

CIGIE LEGISLATION COMMITTEE

AGENDA

Tuesday • September 11, 2012 • 10:00 a.m.

CIGIE Offices  
1717 H St. NW, Suite 825  
Washington, DC

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*Welcome*

*Peg Gustafson*

*Approval of Previous Meeting Minutes*

*Pending Legislation – Status Updates*

- [S.3414](#), *Cybersecurity Act of 2012 or CSA2012*
  - 552(b)(3) of title 5, United States Code – IT System Information
- [S.300](#), *Government Charge Card Abuse Prevention Act of 2012*
- [S.1409](#), *Improper Payments Elimination and Recovery Improvement Act of 2012*

*New Legislation*

- [S.3481](#), *Stop Wasteful Federal Bonuses and Conferences Act of 2012*
- [H.R.6360](#), *Oversight and Accountability in Wartime Contracting Act of 2012*

*Other Business*

- August 2012 Correspondence from Committee on Oversight and Government Reform

*Adjournment—Next Meeting is scheduled for 10:00 a.m. on October 9, 2012, at CIGIE HQ.*

CIGIE LEGISLATION COMMITTEE

AGENDA

Tuesday • October 9, 2012 • 10:00 a.m.

CIGIE Offices  
1717 H St. NW, Suite 825  
Washington, DC

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*Welcome*

*Peg Gustafson*

*Approval of Previous Meeting Minutes*

*Pending Legislation – Status Updates*

- [S.300](#), *Government Charge Card Abuse Prevention Act of 2012*
- [S.3414](#), *Cybersecurity Act of 2012 or CSA2012*
  - 552(b)(3) of title 5, United States Code – IT System Information
- [S.3600](#), *Digital Accountability and Transparency Act of 2012*
- H.R. 4053 and [S.1409](#), *Improper Payments Elimination and Recovery Improvement Act of 2012*
- [S.743](#), *Whistleblower Protection Enhancement Act of 2012*
- [H.R. 6016](#), *Government Employee Accountability Act*

*New Legislation*

- [H.R. 6406](#), *Non-Federal Employee Whistleblower Protection Act of 2012*

*Other Business*

- August 2012 Correspondence from Committee on Oversight and Government Reform

*Adjournment—Next Meeting is scheduled for 10:00 a.m. on November 13, 2012, at CIGIE HQ.*

**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**  
**David Buckley, IG, CIA**  
**Tony Ogden, Deputy IG, FRB**  
**Sheldon Shoemaker, Special Assistant to IG, SBA**  
**(b) (3) (B)**  
**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), expressing concerns about related cybersecurity bills which were introduced earlier this year ([S. 2105](#), Sens. Lieberman/Collins; [S.3342](#), Sen. McCain).

The IG representatives expressed to the staffers their concern that under the Freedom of Information Act (FOIA), no available exemptions would permit the withholding of documents relating to IG reports which expose vulnerabilities in an agency's information security system. Accordingly, the representatives explained the need for statutory language in the cybersecurity bills which would preclude FOIA disclosure of such documents.

The Judiciary Committee asked IG representatives whether they had addressed the above concerns with Open Government Non-Governmental Organizations such as the Project for Oversight & Government Reform (POGO) and suggested that the IG community collaborate with these groups.

Mr. Shoemaker (SBA) reported that Legislation Committee members met with POGO after the Judiciary Committee meeting.. (b) (5)

**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) (5)

**DATA Act**

(b) (5)

**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**

(b) (5)  
[Redacted]

**Cross-Cutting Project on Reporting to Congress**

(b) (5)  
[Redacted]

**Conference Spending**

IG Gustafson reported that HOGRA Chairman Issa will be investigating all conferences that cost more than the GSA Las Vegas conference, which was the subject of recent congressional scrutiny.

**Federal Employee Tax Obligations**

IG Gustafson reported that she received an e-mail from IG Dentel (CPSC) 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

AGENDA

Tuesday • December 11, 2012 • 10:00 a.m.

