

# SEMIANNUAL REPORT TO THE CONGRESS

**April 1, 2021 – September 30, 2021**

Architect of the Capitol  
Office of Inspector General





# Inspector General Message



I am pleased to submit the Architect of the Capitol's (AOC) Office of Inspector General (OIG) Semiannual Report (SAR) to Congress for the second half of Fiscal Year (FY) 2021. Every six months, we provide Congress with a report detailing our independence and oversight of the AOC during the reporting

period. This report highlights our activities for the six months ending September 30, 2021. This report is our 27th SAR and the ninth report in my four and a half year tenure.

The work detailed here contains results from the efforts of an OIG staff dedicated to promoting economy and efficiency, and preventing and detecting fraud, waste and abuse within the AOC's programs and operations. In the years to come, we look forward to continuing our efforts to provide independent and effective oversight of the AOC and to working with the Council of the Inspectors General on Integrity and Efficiency (CIGIE) on important issues that span our government.

During this SAR period, the 16 full-time employees of the OIG worked diligently to complete statutory requirements, audits, evaluations, investigations, special reviews and flash reports, and congressional requests in the highly challenging environment posed by the 2019 novel coronavirus (COVID-19) pandemic. Over this last year and a half while teleworking full time, the AOC OIG did not miss a single statutory requirement, conducted additional CIGIE peer reviews and increased production output by 33 percent since before the pandemic.

I was also honored to testify and represent the work of the OIG before the Committee on House Administration twice this SAR period and to answer questions and provide oversight regarding two flash reports (**AOC's Role in Securing the Capitol Campus During Large Public Gatherings (2021-AUD-005-O)** and **AOC's Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event (2021-0002-IE-P)**) that recommended the need for

safety and security considerations in light of the January 6, 2021, insurrection and provided lessons learned for the Cannon House Office Building Renewal (CHOBr) Project.

As the CHOBr Project has increased from \$752.7 million to \$890.1 million, we continued our partnership with Cotton & Company (Cotton) and announced that they will conduct two more CHOBr Project construction audits this year. Our efforts to outsource construction audit services to subject matter experts have helped us to identify cost savings and provided the AOC with meaningful findings and recommendations that will benefit the remaining two phases of the CHOBr Project. Abiding by government auditing standards, Cotton examined contract reimbursable costs in Phase 1 and Phase 2 in the **Audit of Cannon House Office Building Renewal Project's Contract Reimbursable Costs (OIG-AUD-2021-04)** and subcontractor bids and awards in the **Audit of Cannon House Office Building Renewal Project's Subcontractors Bid and Award (OIG-AUD-2021-05)**. The Audit Division also completed the **Audit of the Architect of the Capitol's Unliquidated Obligations (OIG-AUD-2021-06)**, which was initiated as a result of our reporting on the AOC's untimely de-obligation of unliquidated obligations for three consecutive years within our Financial Statements Audit Management Letters.

The Inspections and Evaluations (I&E) Division completed one evaluation of the **Cannon House Office Building Renewal Project Construction Inspection Approval Process (2020-0001-IE-P)** and continues to work with subject matter experts from Grant Thornton on the **Evaluation of the AOC's Fleet Management Program (2021-0001-IE-P)** scheduled for completion this fall.

This reporting period, OIG investigators received 23 complaints and opened eight investigations while issuing seven reports, which substantiated cases involving ethical violations, fraud, theft and false claims. We also referred four criminal complaints to Assistant United States Attorney's (AUSA) offices or other law enforcement agencies.

All together, the team of investigators, evaluators and auditors identified a total of \$1,263,966 questioned, unallowable, insufficiently supported, or funds put to better use this period.

The AOC OIG's footprint on Twitter, which began a year and a half ago @AOCOIG, now has nearly 1,300 followers

and is growing as the public, media and Congress continue to take interest in our oversight work. We encourage all AOC employees and the public to follow us to learn more about how we are combating fraud, waste and abuse, as well as making recommendations that aid the AOC in becoming more economical and efficient.

I am also excited to announce the establishment of our own independent AOC OIG website that is currently in beta testing and will be a tremendous source of information for those seeking knowledge about the AOC OIG and its work.

