slightly different requirements - S754. Sen. Sasse's staff has reached out to the Legislation Committee for feedback.

The bill seeks to improve cybersecurity through enhanced sharing of information about cybersecurity threats. The bill requires biennial joint OIG reporting by certain OIGs, in consultation with the Council of Inspectors General on Financial Oversight, on the receipt, use, and dissemination of cyber threat indicators and defensive measures shared with federal entities pursuant to the bill. This report may include recommendations that the Privacy and Civil Liberties Oversight may have for improvements or modifications to this Act.

Further, the bill requires a biennial joint OIG report regarding the implementation of this Act.

Mr. Ferrao noted that the Senate bill has different language than the House companion bill, with the Senate version (b) (5) . Further, he noted a Congressional staffer's interest in getting IG views on the bill. It was agreed that Mr. Ferrao would reach to the OIG's impacted by the bill and to provide feedback to the Congressional staffer for consideration.

S. 1008, Data Consolidation and Optimization

S.1008, a bill to “require certain agencies to conduct assessments of data centers and develop data center consolidation and optimization plans,” was introduced on April 20 by Sen. Risch (ID) and referred to HSGA.

The bill would require 20+ listed agencies to annually report to OMB an inventory of “data centers” owned. The bill would sunset at the end of FY19.

For IGs: The bill would also require that the listed agency’s OIG release a “public” report evaluating the completeness of the inventory of the agency no later than six months after the agency releases its first report.

Those agencies listed are: Ag, Commerce, DOD, Edu, Energy, HHS, DHS, HUD, Interior, DOJ, DOL, DOS, DOT, Treasury, VA, EPA, GSA, NASA, NSF, NRC, OPM, SBA, SSA, and USAID.

S. 1073, Stopping Improper Payments to Deceased People Act

On April 23, Senators Carper, Johnson, Warner, Coats, and Booker introduced the “Stopping Improper Payments to Deceased People Act.” The bill was referred to HSGAC, and is similar to the House companion bill.

S. 1115, Grants Oversight and New Efficiency Act or GONE Act

The Committee has been contacted by HOGF and they would like our thoughts on this ASAP.

(b) (5) Sen. Fischer introduced the bill on April 28, which was referred to HSGAC.

- Requires a report by CIGIE to Congress and heads of agencies on “covered grants” six months after enactment. Means a grant account in a Federal agency payment management system held by the USG that has a zero balance for more than 180 days and for which the grant award period has expired.
- Report to include list of covered grants, recommendations on which ones should be closed, and for grants expired for more than 90 days explains why the grant has not been closed out.
- CIGIE should compare the information made available in the cash payment management system and the grants program management database to ensure that grant accounts for grant awards that are not expired are not listed under paragraph (1)(A).
- Requires agency to close grants and provide notice to CIGIE 90 days after the 180 day period.

Mr. Ferrao noted that (b) (5)

and a Staffer asked

whether individual IGs would be better suited. Mr. Ferrao asked the committee (b) (5)

The question was posed to the group: (b) (5)

It was noted that the bill (b) (5)

[S. 1368, Special Inspector General for Monitoring the Affordable Care Act of 2015 or the Sigma Act of 2015](#)

On May 19, Senators Roberts and Portman introduced the “Special Inspector General for Monitoring the ACA Act of 2015” or the “SIGMA Act of 2015.” The bill was referred to the Committee on Health, Education, Labor, and Pensions. The bill appoints a Special IG to monitor the Affordable Care Act. The bill is similar to HR 2400, discussed above.

[S. 1418, Judicial Transparency and Ethics Enhancement Act of 2015](#)

On May 21, Sen. Grassley introduced S. 1418 to create an Inspector General for the judicial branch. The bill was referred to the Committee on the Judiciary.

The IG would be appointed by the Chief Justice to serve a four year term, subject to removal or extension by the Chief Justice.

The IG would be charged with conducting misconduct investigations and recommending changes in laws or regulations governing the judicial branch. The IG would not be allowed to review the merits of a decision or to punish a judge, justice, or court.

Further, the IG would be required to make an annual report to the Chief Justice and Congress.

[S. 1441, To prevent the militarization of Federal, State, and local law enforcement by Federal excess property transfers and grant programs.](#)

The bill would require an annual report from the Comptroller General to Congress regarding any agency or OIG that has “specialized units that receive special tactical or military-style training or use hard-plated body armor, shields, or helmets and that respond to high-risk situations that fall outside the capabilities of regular law enforcement officers, including any special weapons and tactics (SWAT) team, tactical response teams, special events teams, special response teams, or active shooter teams.”