CIGIE Offices  
1717 H St. NW, Suite 825  
Washington, DC

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*Welcome*

*Peg Gustafson*

*Approval of Previous Meeting Minutes*

*Pending Legislation – Status Updates*

- [S.743](#), *Whistleblower Protection Enhancement Act of 2012*
- [S.3254](#), *National Defense Authorization Act for Fiscal Year 2013*
  - [S.3286](#), *Comprehensive Contingency Contracting Reform Act of 2012*
  - [H.R. 6406](#), *Non-Federal Employee Whistleblower Protection Act of 2012*
  - [H.R.4053](#) and [S.1409](#), *Improper Payments Elimination and Recovery Improvement Act of 2012*
- [S.3414](#), *Cybersecurity Act of 2012*
  - 552(b)(3) of title 5, United States Code – IT System Information
- [S.3600](#), *Digital Accountability and Transparency Act of 2012*
- [H.R. 6634](#), *To change the effective date for the Internet publication of certain financial disclosure forms.*

*New Legislation*

- No significant, new legislation impacting the Inspector General Community is noted.

*Other Business*

- Recovery Operations Center
- October 2012 Correspondence from Representative Posey
- December 2012 Correspondence from Chairman Issa
- Draft Documents
  - CIGIE Annual Performance Plan
  - CIGIE Communications and Outreach Program Plan

*Adjournment—Next Meeting is scheduled for 10:00 a.m. on January 8, 2013, at CIGIE HQ.*

**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, although it may be taken up during the lame duck session.

(b) (5)  
[Redacted]

IG Gustafson stated that the House and Senate appeared to be far apart on the differing cybersecurity bills, but the Legislation Committee will continue to monitor the bill’s status, particularly if taken up during the lame duck session.

**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 expressed concerns to HSGAC staffer Peter Tyler about the scope of OIG responsibilities under this bill, noting that such participation would require a substantial devotion of resources.

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. (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

concerns about the costs of the computer matching provisions in the Senate bill. The Committee responded to CBO and alleviated its concerns.

### **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 28<sup>th</sup>. 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**

(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

AGENDA

Tuesday • February 19, 2013 • 2:00 p.m.

CIGIE Offices  
1717 H St. NW, Suite 825  
Washington, DC

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*Welcome*

*Peg Gustafson*

*Approval of Previous Meeting Minutes*

*Status Updates*

- CIGIE Legislative Priorities: Letter to OMB Regarding the 113<sup>th</sup> Congress
- Digital Accountability and Transparency Act

*New Legislation*

- [H.R. 152](#), Disaster Relief Appropriations Act, 2013
- [H.R. 302](#), Metropolitan Washington Airports Authority Inspector General Act of 2013
- [H.R. 314](#), Inspector General Improvement Act of 2013

*Other Business*

- Recovery Operations Center
- HOCR Questions Regarding Suspensions and Debarment Authority
- March Meeting - Date/Time

*Adjournment*

**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) (B)**  
**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) (B)**  
**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. DOJ Inspector General Michael Horowitz, whose office already has a designated Ombudsman, may speak to CIGIE as well.

(b) (5)



### **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. (b) (5)

[Redacted]

(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. The Legislation Committee will look to survey other OIGs to obtain recommendations on how the operations carried out by the ROC could continue, specifically in analyzing fraud and following corporate actors.

**Congressional Letters:**

**Rep. Posey Letter**

IG Gustafson reported that in response to Rep. Posey’s October letter, she understood that the OIGs receiving these letters responded generally by directing him to their semi-annual reports. Rep. Posey was interested in a one-page document that articulated performance and impact of receiving OIGs.

**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. IG Callender (PRC) stated that HOCR is looking to hold potential hearings with agency heads and IGs.

(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

AGENDA

Tuesday • March 19, 2013 • 2:00 p.m.