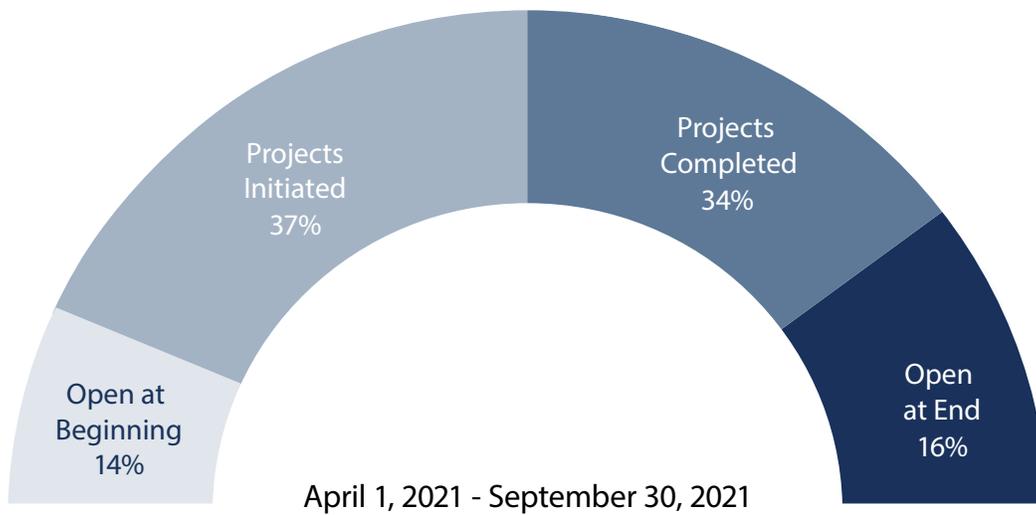
I must applaud my staff for their tremendous work ethic and dedication to the mission during these challenging times. Their efforts, handling increased workloads and producing reports in this environment, are a shining example to all

federal workers, and the demand for their services has only increased based on their outstanding results.

I would like to thank the Architect and the AOC jurisdictions for their support in providing documentation, their time and their expertise over this period. I look forward to a future of continued cooperation so that we may provide the Architect with valuable oversight of this dynamic organization.