Additional Matters

Update on DOJ/Access provisions

DOJ has an access provision in its appropriation bill language. Peace Corps has received the question of whether it would like similar language.

(b) (5) noted that the OLC opinion is still pending. DOJ has enacted protocol for grand jury information, and DOJ has a report due to the Hill. He noted that the language of the appropriation is to the effect that 'no funds under this appropriation shall be used to deny access.'

(b) (5) has a carve out in its own language that allows for agency to block an investigation, but then it must report such matters to the Hill.

OLC Opinion

The legislation committee next discussed what happens after the OLC memo comes out. (b) (6)

(b) (6) noted (b) (5). It was noted that there may be a need for (b) (5)

(b) (6) commented that (b) (5)

Ms. Funnie commented that SSA IG testified recently and was asked for additional information about the IG Empowerment Act. The staffers from SSA's committee of jurisdiction (b) (5)

FITARRA Hearing

Mr. Ferrao noted that HOCR is holding a hearing on FITARRA tomorrow, June 10.

**Kathy A. Buller, Inspector General
Peace Corps
CIGIE Legislation Committee – Meeting Minutes for July 14, 2015
CIGIE Headquarters-Washington, DC**

Attendees:

Kathy A. Buller, IG, Peace Corps (Chair)
Peg Gustafson, IG, SBA
Elizabeth Dean, IG, FCA
Marty Dickman, IG, RRB
Christopher Dentel, IG, CPSC
Tony Ogden, FRB
Mike McCarthy, Ex-Im
Emilia DiSanto, DOS
Joanne Eldridge, DOS
Nathan Richmond, DOT
Seth Kaufman, DOT
Pat O’Carroll, SSA
Joseph Gangloff, SSA
George Penn, SSA
Jay Lerner, DOJ
Al Larson, EPA
Howard Arp, GAO
Joaquin Ferrao, Peace Corps
Chris Fontanesi, Peace Corps

INTRODUCTION:

Peace Corps Inspector General (IG) Kathy A. Buller (Chair, Legislation Committee) welcomed all members. The June meeting minutes were approved.

Discussion of Proposal from the Chair to Establish a Process for (b) (5)

- IG Buller began meeting with asking the committee for its thoughts on a proposed change to the Legislation Committee’s of (b) (5)
IG Buller also began a discussion of the Legislation Committee letter regarding S. 1527, Improving Department of State Oversight Act of 2015.
- Various comments were given either in support or rejection of proposal, including:
 - (b) (5)
 - (b) (5);
 - (b) (5)

- (b) (5) [REDACTED]
- (b) (5) [REDACTED];
- (b) (5) [REDACTED];
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- It was noted that the language of the proposal is not final, but was meant to be a starting point for (b) (5) [REDACTED]
- (b) (5) [REDACTED]

Action Item for this topic: (b) (5) [REDACTED].

- (b) (5) [REDACTED]
- [REDACTED]
 - [REDACTED]

Action Item for this topic: If anyone has any ideas for the training agenda send them to Ms. (b) (6) [REDACTED]

LEGISLATION

IG Buller led a discussion of legislative matters that the Committee has been monitoring or engaging in active dialogue:

H.R. 2935, Inspector General Empowerment Act of 2015

- IG Buller informed the Committee that HOCR (b) (5) [REDACTED]

- A House Staffer requested the Legislation Committee's view on the IG Transparency Act. IG Buller stated she provided the staffer with a copy of the views letter for S. 579 due to the similarity in the two bills.
- IG Buller asked the Committee if there is any additional we need to provide to HOGR. No further feedback was provided at the meeting.

S. 579, *Inspector General Empowerment Act of 2015*

- IG Buller discussed the meeting that was held between Committee members and Senate staffers on June 25, including what the views the Committee members expressed about the draft and the reactions of the Senate staffers.
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- IG Buller asked Committee members to send suggested legislative language to address the issue.

Action Item for this topic: (b) (5) [REDACTED]

S. 1115, *GONE Act*

- Mr. Joaquin Ferrao reported that after extensive discussions with HOGR and HSGAC staff, S. 1115 was amended and the Committee's concerns were addressed:
 - (b) (5) [REDACTED]
 - [REDACTED]
 - [REDACTED]
- Mr. Ferrao noted the planned feedback was that (b) (5) [REDACTED]

S. 1073, *Stopping Improper Payments to Deceased People Act*

- George Penn of SSA gave an update on the working group's progress.

- There is an issue with OIGs potentially having to pay for death information when their respective agencies have already paid for the information.
- (b) (6) asked (b) (6) to survey the Community for suggestions to improve Section 4 of the bill.
- The bill will require one CIGIE report and OMB will work with CIGIE and agencies to improve death information sharing.
- **Action Item for this topic:** Joaquin Ferrao planned to circulate the Legislation Committee's letter to CIGIE by Friday, July 17.