CIGIE Offices  
1717 H St. NW, Suite 825  
Washington, DC

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*Welcome*

*Peg Gustafson*

*Approval of Previous Meeting Minutes*

*Status Updates*

- CIGIE Legislative Priorities: Letter to OMB Regarding the 113<sup>th</sup> Congress
- Draft - *Digital Accountability and Transparency Act*
- Draft - [Stop Unworthy Spending Act](#) (SUSPEND Act)

*New Legislation*

- [H.R. 983](#), Online Communications and Geolocation Protection Act
- [S.417](#), To reduce the number of nonessential vehicles purchased and leased by the Federal Government, and for other purposes.

*Other Business*

- Bicameral Task Force on Climate Change

*Adjournment*

CIGIE LEGISLATION COMMITTEE

AGENDA

Tuesday • May 14, 2013 • 10:00 a.m.

CIGIE Offices  
1717 H St. NW, Suite 825  
Washington, DC

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*Welcome*

*Peg Gustafson*

*Approval of Previous Meeting Minutes*

*Status Updates*

- Draft - [Stop Unworthy Spending Act](#) (SUSPEND Act)
- [H.R. 313](#), Government Spending Accountability Act of 2013
- [H.R. 1163](#), Federal Information Security Amendments Act of 2013

*New Legislation*

- [S. 549](#), Public Online Information Act of 2013
- [S. 808](#), A bill to establish the Office of the Inspector General of the Senate
- [S Con Res 8](#), Fiscal 2014 Senate Budget Resolution
- [H.R. 1768](#), Accountability Review Board Reform Act of 2013
- [H.R. 1793](#), Global Partnerships Act of 2013
- H.R. 1856, Closing Long-Empty Accounts Now Act of 2013 (CLEAN Act)
- H.R. 1858, Congress Leads by Example Act of 2013

*Other Business*

- Other Hill Meetings
  - Majority Staff - HSGAC, Subcommittee on Efficiency and Effectiveness of Federal Programs and the Federal Workforce
  - Majority and Minority Staff – HSGAC
  - Minority Staff – HSGAC, Subcommittee on Financial and Contracting Oversight
- Information Technology Working Group Update

*Mark Bialek*

*Adjournment*

CIGIE LEGISLATION COMMITTEE

AGENDA

Tuesday • June 11, 2013 • 10:00 a.m.

CIGIE Offices  
1717 H St. NW, Suite 825  
Washington, DC

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*Welcome*

*Peg Gustafson*

*Approval of Previous Meeting Minutes*

*Status Updates*

- [H.R. 1768](#), Accountability Review Board Reform Act of 2013
- [H.R. 1856](#), Closing Long-Empty Accounts Now Act of 2013 (CLEAN Act)

*New Legislation*

- [H.R. 2061/S.994](#) Digital Accountability and Transparency Act of 2013
- [H.R. 1931](#), EASY Savings Act of 2013
- H.R. 2221, A bill to create a centralized website on reports issued by the inspectors general, and for other purposes.

*Other Business*

- IG Act - Congressional Reporting Requirements
- Information Technology Working Group Update

*Mark Bialek*

*Adjournment*

**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:

- SUSPEND Act
  - As reported in February, the Legislation Committee shared the draft SUSPEND Act with CIGIE's Investigations Committee, Suspension and Debarment Working Group—Inspector General Allison Lerner, National Science Foundation and Inspector General Steve Linick, Federal Housing Finance Agency.
  - IG Gustafson, Special Assistant to the IG Sheldon Shoemaker, and IGs Lerner and Linick met with HOCR staff, Rich Beutel and Eric Cho, on April 4.
  - (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 stringent standards 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) [REDACTED]
  
- 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) [REDACTED]

## 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 Tony McClain. Chairman Tester’s staff director. Tony 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 Holly Idelson, Brian Downey, Jonathan Kraden, Peter Tyler, and one other member of Ranking Member Coburn’s staff.