## OIG Productivity

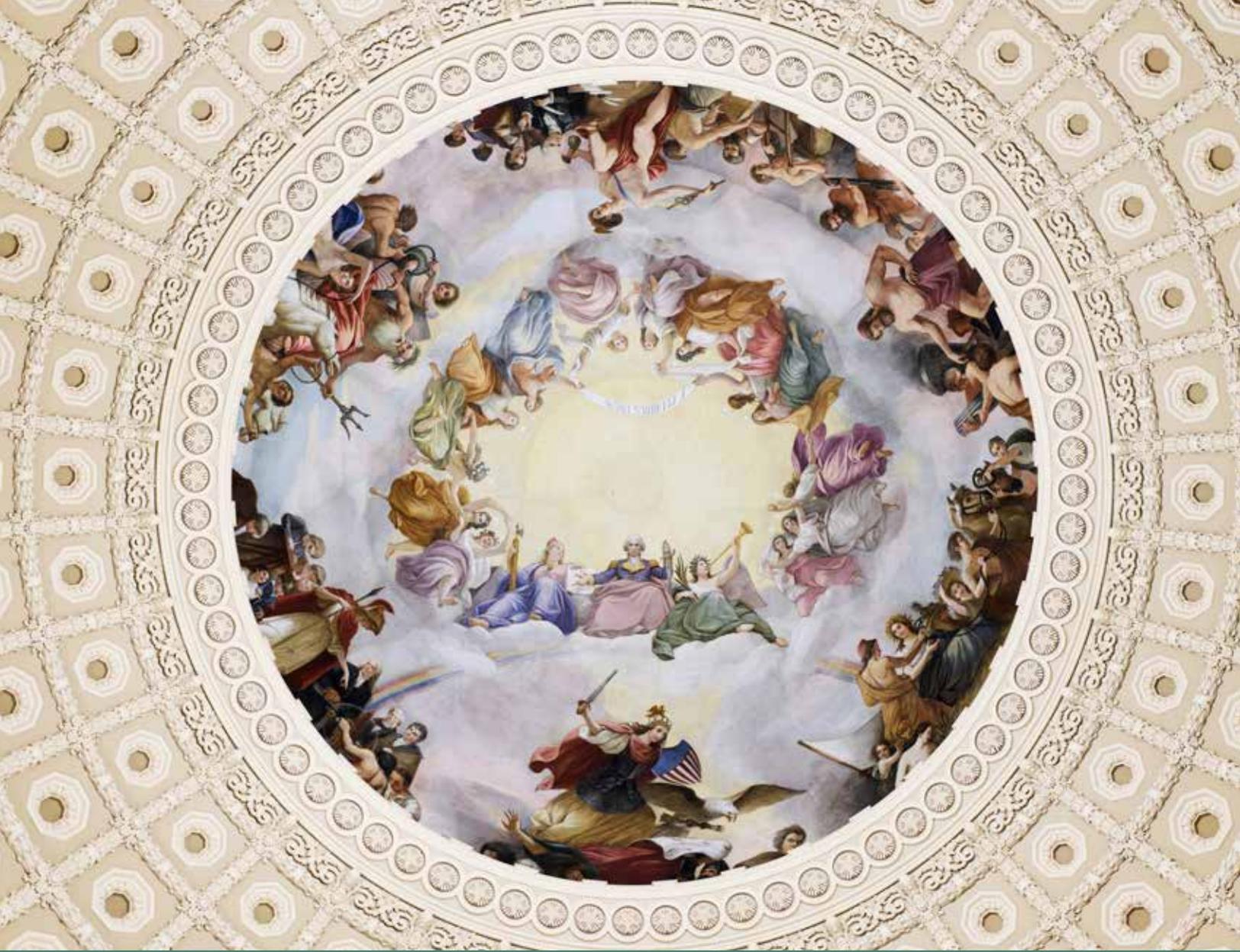


20 Projects in Progress at the Start

54 Projects Initiated

49 Projects Completed

23 Projects in Progress at the End

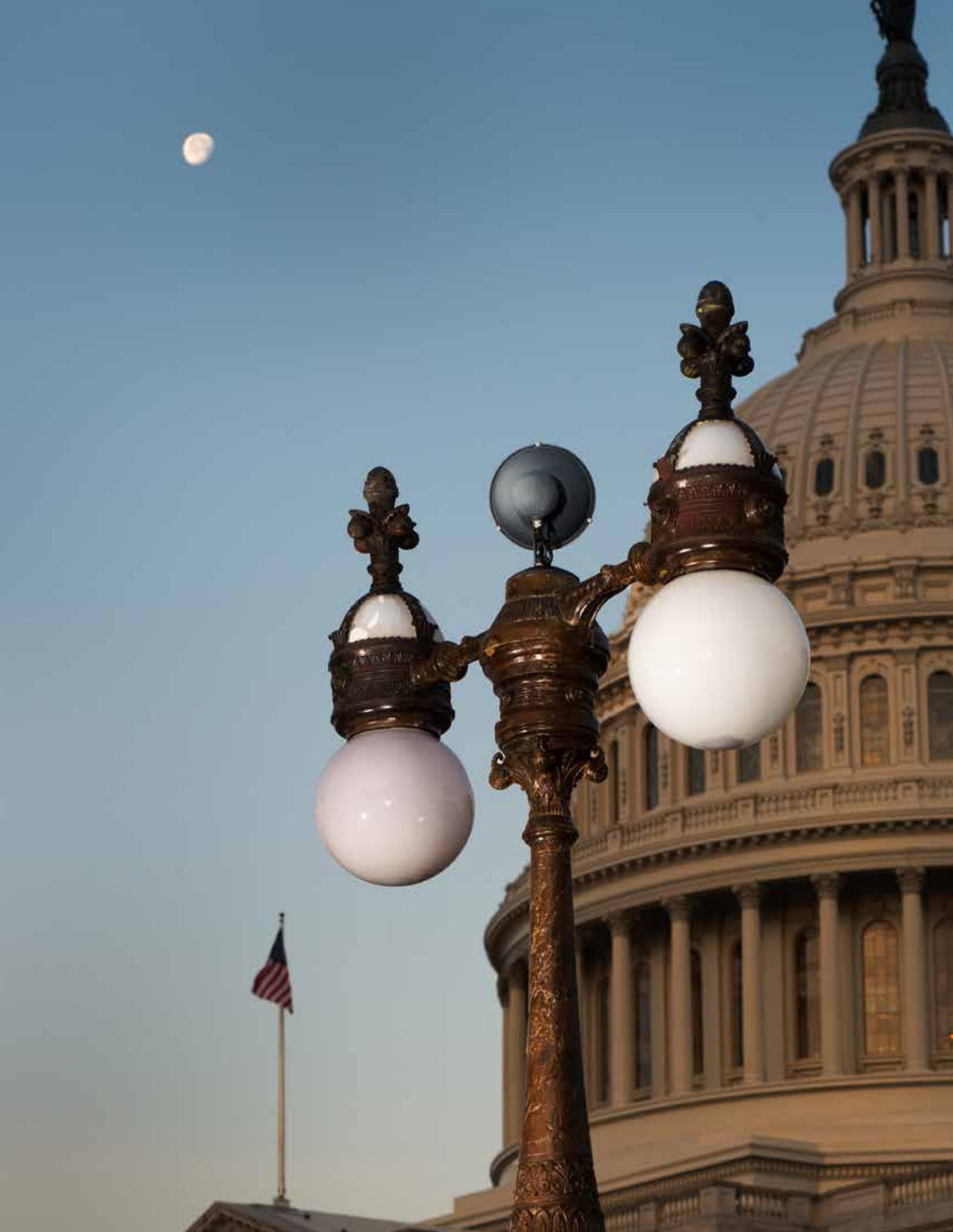


## Our Mission

The OIG promotes efficiency and effectiveness, and economy to deter and prevent fraud, waste, abuse and mismanagement in AOC programs and operations. We do this through value-added, transparent, impactful and independent audits, inspections and evaluations, and investigations. We strive to positively affect the AOC and benefit the taxpayer while keeping the AOC and Congress fully informed.

## Our Vision

The OIG is a high-performing team, promoting positive change and striving for continuous improvement in AOC programs and operations. We foster an environment that inspires AOC workforce trust and confidence in our work.



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## Inspector General Act

The Architect of the Capitol Inspector General Act of 2007, 2 U.S.C. § 1808, establishes the OIG as an independent, objective office within the AOC and applies certain sections of the Inspector General Act of 1978, as amended, that detail the Inspector General's (IG) duties and authorities, and establish important protections for AOC employees and responsibilities for the AOC.



# Profiles

## ARCHITECT OF THE CAPITOL

Permanent authority for the care and maintenance of the U.S. Capitol by the AOC derives from Section 1811 of Title 2 of the United States Code. The AOC is responsible for the maintenance, operation, development and preservation of more than 18.4 million