H.R.1560, H.R. 1731, and S. 754, Cybersecurity related legislation

- The working group has been in contact with Senate staff after receiving feedback from (b) (6)
- We relayed the views that the House version better defines the scope of the mandated reviews to OIGs than the Senate version, and that the more detailed version will help guide OIGs work.
- We also relayed that there are staffing considerations related to fulfilling the requirements of either bill, as many staff currently working on FISMA audits would likely work on the mandated reviews.
- We had previously noted that the requirements for IGs to assess the bill's impact on civil liberties is outside of the expertise of many IGs and may be best assigned elsewhere.

H.R. 2320, Federal Improper Payments Coordination Act of 2015 & S. 614, Federal Improper Payments Coordination Act of 2015

- The bills require OMB, in consultation CIGIE and others, to issue guidance to relevant agencies regarding the implementation of the Do Not Pay Initiative (as amended by this legislation), within 6 months of the bill's enactment.
- (b) (5)

S. 1616, Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act of 2015

- The bill mandates that GSA establish an Office of Federal Charge Card Analytics and Review for the use and oversight of purchase and travel card use by Federal agencies and programs, including the establishment of a library of analytics tools and data sources available to agencies and their IGs to help identify, prevent, and recover from improper payments or inappropriate use of purchase or travel cards.
- (b) (5)

OTHER ITEMS OF INTEREST

Senator Johnson FOIA Review Letter

- IG Buller noted that the Committee had provided the feedback received from the community based on the July 2 data call that went out to the IG liaisons.
- IG Buller reminded the group that a summary of that feedback and Senator Johnson's staff's reactions were circulated to the group.

Kathy A. Buller, Inspector General

Peace Corps

CIGIE Legislation Committee – Meeting Minutes for August 11, 2015

CIGIE Headquarters-Washington, D.C.

Attendees:

Kathy A. Buller, Peace Corps (Chair)

Elizabeth Dean, FCA

Martin Dickman, RRB

Chris Dentel, CPSC

Deb Jeffrey, CNCS

Joseph Ganglaff, SSA

Ben Alpert, SSA

Jay Lerner, DOJ

Art Elkins, EPA

Adam Trzeciak, GAO

Al Larsen, EPA

Sheldon Shoemaker, SBA

Omar Poiria, DOT

Nathan Richmond, DOT

Emilia DiSanto, DOS

Melissa Wright, IC

Thomas Lehrich, AOC

Erica Paulson, DHS

Ric Doery, DHS

Jackie Beckeiz, FRB/CFPB

Joanna Eldridge, DOC

Allison Lerner, NSF (via telephone)

Joaquin Ferrao, Peace Corps (via telephone)

Chris Fontanesi, Peace Corps

Yvette Banker, Peace Corps

Drew Lavine, Peace Corps

Introduction:

Peace Corps Inspector General (IG) Kathy A. Buller (Chair, Legislation Committee) welcomed all members.

Discussion of Amendments to IG Act §6(a)-(b) and Comments to DOJ Legislative Proposal

- IG Buller began the meeting with a discussion about the recent OLC opinion and a possible legislative solution. IG Buller mentioned that comments on the legislative proposal have only been received from (b) (5), and she asked whether there were any further comments.
- (b) (5)
- (b) (5)

- (b) (5)
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 - (b) (5)
 - (b) (5)
 - (b) (5)

Action Item for this topic: Legislation Committee members will send further comments and agreements in writing (including statements of “no comment”) to IG Buller/Deputy IG Ferrao by Close-of-Business on Thursday, August 13.

Legislation:

H.R. 2395, Inspector General Empowerment Act of 2015

- The Committee Report was circulated on July 20.
- It was noted that the Legislation Committee asked for:

- (b) (5) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- The Legislation Committee also noted a few technical amendments.

S. 579, Inspector General Empowerment Act of 2015

On July 28 the Legislation Committee provided additional feedback to Senate staffers regarding the manager's amendment to S. 579. The following is the feedback given:

Nominal Supervision Language

- (b) (5) [REDACTED]
- [REDACTED]
- [REDACTED]

Reporting Requirements under Section 5

- (b) (5) [REDACTED]
- [REDACTED]
- [REDACTED]
- (b) (5) [REDACTED]
- [REDACTED]
- [REDACTED]
- (b) (5) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- (b) (5) [REDACTED]
- [REDACTED]
- [REDACTED]
- (b) (5) [REDACTED]
- [REDACTED]
- (b) (5) [REDACTED]

Scope of Testimonial Subpoena Authority

- For testimonial subpoena authority (TSA), (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
- (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
- (b) (5) [REDACTED]
[REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Terms and Condition for Use of Testimonial Subpoena Authority

- (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
- (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Additional Disclosure Concerns

- (b) (5) [REDACTED]
[REDACTED]
[REDACTED]

- (b) (5) [REDACTED]
- (b) (5) [REDACTED]

Technical correction

- Section 4(5)(C)(i) amended “120” to “150” days. It was noted that this change should be reflected in section 4(5)(C)(ii).