- The meeting was a dialogue involving CIGIE’s legislative priorities, as outlined in our letter to OMB.
  - The importance of Computer Matching led to a discussion of the role of the ROC.
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 position statements on these pieces of legislation. Position statements submitted by CIGIE to the 112<sup>th</sup> Congress are to serve as a foundation for these position statements with two formats being drafted—a summary position statement and individual position statements for the three bills.

**MEETING - DATE/TIME**

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

**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) (B)**  
**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 113<sup>th</sup> Congress. (b) (5)

[REDACTED]

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

(b) (5)

**DATA Act/Meeting with HOCR staff:**

IG Gustafson announced Legislation Committee and RATB members met with staff from the House Oversight and Government Reform Committee (HOCR). (b) (5)

[REDACTED]

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 HOCR meeting, (b) (5)

[REDACTED]

(b) (5)

[REDACTED]

(b) (5)

[REDACTED]

**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 HOCR, assigns existing OIGs to take on oversight responsibilities for several agencies and programs.

(b) (5)

The Committee will monitor this legislation.

**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)

[REDACTED]

(b) (5)

[REDACTED]

**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 creating a House Oversight Caucus and her staff will be reaching out to the Legislation Committee for initial ideas and contact information.

**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 113<sup>th</sup> Congress. Slight changes were made to the letter by the CIGIE Executive Council and the letter is now ready to be submitted to OMB. It will be posted on the CIGIE website.

**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 (HOCR), to discuss both Houses' proposed versions of the DATA Act. (b) (5)

[REDACTED]

Gustafson forwarded these comments to Sen. Warner's office.

The Legislation Committee also asked Sen. Warner's staff to include in the Senate version of the DATA Act exemptions for IGs from Computer Matching requirements and the Paperwork

Reduction Act, as well as technical amendments to the IG Reform Act, all provisions which were in the prior versions of the legislation from last Congress.

### **Stop Unworthy Spending Act**

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 ([the Stop Unworthy Spending Act](#)), which among other things, would consolidate government suspension and debarment functions into one centralized board. The Legislation Committee will continue to monitor this proposed legislation.

### **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. The Committee will continue to monitor this legislation.

### **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 which seeks to consolidate FOIA responsibilities within the Department of Justice.
- **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

AGENDA

Tuesday • July 9, 2013 • 10:00 a.m.

CIGIE Offices  
1717 H St. NW, Suite 825  
Washington, DC

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*Welcome*

*Peg Gustafson*

*Approval of Previous Meeting Minutes*

*Status Updates*

- [H.R. 2061/S.994](#) Digital Accountability and Transparency Act of 2013
- [H.R. 2221](#), Sunshine on Government Act of 2013

*Other Business*

- CIGIE Budget
- IG Act - Congressional Reporting Requirements
- OIG Legislative Proposals Offered for CIGIE Consideration
  - Social Security Administration
  - Department of Commerce
- Information Technology Working Group Update

*Mark Bialek*

*Adjournment*

**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 the State Department IG 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. The Committee did not hear back from State OIG as of yet, but will continue to monitor the legislation.

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

(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, Rep. Issa expressed support for all of these initiatives and hoped to include them in his IG Reform legislation, along with testimonial subpoena authority.

The Committee will reach out to the Senate Homeland Security and Governmental Affairs Committee (HSGAC) to inquire when a hearing or mark-up will occur on [S. 994](#), the Senate version of the DATA Act, introduced by Sen. Warner on May 21.

➤ **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, the Committee identified to Rep. Crawford's staff the existence of OIG reports on the CIGIE website.

**IG Reform Act and Congressional Reporting Requirements**

IG Gustafson led a discussion regarding Rep. Issa's concerns about OIGs sharing of information with Congress. At the May CIGIE meeting, Rep. Issa reiterated his position concerning use of 7-Day letters and urged OIGs to keep Congress better informed.

(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. Once the full IT Working Group finalizes the comments, they will be sent to IG Gustafson for distribution to the full Committee.