square feet of buildings and more than 570 acres of grounds. This includes the U.S. Capitol, House and Senate office buildings, the U.S. Capitol Visitor Center, the Library of Congress, the Supreme Court of the United States, the U.S. Botanic Garden, the Capitol Power Plant, and other facilities. The AOC provides professional expertise with regard to the preservation of architectural and artistic elements entrusted to its care and provides recommendations concerning design, construction and maintenance of the facilities and grounds. The AOC is also responsible for the upkeep and improvement of the U.S. Capitol Grounds and the support of the quadrennial inaugural ceremonies and other ceremonies held on the Capitol campus.

Architect of the Capitol J. Brett Blanton performs his duties in connection with various House and Senate committees. The Committee on House Administration, as well as several other House committees, oversee the Architect of the Capitol's activities in the U.S. House of Representatives. The Senate Committee on Rules and Administration provides oversight for the Architect of the Capitol's duties associated with the Senate office buildings. The AOC is responsible for the care and repair of works of art in the U.S. Capitol under the direction of the Joint Committee of Congress on the Library. In addition, the AOC is responsible for the maintenance and restoration of murals and other architectural elements throughout the Capitol campus. Since 1934, the Architect of the Capitol has served as the Acting Director of the U.S. Botanic Garden under the Joint Committee of Congress on the Library.