S. 1115, GONE Act & H.R. 3089, GONE Act

- The House version of the GONE Act was introduced 7/16, and was marked up and reported ordered on 7/22. The House version is the same as the Senate’s modified substitute.
- A joint call with HSGAC and HOGR was held on July 27th to discuss possible IG involvement in the GONE Acts. Attendees: Brett Baker (NSF OIG), Carla Lewis (HHS OIG), Laura Canfield (HHS OIG), Sharon Burd (HSGAC/Sen. Fischer’s Office), Sean Casey (HSGAC), Peter Tyler (HSGAC), Chris D’Angelo (HOGR), Mark Stephenson (HOGR) and Joaquin Ferrao.
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]

Action Item for this topic: Email feedback on risk assessment language to IG Buller.

S. 1073 & H.R. 2003, Stopping Payments to Deceased People Acts

- Thank you to George Penn of SSA and the working group for your work on this.
- On July 27 the Legislation Committee submitted a views letter on S. 1073.
- This legislation amends section 205(r) of the Social Security Act, 42 U.S.C. § 405(r), to provide access to SSA’s entire death data.
- (b) (5) [REDACTED]

IG Buller will circulate summaries of new and other updated legislation.

Other Items of Interest:

(b) (5)
[REDACTED]

- (b) (5)
[REDACTED]
- (b) (5)
[REDACTED]
- (b) (5)
[REDACTED]
- (b) (5)
[REDACTED]

Draft Senate Bill, (b) (5)
[REDACTED]

- (b) (5)
[REDACTED]
[REDACTED] the bill was IT related.
- The bill would have (b) (5)
 - (b) (5)
 - (b) (5)
 - (b) (5)
 - (b) (5)
[REDACTED]
[REDACTED]
- (b) (5)
[REDACTED]
- A bill was introduced by Senator Hatch on August 5. (b) (5)
[REDACTED] as of yesterday the text was not yet available.

Approval of Previous Meeting Minutes and an Additional Matter

- IG Buller moved for the approval of last month's meeting minutes, with an attendee requesting that their name be added to the minutes. The Legislation Committee then approved the minutes.
- A Committee member inquired about his suggestion (b) (5)
[REDACTED] IG Buller stated that (b) (5)
[REDACTED]

- (b) (5) [REDACTED]
[REDACTED]
- (b) (5) [REDACTED]
[REDACTED]

Adjournment

Kathy A. Buller, Inspector General

Peace Corps

CIGIE Legislation Committee – Meeting Minutes for September 8, 2015

CIGIE Headquarters-Washington, D.C.

Attendees:

Kathy A. Buller, Peace Corps (Chair)

Christopher Dentel, CPSC

Allison Lerner, NSF

Mike McCarthy, Ex-Im Bank

Steve Linick, DOS

Nathan Richmond, DOT

Alex Rzasa, SSA

George Penn, SSA

Al Larsen, EPA

Joe Gangloff, SSA

Martin Dickman, RRB

Peg Gustafson, SBA

Elizabeth Dean, FCA

Branco Garcia, CFTC

Kevin Mulshine, AOC

Joaquin Ferrao, Peace Corps

Chris Fontanesi, Peace Corps

Drew Lavine, Peace Corps

Introduction:

Peace Corps Inspector General (IG) Kathy A. Buller (Chair, Legislation Committee) welcomed all members and approved the previous meeting's minutes.

Discussion of Amendments to IG Act §6(a)-(b) and Comments to DOJ Legislative Proposal

- IG Buller began the meeting by updating the Committee on the continued progress of amending section 6(a)-(b) of the IG Act.
- Our proposal was sent to the Hill and incorporated verbatim into S. 579, the IG Empowerment Act. We have not yet heard back from the House on this issue.
- Common law privileges were ultimately not included in the proposal.