**SUSPEND Act**

IG Gustafson reported that Rep. Issa’s staff spoke to CIGIE about the concepts behind this legislative proposal which would end individual agencies’ suspension and debarment programs and vest these functions in a centralized body called the Board of Civilian Suspension and Debarment. HOCR will be holding a hearing on the issue of federal suspension/debarment practices. The Committee will continue to monitor this draft legislation.

**OIG Appropriations**

(b) (5)  
[Redacted]

**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

AGENDA

Tuesday • September 10, 2013 • 10:00 a.m.

CIGIE Offices  
1717 H St. NW, Suite 825  
Washington, DC

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*Welcome*

*Peg Gustafson*

*Approval of Previous Meeting Minutes*

*Status Updates*

- Draft - IG Reform Act
- [S.1360](#), Improper Payments Agency Cooperation Enhancement Act of 2013
- [H.R. 2061/S.994](#) Digital Accountability and Transparency Act of 2013
- [H.R. 3032](#), Executive Cyberspace Coordination Act of 2013

*Other Business*

- CIGIE Budget Briefing
- Integrity Committee Briefing
- IG Community Legislative Proposals
  - Amend Section 11(b)(1)(B) to reflect the “Inspector General of the Intelligence Community” is a CIGIE member rather than “the Office of the Director of National Intelligence”
  - Program Integrity Funding Proposal
- Information Technology Working Group Update

*Mark Bialek*

*Adjournment*

CIGIE LEGISLATION COMMITTEE

AGENDA

Tuesday • November 12, 2013 • 10:00 a.m.

CIGIE Offices  
1717 H St. NW, Suite 825  
Washington, DC

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*Welcome*

*Peg Gustafson*

*Approval of Previous Meeting Minutes*

*Status Updates*

- Draft - IG Reform Act
- [H.R. 2061/S.994](#) Digital Accountability and Transparency Act of 2013
- [H.R. 3345](#), SUSPEND Act

*Other Business*

- Data Call on IG Access Issues
- IG Community Legislative Proposals
  - Program Integrity Funding Proposal
- [CIGIE Views Letter on Pending Cybersecurity Legislation](#)
- HSGAC Subcommittee on Efficiency and Effectiveness of Federal Programs and the Federal Workforce Hearing on November 19, 2013
- Congressional Meetings
  - Staff of HSGAC, Subcommittee on Financial and Contracting Oversight
  - Staff of Rep. Cooper and HSGAC, Subcommittee on Financial and Contracting Oversight

*Adjournment*



**APPROVAL OF PREVIOUS MEETING MINUTES**

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

**STATUS UPDATES**

IG Gustafson reported the following:

- **Draft - IG Reform Act**
  - The staff are still considering possible proposals and working on draft language. We checked in with them approximately a week ago, and the status remains unchanged. They are aware of our interest and meeting schedule.
- **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.
  - (b) (5) [Redacted]
  - (b) (5) [Redacted]
  - (b) (5) [Redacted]
  - (b) (5) [Redacted]
  - (b) (5) [Redacted]

(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. We again coordinated with the Audit Committee and shared these concerns with the staff.
- HOCR reached out to us the week of June 24 regarding this provision. Specifically, GAO provided suggested edits to the provision, which are in your documents.
- Our comments were sent to the Committee staff on June 28.
  - In short, we disagreed with the GAO edit and requested reconsideration of our prior comments to attach the review mandate with existing mandates, such as the financial statement audits.
- On July 24, HSGAC staff contacted the Legislation Committee relative to the wording of this same provision, though they were working from the language as introduced in the Senate.
- We again coordinated with the Audit Committee to recommend technical changes to the provision. (b) (5)

(b) (5)

(b) (5)

(b) (5)



- We anticipate the DATA bill to be marked up at the next HSGAC business meeting, which could occur in September. Our proposed change is to be offered as part of the manager's amendment.

- **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. H.R. 1163 is a bill that the IT Working Group has considered and is offering comments.
- 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.