## OFFICE OF INSPECTOR GENERAL

The Architect of the Capitol Inspector General Act of 2007, 2 U.S.C. § 1808, established the OIG as an independent, objective office within the AOC and applies certain sections of the Inspector General Act of 1978, as amended, that detail the IG's duties and authorities and established employee protections from retaliation for contacting the OIG or participating in OIG activities. The IG reports to and is under the general supervision of the Architect of the Capitol. The OIG's duties are to:

- (1) Conduct, supervise and coordinate audits and investigations relating to AOC programs and operations.
- (2) Review existing and proposed legislation and regulations that impact AOC programs and operations and comment in the Semiannual Report about the impact on the economy and efficiency or the prevention and detection of fraud and abuse of such legislation and regulations.
- (3) Recommend policies for AOC activities to promote economy and efficiency or prevent and detect fraud and abuse in its programs and operations.
- (4) Provide a means of keeping the AOC and Congress fully and currently informed about problems and deficiencies relating to the administration of AOC programs and operations and the need for and progress of corrective actions. This is generally done by issuing a Semiannual Report to the Architect of the Capitol and Congress.

# Audits

## Completed Activity This Reporting Period

### **Audit of Cannon House Office Building Renewal Project's Reimbursable Costs (OIG-AUD-2021-04)**

The OIG contracted with an independent public accounting (IPA) firm to conduct a performance audit of the CHOBr Project's contract reimbursable costs. The objective of the audit was to determine whether the Construction Manager as Constructor (CMc) had billed, and the AOC had paid, reimbursable costs for Phase 1 and Phase 2 of the CHOBr Project in accordance with the CMc's contract terms and conditions; whether these costs were allowable, allocable and supportable; and whether the costs appeared reasonable.

We determined that overall, the CMc billed, and the AOC paid, reimbursable costs for Phase 1 and Phase 2 of the CHOBr Project in accordance with the CMc contract terms and conditions, and that the costs were generally allowable, allocable, supportable and reasonable. We also determined that the CHOBr Project team's review and approval process for reimbursable costs was adequate overall. However, we concluded that the CHOBr Project team needs to strengthen its review and approval process for these costs and ensure supporting documentation for all reimbursed costs is sufficient, maintained and readily available for examination. We identified \$575,562 in unallowable and questioned costs for the AOC to determine how much of those costs were reasonable and allowable or must be recovered.

We made seven recommendations to correct the deficiencies and management concurred with the recommendations.

### **Audit of the Cannon House Office Building Renewal Project's Subcontractor Bids and Awards (OIG-AUD-2021-05)**

The OIG contracted with an IPA firm to conduct a performance audit of the CHOBr Project's subcontractor bids and awards. The objective of this audit was to determine whether the subcontractors' Phase 1 and Phase 2 contracts: 1) were awarded in accordance with the solicitation requirements and the AOC's policies and procedures; 2) aligned with industry standards; and 3) were supported by the subcontractors' bids.

We determined that, overall, the Phase 1 and Phase 2 contracts that the CMc awarded to the subcontractors:

1) were awarded in accordance with the solicitation requirements and the AOC's policies and procedures; 2) aligned with industry standards; and 3) were supported by the subcontractors' bids. We also determined that the CHOBr Project team's review and approval process for subcontractor bids and awards was adequate overall. However, we concluded that while the CHOBr Project team did review the CMc's selection of subcontractors, it did not approve these subcontractor selections as required by the contract, and the team needs to improve its process for documenting subcontractor bid and award reviews.

We made four recommendations to correct the deficiencies and management concurred with the recommendations.

### **Audit of the Architect of the Capitol's Unliquidated Obligations (OIG-AUD-2021-06)**

The OIG conducted a performance audit of the AOC's unliquidated obligations (ULO). The objective of the audit was to determine whether the ULOs were valid and supported by sufficient and appropriate documentary evidence. We specifically focused on the AOC's dormant ULOs; ULOs with no activity for over 180 days.