Discussion of S. 1115, GONE Act & H.R. 3089, GONE Act

- The House version of the GONE Act was introduced on July 16 and was marked up and ordered reported on July 22. The House version is the same as the Senate's modified substitute.
- The proposed risk assessment language in the bill was previously circulated for comments and relayed to the staffers as informal feedback for consideration, (b) (5)
[REDACTED]
- We also relayed that (b) (5)
[REDACTED]
[REDACTED]
[REDACTED]

Discussion of S. 579 and H.R. 2395, Inspector General Empowerment Acts

- Peace Corps Deputy IG Joaquin Ferrao provided updates on S. 579 and H.R. 2395.
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]

Discussion of proposal (b) (5)

- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]

Legislation

Draft Bill: (b) (5)

- (b) (5) [REDACTED]
- The bill's purpose was (b) (5) [REDACTED]

(b) (5) [REDACTED]
[REDACTED]

- The bill also seeks (b) (5) [REDACTED]
[REDACTED]
- (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
- Thank you to the IGs that gave feedback (b) (5) [REDACTED]
[REDACTED]
- Action item for this issue: Leg. Committee leadership is meeting with HSGAC staff on Wednesday, September 9 to discuss the bill. Additional feedback will be accepted until then.

S. 1990, Federal Computer Security Act of 2015

- This bill was discussed in its draft form during the last meeting. The bill was introduced by Senator Hatch on August 5 and referred to HSGAC.
- (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Other Issues

- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
[REDACTED]
 - (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
[REDACTED]

Adjournment

**Kathy A. Buller, Inspector General
Peace Corps
CIGIE Legislation Committee-Meeting Minutes for October 13, 2015
CIGIE Headquarters-Washington, D.C.**

Attendees:

Kathy A. Buller, Peace Corps (Chair)
Allison Lerner, NSF
Joaquin Ferrao, Peace Corps
Adam Trzeciak, GAO
Nathan Richmond, DOT
Sheldon Shoemaker, SBA
John Simms, NARA
Steve Linick, State
Joanne Eldridge, State
Kathy Gallo, FCA
Melissa Wright, IC
George Penn, SSA
Joseph Gangloff, SSA
Martin Dickman, RRB
Jackie Becker, FRB-CFPB
Steve Lynch, State
Deb Jeffrey, CNCS
Mike McCarthy, Ex-Im Bank
Al Larsen, EPA (via phone)
Jud Rengulf, CFTC (via phone)
Chris Fontanesi, Peace Corps
Danielle Forsgren, Peace Corps
Drew Lavine, Peace Corps

Introduction:

Peace Corps Inspector General (IG) Kathy Buller (Chair, Legislation Committee) welcomed all members to the meeting. The previous meeting's minutes were approved by the attendees.

Discussion of S. 579 Inspector General Empowerment Act

- Discussion began with an update from IG Buller on the progress of S. 579.

- (b) (5)

- (b) (5)

(b) (5)

▪ (b) (5)

- IG Horowitz's Op Ed on the access issue will be published on October 19. (b) (5)

Discussion of H.R. 2395, Inspector General Empowerment Act

- (b) (5)
- (b) (5)
- The Legislation Committee has received another draft of the bill, (b) (5)
- (b) (5)

Discussion of proposal (b) (5)

- (b) (5)
- The criteria for following this process are as follows:
 - (b) (5)
 - (b) (5)
- (b) (5)
- The intent of the process is (b) (5)
- A threshold issue discussed (b) (5)
 - (b) (5)
- (b) (5)
- (b) (5)
- (b) (5)
- (b) (5)
- Next Steps: (b) (5)

Discussion of S. 2128, Inspector General Mandates Reporting Act of 2015

- Chairwoman Buller thanked everyone for their quick turnaround on Senator Sasse's draft bill. The Legislation Committee provided the following informal feedback to the staffer when the bill was in draft form:
 - (b) (5)
 - (b) (5)
 - (b) (5)
 - (b) (5)
 - (b) (5)
- (b) (5)
 - (b) (5)
- The Bill, as modified, was circulated for further feedback by October 19. CBO has reached out to the Legislation Committee on the cost of the bill.

Discussion of S. 2127, Dr. Chris Kirkpatrick Whistleblowers Protection of 2015

- This bill was introduced on October 1, 2015, and advanced out of HSGAC on October 7.
- All suicides of executive agency personnel must be reported to the agency's IG for determination of whether the suicide was "work-related."
- The bill also includes a prohibition on executive branch employees access the medical record of another executive branch employee, unless there is an emergency, or the employee consents to access.
- The Legislation Committee reached out to HSGAC to discuss the bill the week of October 19 and will be circulating the bill for feedback from the Legislation Committee.