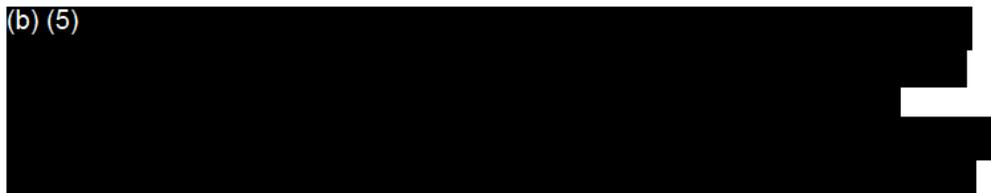
- Requires each federal agency to perform an annual independent audit of its information security programs and practices and submit the results of such audit to the Director.
- Requires the Secretary of Commerce, on the basis of proposed standards developed by the National Institute of Standards and 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

- (b) (5)



- CIGIE Budget

- IG Gustafson and IG Fong met with Holly Idelson on August 7 to discuss the CIGIE Budget and the IGs' budgets generally.
- Staff are sympathetic and supportive of CIGIE's funding situation but noted the Appropriations Committee is best positioned to consider these concerns.
- The Legislation Committee is available to coordinate meetings with the Appropriations Committee, but this is a CIGIE decision point.
- The Legislation Committee will coordinate with the CIGIE Chair and Executive Council relative to potential next steps.
- 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 HSGAC staff (Holly Idelson and a couple of other Chairman Carper staff, and Brian Downey for RM Coburn).
  - The FBI gave a presentation on the IC process.
  - The discussion did touch generally on a couple of IC cases that are in the media as longstanding challenges. The length of time of these investigations seemed to be the focus of the staff's ire.
  - The staff zeroed in on the sequential investigative process that exists on complex cases relative to the IC, OSC, EEO and other non-criminal oversight entities.
  - Staff expressed concern on behalf of their Members, but no solution has been identified or specific alternative to the current process.
  - We anticipate reaching out to staff on this issue to remain part of the dialogue.
- IG Community Legislative Proposals
  - The Committee concurred with a request to include as an additional technical amendment to the IG Act on its standing legislative proposal—amend Section 11(b)(1)(B) to reflect the "Inspector General of the Intelligence Community" is a CIGIE member rather than "the Office of the Director of National Intelligence"

- 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. This means that for SSA OIG, this provision would apply only to recoveries of overpayments made from SSA’s administrative expenses, not SSA’s benefit programs.
  - 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. He pointed out that SSA OIG has proposed an indefinite appropriation to make available to SSA 25 percent, and to OIG 5 percent, of actual overpayments collected, for use solely on integrity activities that provide a continuous return on investment.
  - (b) (5) 
  - SSA OIG is requesting that the Legislation Committee begin championing this proposal.
  - The Legislation Committee members are reviewing the proposal.
- Information Technology Working Group Update

FRB IG Bialek reported the following:

- As discussed in July, the IT Working Group received comments on the draft letter from Executive Council members. The IT Working Group has been working hard to address these comments and alleviate any concerns.
- Potential Hearing – HSGAC’s Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce
  - Chairman and Ranking Member of the Senate Subcommittee on the Federal Workforce, Senators Tester and Portman, plan to hold a hearing on the federal oversight workforce on September 26 at 10AM. They intend to invite CIGIE to testify at the hearing. Additional witnesses include the U.S. Chief Information Officer and representatives from the Privacy and Civil Liberties Board.
  - In short, the hearing seeks to examine the various positions within the federal workforce that are tasked with oversight duties, including inspectors general, comptrollers and privacy and information officers. The hearing will focus on how these oversight positions are tasked, and will seek to identify challenges that may be preventing or impairing these individuals and offices from effectively carrying out their mandate – whether it be statutory restrictions, inadequate resources, position vacancies or other challenges. From there, they hope to identify some potential action items that could ensure these folks are better able to carry out their oversight responsibilities.
  - For CIGIE, it is an opportunity to discuss the impact of sequestration on OIGs, the current funding mechanism for CIGIE, and possibly, challenges the CMA and PPA pose to OIG reviews.