We determined that the AOC's dormant ULOs were generally invalid. Specifically, we determined that a significant number of the statistically sampled dormant ULOs were invalid and unsupported, and the review process for ULOs was ineffective. We also found that the detailed listing of open dormant ULOs included over 200 nominal (less than \$50) ULO balances.

The AOC's review, validation and certification of dormant ULOs needs improvement. From a total sample population of ULOs amounting to \$833,073, we found \$479,908 were invalid, \$90,110 in unsupported costs, and \$8,230 awaiting final invoicing. As a result of our statistical sample, we were able to project with a 95 percent confidence level that a range of approximately \$5.5 million to \$7.8 million of the \$11.6 million in dormant ULOs reported by the AOC are potentially invalid.

We made three recommendations to correct the deficiencies and management concurred with the recommendations.



## Audit Division Projects in Progress

### **FY 2021 Financial Statement Audit (2021-AUD-008-A)**

The OIG contracted with an IPA firm to perform the audit of the AOC Financial Statements as of and for the FY ending September 30, 2021. The IPA is responsible for conducting the audit in accordance with auditing standards generally accepted in the United States of America; Generally Accepted Government Auditing Standards (GAGAS) as prescribed by the Comptroller General of the United States; Office of Management and Budget Bulletin No. 21-04, Audit Requirements for Federal Financial Statements (as amended); the U.S. Government Accountability Office's (GAO) Federal Information System Controls Audit Manual; and the GAO Financial Audit Manual. Specifically, they are responsible for forming and expressing an opinion on whether the financial statements that are prepared by AOC management, with the oversight of those charged with governance, are prepared, in all material respects, in accordance with the applicable financial reporting framework.

The OIG announced the audit on July 8, 2021. The OIG serves as the contracting officer representative (COR) on the contract with the IPA, which includes overseeing the contract requirements and plans to transmit the auditor's final report in April 2022.

### **Independent Assessment of Unallowable Costs Reimbursed to Contractors on the Cannon House Office Building Renewal Project (2021-AUD-009-O)**

The OIG announced an independent assessment of the AOC's reimbursement of unallowable costs to the CHOBr Project's contractors on July 14, 2021. This assessment is a follow up to our Audit of the Cannon House Office Building Renewal Project's Reimbursable Costs (OIG-AUD-2021-04). That audit identified unallowable costs within a sample of transactions and recommended that the AOC work with the CMc to identify any additional transactions for unallowable cost types identified. Due to the AOC's response of evaluating the feasibility to conduct such a review and stakeholders' interest, the OIG elected to conduct a follow up assessment to identify unallowable costs. The objective of the independent assessment is to identify unallowable costs reimbursed to the CMc for the CHOBr Project Phases 1, 2 and 3.

The OIG plans to issue the final report in December 2021.

### **Audit of the Effects of COVID-19 and the Events of January 6 on the Architect of the Capitol's Cannon House Office Building Renewal Project (2021-AUD-010-A)**

As a part of our audit and evaluation plan of continuous oversight for construction-related audits, the IPA is conducting a performance audit of the effects of COVID-19 and events of January 6, 2021 on the CHOBr Project. The OIG announced this audit on July 15, 2021. The objective of the audit is to determine the effects of the COVID-19 and January 6 events on the CHOBr Project.

The OIG serves as the COR on the contract with the IPA, which includes overseeing the contract requirements; the OIG plans to transmit the auditor's final report in December 2021.

### **Audit of the Cannon House Office Building Renewal Project's Materials Contract Compliance (2021-AUD-011-A)**

As a part of our audit and evaluation plan of continuous oversight for construction-related audits, the IPA is conducting a performance audit of CHOBr Project's contract compliance for materials. The OIG announced this audit on September 28, 2021. The objective of this audit is to determine if the materials used in the CHOBr Project Phases 1, 2 and 3 have complied with contract requirements.

The OIG serves as the COR on the contract with the IPA, which includes overseeing the contract requirements; the OIG plans to transmit the auditor's final report in July 2022.