Discussion of H.R. 3555, Jobs! Jobs! Jobs! Act of 2015

- The bill was introduced on September 17 by Representative Wilson.
- The bill would establish the American Infrastructure Financing Authority (AIFA), a wholly government owned corporation that would provide direct loans and loan guarantees to facilitate infrastructure projects.
- The Treasury OIG would provide oversight over the AIFA for the first 5 years, after which a PAS Special IG would oversee the AIFA.
 - (b) (5)
- The bill's language is almost identical to that which appears in S. 1589, the BRIDGE Act, introduced on June 16.

Discussion of S. 1115 and H.R. 3089, GONE Acts

- H.R. 3089 passed the House by voice vote on September 28, 2015, and is currently awaiting action by the Senate.

Discussion of S. 2133, Fraud Reduction and Data Analytics Act of 2015

- At last month's meeting it was noted that (b) (5)
- The Legislation Committee reported to HSGAC (b) (5)
- The bill was introduced on October 5, and was marked-up last Wednesday.
- (b) (5)
- HSGAC is (b) (5) Additional comments were requested by COB October 19.
- Also, OMB (b) (5)

Discussion of S. 1378, Bonuses for Cost-Cutters Act of 2015

- The purpose of this bill is to expand the federal program that allows for payments of misused funds to be used as bonuses for federal employees who find ways to cut costs within their agency, or federal entity.
- (b) (5)

Discussion of H.R. 3528, Congress Leads by Example Act

- The bill extends whistleblower protections to legislative branch employees.
- It was noted that (b) (5)

Other

- (b) (5)

Adjournment

Kathy A. Buller, Inspector General

Peace Corps

CIGIE Legislation Committee-Meeting Minutes for November 10, 2015

CIGIE Headquarters-Washington, D.C.

Attendees:

Kathy A. Buller, Peace Corps (Chair)

Allison Lerner, NSF

Joaquin Ferrao, Peace Corps

Mike McCarthy, Ex-Im Bank

Melissa Wright, IC

Deb Jeffrey, CNCS

Al Larsen, EPA

Christopher Dentel, SPSC

Steve Linick, State

Joanne Eldridge, State

George Penn, SSA

Sheldon Shoemaker, SBA

Liz Dean, FCA

Martin Dickman, RRB

Kevin Mulshine, AOC

Mark Bialek, FRB

Chris Fontanesi, Peace Corps

Danielle Forsgren, Peace Corps

Drew Lavine, Peace Corps

Introduction:

Peace Corps Inspector General (IG) Kathy Buller (Chair, Legislation Committee) welcomed all members to the meeting. The previous meeting's minutes were approved by the attendees.

S. 579 and H.R. 2395, IG Empowerment Acts update

- IG Buller gave a summary of last week's conference call with CIGIE leadership regarding the Empowerment Acts.
- HOCR Chairman Chaffetz introduced a managers amendment on October 19.
- Most notably, the substitute amendment included CIGIE's proposal for a legislative fix to the OLC opinion with only slight modifications. (b) (5)
- (b) (5)
- On S 579 - (b) (5)
- (b) (5)

(b) (5)

- (b) (5)
- (b) (5)

Report from (b) (5)

- (b) (5)
- (b) (5)
- (b) (5)

H.R. 3743, Securing Every Relevant and Vial Electronic Record Act of 2015 (SERVER ACT)

- This bill prohibits the Secretary of executive departments from maintaining “private email servers for the purpose of conducting government business.”
- A violation could result in imprisonment, fines, forfeiture of office, and disqualification from holding any office under the United States.
- IGs of all executive departments are tasked with ensuring that their Secretary complies with this prohibition.

S. 754, Cybersecurity Information Sharing Act of 2015

- S. 754 passed the Senate on October 27, 2015.
- S. 754 requires the within a year of passage the IGs for DHS, of the IC, DOJ, DOD, Energy, in consultation with the Council of IGs on Financial Oversight, to jointly submit a report every two years on, inter alia,:
 - The sufficiency of policies and procedures related to the receipt of cyber threat indicators and defensive measures; guidelines for private entities sharing threat indicators with the federal government; guidelines considering privacy and civil liberties while governing the receipt, retention, and use of cyber threat indicators
 - The same IGs are required within two years, and once every two years; and subsequent, to provide a joint report on the receipt, use, and dissemination of cyber threat indicators and defensive measures shared with Federal entities, including:
 - A review of the types of cyber threat indicators shared with Federal entities;
 - A review of the resulting actions taken by Federal entities;
 - A list of Federal entities receiving such indicators; and
 - A review to identify inappropriate barrier to sharing cyber threat indicators.