**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) (B)**  
**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**

The bill which House Oversight & Government Reform (HOCR) Chairman Darrell Issa is drafting is currently under review by the House Legislative Counsel. Once the review is completed, HOCR will share a copy with the Committee.

➤ **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 suggested by the CIGIE Audit Committee which synchronizes mandatory OIG reviews of agency spending data reporting to the time frame for financial statement reviews. This change allows OIGs the flexibility to incorporate the review into the financial statement review or at a minimum, conduct the review concurrently with the financial statement work.

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. HOCR plans to offer the CIGIE Audit Committee's proposed change as part of a manager's amendment.

➤ **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]

HOCR has not yet requested a formal opinion from OIGs on the legislation, but the Committee will look to set up an informal meeting with HOCR staff. IG Gustafson suggested that the IG community review the bill as a whole and obtain a uniform consensus on concerns with the legislation.

IG Lerner (NSF) noted that HSGAC has not yet reached out to the Interagency Suspension & Debarment Committee (ISDC) which she chairs for comment. ISDC met informally with HOCR staff this summer, prior to the legislation being introduced and some of its concerns were addressed in the bill.

**OTHER BUSINESS**

➤ **IG Access Issues**

(b) (5)

[REDACTED]

The Committee held informal discussions with

HOGR staff (b) (5)

➤ **Program Integrity/IPERA**

Chad Bungard (SSA) reported on SSA OIG's efforts to create 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)

(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 the IG Reform Act of 2008 and the implications of a PAS vs. DFE OIG, relative to oversight of the NSA. IG Gustafson suggested that Rep. Cooper's staff to speak with Department of Defense IG John Rymer.
- IG Gustafson reported that she met with an HSGAC subcommittee to address the subcommittee's concerns about the CIGIE Integrity Committee.

**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

AGENDA

Tuesday • March 11, 2014 • 10:00 a.m.

CIGIE Offices  
1717 H St. NW, Suite 825  
Washington, DC

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*Welcome*

*Peg Gustafson*

*Approval of Previous Meeting Minutes*

*Status Updates*

- Draft - IG Reform Act
- [H.R. 2011](#), FOIA Act

*Other Business*

- HSGAC Subcommittee on Financial and Contracting Oversight—Potential Hearing on  
OIG Oversight of Small Agencies
- Approaches to Engaging Congress

*Adjournment*

**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) (B)**  
**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) suggesting that IGs, in reporting to Congress on agency compliance with DATA Act requirements, present their reviews using a data-based or “dashboard”

approach, as opposed to a narrative report. The Committee e-mailed HOCR on June 28 disagreeing with the GAO-recommended change, stating that narrative reports are a more appropriate format to communicate OIG-reviews of agency data submissions. The Committee also reiterated comments to the legislation from the Audit Committee, which were provided to HOCR on a prior date.

(b) (5)

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

This bill is a carryover bill from the 112<sup>th</sup> 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 IG Vacancy Bill**

(b) (5)

**CIGIE/OIG Budgets**

IG Gustafson indicated that CIGIE intends to reach out to Congress to educate staff on the current workings and challenges of the CIGIE budget process. (b) (5)

(b) (5)

**OIG Legislative Proposals for CIGIE Consideration**

(b) (5)

IG Gustafson reported that Department of Commerce IG Todd Zinser submitted two recommendations to HOCR seeking a legislative fix in response to two administrative decisions enforcing agency agreements (confidentiality and collective bargaining) which had the effect of restricting OIGs from conducting independent investigations of potential wrongdoing.

**Information Technology Working Group Update**

Deputy IG Ogden (FRB) reported that only DOT and Ed OIGs provided feedback on the IT Working Group's draft letter to Senators Carper and Coburn commenting on IT security legislation. The IT Working Group will consider these comments.

**Next Meeting/Adjournment**

The Committee agreed to be available if necessary for a follow-up teleconference relative to IG Gustafson's pending meeting with Chairman Issa. 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.