### **Audit of the Architect of the Capitol Contract Provisions for Multi-Million Dollar Construction Projects (2021-AUD-012-A)**

As a part of our audit and evaluation plan of continuous oversight for construction-related audits, the IPA is conducting a performance audit of the AOC's contract provisions for multi-million dollar construction projects. The OIG announced this audit on September 28, 2021. The objective of this audit is to assess the AOC's contract provisions for multi-million dollar construction projects to determine compliance and/or alignment with federal laws, regulations, AOC policies and procedures, industry standards and consistency across AOC jurisdictions.

The OIG serves as the COR on the contract with the IPA, which includes overseeing the contract requirements; the OIG plans to transmit the auditor's final report in July 2022.

# Inspections and Evaluations

## Completed Activity This Reporting Period

### **Evaluation of the Cannon House Office Building Renewal Project Construction Inspection Approval Process (2020-0001-IE-P)**

We conducted an evaluation of the CHOBr Project Construction Approval Process. Our objective was to examine the impact of associated costs, quality of work and time delays attributed to rework on construction inspections. The OIG postponed this evaluation during the fieldwork phase (December 2020) at the request of the AOC to address challenges posed by the COVID-19 pandemic and to meet established timelines for 2021 congressional moves.

The OIG issued the official draft report to the AOC on September 29, 2021. Our evaluation found that the AOC's quality management program for the CHOBr Project is comprehensive to ensure work performed is satisfactory, and meets quality standards and contract requirements. We also found that the CHOBr Project time delays attributed to poor workmanship generally decreased from Phase 1 to Phase 2. Likewise, quality assurance staff identified fewer

deficiencies from Phase 1 to Phase 2 due to an improved quality management process. Lastly, we found that the AOC is taking proactive steps across all of its projects to better ensure life and building safety, quality of service and conformance with industry standards for construction work performed through its established Building Official Program initiative to improve compliance with model codes and standards. We made one recommendation and the AOC concurred. The AOC provided proposed corrective action that is currently in progress.

## Inspections and Evaluations Division Projects in Progress

### **Evaluation of the AOC's Fleet Management Program (2021-0001-IE-P)**

The OIG announced the evaluation of the AOC's Fleet Management Program on May 24, 2021. Our objective is to determine if adequate mechanisms and controls are in place to account for the AOC's vehicle fleet, including agency cost and usage rate of vehicles. We have contracted with subject matter experts from Grant Thornton to support this effort and anticipate releasing the final report in the first quarter of FY 2022.



## Investigations

Since March 2020, the AOC OIG has worked under COVID-19 restrictions and authorized maximized telework flexibilities.

The OIG ensures the continuity of investigative operations to include in-person interviews (when necessary) through risk mitigation and completion of self-health checklists prior to reporting to the Capitol campus. Wearing face coverings is mandatory for all employees on the Capitol campus in addition to social distancing to minimize COVID-19 transmission. The AOC continues to stagger work schedules and to implement other operational mitigation measures to limit the number of staff based on occupancy so as not to violate guidance mandated by the Centers for Disease Control and Prevention (CDC) regarding public gatherings.

We continue to conduct telephonic and Skype interviews as well as in-person interviews to accommodate critical position employees who are not telework eligible. During in-person interviews, we installed synthetic polymer barriers to shield investigators and interviewees when we could not achieve 6-foot boundaries through normal distancing. We continue to conduct meetings via video conferencing and utilize webinars to complete training.

During this reporting period, the OIG received or initiated a total of 23 complaints. From those complaints, investigators opened eight new investigations. We referred a total of five complaints to other government agencies, AOC program offices and/or AOC Avenues of Assistance. See Table A: Investigative Data This Reporting Period for details. Three additional cases were referred to the Assistant United States Attorney's Office and are pending a prosecutorial decision.