- A floor amendment incorporated a slightly modified version of S. 1990, the Federal Computer Security Act, into S. 754 just prior to its passage. S. 1990 broadly affects the IG community.
- S. 1990, now Section 406 of S. 754, affects all IGs overseeing agencies with “covered systems” – defined as a national security system as defined in 40 U.S.C. § 11103 or a Federal computer system that provides access to PII.
- As previously reported, (b) (5)
- The provision requires that within 240 days of passage, such IGs must provide a report including:
 - A description of logical access standards used the agency for its covered systems, including a list and description of logical access controls used and whether the agency is using multi-factor logical access controls;
 - A description of the logical access controls used to control access to covered systems;
 - If neither logical access controls nor multi-factor logical access controls are used, a description of why they are not used;
 - A description of data security management practices used by the agency, including;
 - Policies and procedures used to inventory software and licenses used by the agency in relation to its covered systems;
 - Capabilities of the agency to monitor and detect exfiltration and other threats;
 - How the agency is using such capabilities, or why it is not using such capabilities; and
 - A description of the policies and procedures used by the agency to ensure that entities, including contractors, are implementing data security management practices previously mentioned.
- The report can be based in whole or in part on another IG report, including FISMA, and reports are to be submitted in an unclassified form but may include a classified annex.

S. 1115 & H.R. 3089, GONE Acts

- The House version of the GONE Act, which had passed the House on September 28, has been referred to HSGAC.
- HSGAC staff reached out to us to ask if we had further comment with the language in the GONE Act as passed by the House.
- The bill includes our suggestions that (b) (5)
- As such we had no further comment.

S. 1378, Bonuses for Cost-Cutters Act of 2015

- Ms. Eldridge from DOS/OIG reported on the progress of gathering feedback on current use by IGs of the 5 USC 4512 award programs and potential use of the program to be established by S.1378.

- DOS is still collecting information; (b) (5) [REDACTED]
- (b) (5) [REDACTED]

S. 2123 Fraud Reduction and Data Analytics Act of 2015

- Thank you to everyone who submitted comments.
- (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- We have passed the feedback we received on to HSGAC.

S. 2127 Dr. Chris Kirkpatrick Whistleblower Protection Act of 2015

- Thank you to everyone who provided comments to the bill. The feedback we received (b) (5) [REDACTED]
- (b) (5) [REDACTED]
- Additional feedback also addressed (b) (5) [REDACTED]
- The feedback will be passed along to staff and we will continue to engage as needed.

S. 2128, Inspector General Mandates Reporting Act of 2015

- Thank you to everyone for your comments.

Budget Agreement

- (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
 - (b) (5) [REDACTED]

Miscellaneous

- (b) (5) [REDACTED]

Adjournment

Kathy A. Buller, Inspector General

Peace Corps

CIGIE Legislation Committee-Meeting Minutes for December 8, 2015

CIGIE Headquarters-Washington, DC

Attendees:

Kathy A. Buller, Peace Corps (Chair)

Chris Dentel, SPSC

Allison Lerner, NSF

Joaquin Ferrao, Peace Corps

Deb Jeffrey, CNCS

Mark Bialek, FRB

Mike McCarthy, Ex-Im Bank

Martin Dickman, RRB

Peg Gustafson, SBA

Nathan R, DOT

Jackie Becker, FRB

Kathy Gallo, FCA

John Simms, NARA

Joanne Eldridge, DOS

Melissa Wright, IC

Brady Kiotm, TIGTA

Jay Lerner, DOJ

Tom Lehrich, AOC

Chris Fontanesi, Peace Corps

Danielle Forsgren, Peace Corps

Introduction:

Peace Corps Inspector General (IG) Kathy Buller (Chair, Legislation Committee) welcomed all members to the meeting. The previous meeting's minutes were approved by the attendees.

S. 579 and H.R. 2395, IG Empowerment Acts update

- (b) (5)
 - (b) (5)
 - (b) (5)
- A few weeks ago we had discussions with HOCR staff, including the new POC for H.R.2395, regarding the progress of the bill and technical assistance CIGIE may be able to further provide.
 - (b) (5)
 - (b) (5)

- On December 1, HOCR staff sent the Legislation Committee new language (b) (5)
- IG Buller, IG Horowitz, IG Roth, and Mr. Ferrao met with HOCR staff yesterday afternoon. (b) (5)
- On the Senate side, Senator McCain, Chairman of the Senate Armed Services Committee lifted the hold that he had on the bill.
- (b) (5)
 - (b) (5)
- (b) (5)
- (b) (5)

S. 2269, The Government Transformation Act of 2015

- Introduced by Senator Kirk on November 10th, and was referred to HSGAC.
- This bill creates a Government Transformation Board, which will develop and maintain criteria for reviewing federal programs' with the goal of determining whether government practices are useful, duplicative, effective, and economical.
- (b) (5)
- Federal employees, United States citizens, and other interested parties will be allowed to provide input on improving government performance.
- Government offices, such as OIGs from all executive agencies, may request information on the activities of the Government Transformation Board.

H.R. 8, North American Energy Security and Infrastructure Act of 2015

- The bill passed the House on December 3rd by a roll call vote (249-174), after being reported by the Energy and Commerce Committee.
- Section 3238 of the bill repeals a provision of the Energy and Policy Act of 1992, which at the time required IGs to report within 120 days of enactment of the act on agency compliance with the National Energy Conservation Policy Act and the agency's internal accounting mechanisms to assess energy consumption and costs.
- The Section also repealed the one time requirement that that the President's Council on Integrity and Efficiency submit a report on the reviews conducted by IGs.
- The bill did not repeal a provision "encouraging" periodic IG reviews of agency compliance with National Energy Conservation Policy Act.

H.R. 699, Email Privacy Act

- The bill was introduced by Representative Yoder in February, and was marked up by the House Judiciary committee on December 1. The bill is identical to both H.R. 283, and S. 356, which we have been tracking.
- As a reminder, these bills amend the Electronic Communications Privacy Act by requiring government and law enforcement entities to obtain a warrant before Remote Computing Service or Electronic Communication Service providers may disclose the contents of all wire or electronic communications, including those stored and unread for more than 180 days.
- Providers will still be able to disclose other identifying information, such as a subscriber's name, address, telephone connection records, session times and duration, types of services provided, or means of payment through court order, customer consent, or a subpoena.
- If providers disclose information, customers must be provided with notice either within three or ten business days. Notice includes a copy of the warrant, and notice that the information was requested by, and given to, a government entity.
- Entities may request delayed notice. Delayed notice would be for 180 days for law enforcement entities, and 90 days for all other government entities. Delayed notice may also be delayed for an additional 90 or 180 days.
- Finally, government entities still have the authority to request the contents of communications from an originator, addressee, or intended recipient through a subpoena, as well as require an entity to disclose the contents of communications from officers, directors, employees, or agents of the entity when the communications are held, stored, or maintained on an electronic communication system owned or operated by the entity,
- (b) (5)
- (b) (5)
- (b) (5)

H.R. 4127, Intelligence Authorization Act for Fiscal Year 2016

- The bill was introduced by Representative Nunes on November 30, and passed the House by voice vote on December 1.
- Section 306 requires the Director of National Intelligence, to direct agencies with security clearance holders to implement an "enhanced personnel security program"
 - The "enhanced" personnel security investigations must occur at least twice every five years and must consider certain information about clearance holders, including:
 - Information related to criminal or civil legal proceedings;
 - Financial information;
 - Publicly available information, including relevant intelligence or counterintelligence information about the individual that could suggest or pose a threat; and
 - Data maintained on terrorist or criminal watch lists.
 - The guidance must be given to agencies within 5 years of enactment or by the time DNI has determined that the backlog of reinvestigations has been eliminated, whichever comes first.

- Beginning two years after receiving guidance from the DNI, IGs that oversee agencies with security clearance holders must perform at least one audit to assess the effectiveness and fairness of the agency program, using performance measures and standards established by the DNI.
 - Covered IGs must then submit the audit to the DNI.

H.R. 4164, Regulatory Agency De-Militarization Act (RAD Act)

- Representative Stewart introduced the RAD Act on December 2, 2015, which was referred to HOCR.
- The bill would remove IG law enforcement powers by striking Section 6(e) from the IG Act.
- The bill would ban federal agencies from purchasing or using firearms, as the term is defined in IRS Code Section 5845(a), excluding DOD, DOJ, DHS, NRC, the Capitol Police, Diplomatic Security, CIA, and military departments.
 - The RAD Act had previously been introduced in the 113th Congress. (b) (5)
- (b) (5)
- (b) (5)
- (b) (5)
- In September HOCR staff (b) (5)
- (b) (5)

S. 1115, GONE Act

- The GONE act was reported out of HSGAC on November 30.
- Senate version, as reported, removed entirely the role for Inspectors General.

S. 2128, Inspector General Mandates Reporting Act of 2015

- The bill was reported out of HSGAC on November 30.

Miscellaneous

- IG Horowitz, The Honorable Gene L. Dodaro, and Jim H. Crumacker will be testifying in front of HSGAC on Thursday, December 10 regarding tracking OIG recommendations.
- Sen. Grassley released a report on the use of administrative leave.
 - (b) (5)
 - (b) (5)
 - (b) (5)

Adjournment