During this reporting period we began documenting funds put to better use (e.g., salary and benefits) in our reports of investigations. As defined in Section 5(f)(4) of the IG Act, the term "recommendation that funds be put to better use" means a recommendation by the OIG that funds could be used more efficiently if management of an establishment took actions to implement and complete the recommendation. The funds identified in our reports of investigations represent civilian personnel benefits employees receive monthly Federal Employees Group Life Insurance, Hospital Insurance Tax, Federal Employees Retirement System, Federal Insurance Contributions Act,

Thrift Saving Plan (TSP) Basic, and TSP government matching and reflect the total loss to the government when an employee commits fraud and other policy violations for periods during which they received a salary and benefits from the AOC.

**Table A: Investigative Data This Reporting Period**

Investigative Activity	Count
<b>Complaints</b>	
Hotline Complaints Received (Phone and/or Email)	7
Complaints Received (Walk-ins)	0
Direct Phone or Email to the OIG	16
U.S. Mail or Facsimile Machine	0
OIG Observed or Developed	0
<b>Total Complaints</b>	<b>23</b>
<b>Investigations</b>	
Investigations Opened	8
Investigations Closed <sup>1</sup>	7
<b>Issuance of Subpoenas</b>	
OIG Subpoenas Served	2
Grand Jury Subpoenas Served	0
<b>Disciplinary Actions Resulting from Administrative Investigations</b>	
Actions Pending	3
Allegations Not Substantiated or Disproven by the OIG	2
Allegations Substantiated/Person(s) Unknown	1
Employee Removals/Resignations/Retirements (in lieu of)	1
Employee Reprimands/Warnings/Counseling	1
Employee Suspensions	0
<b>Total Disciplinary Actions</b>	<b>6</b>
<b>Referrals</b>	
<b>Criminal Investigation Referrals</b>	
Accepted for Prosecution <sup>2</sup>	1
Declined for Prosecution <sup>3</sup>	0
<b>Administrative Investigation Referrals</b>	
Informal Referrals (to AOC Program Offices, no follow-up or report required)	3
Formal Referrals (follow-up required within 60-90 days)	0
Employee Assistance Referral (to AOC Avenue of Assistance)	1
<b>Total Referrals</b>	<b>5</b>

<sup>1</sup>Reflects four investigations opened during the previous period.

<sup>2</sup>Referred to law enforcement agency or the AUSA for prosecution consideration.

<sup>3</sup>Investigations involving administrative leave, which will be collectively presented to the AUSA for potential prosecution.

Source: OIG investigative files

**FIGURE 1: Investigations Division Charge Substantiation**

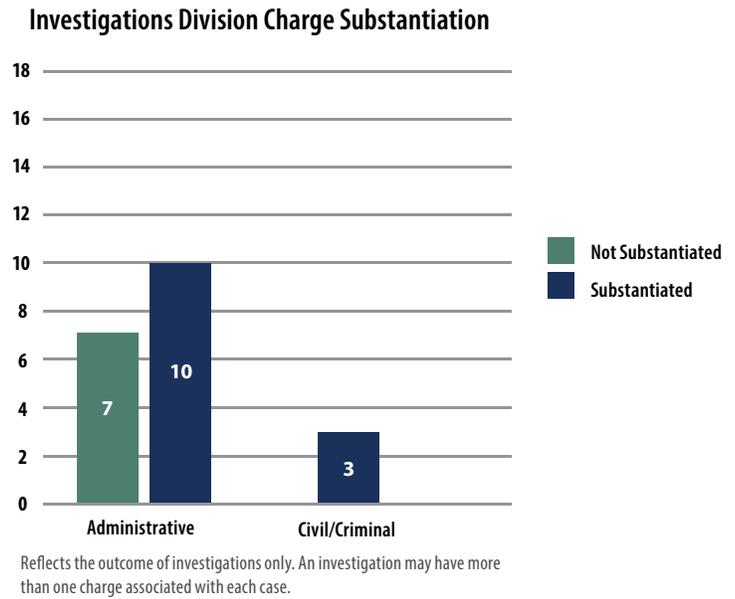


Figure 1 highlights the number of charges, both substantiated and not substantiated by type. During the period of review, there were 17 administrative charges. Of those, 59 percent were substantiated. All three civil/criminal charges were substantiated. One individual resigned while under investigation and management action is pending in the remaining cases.

**FIGURE 2: Investigations Division Violations by Type**

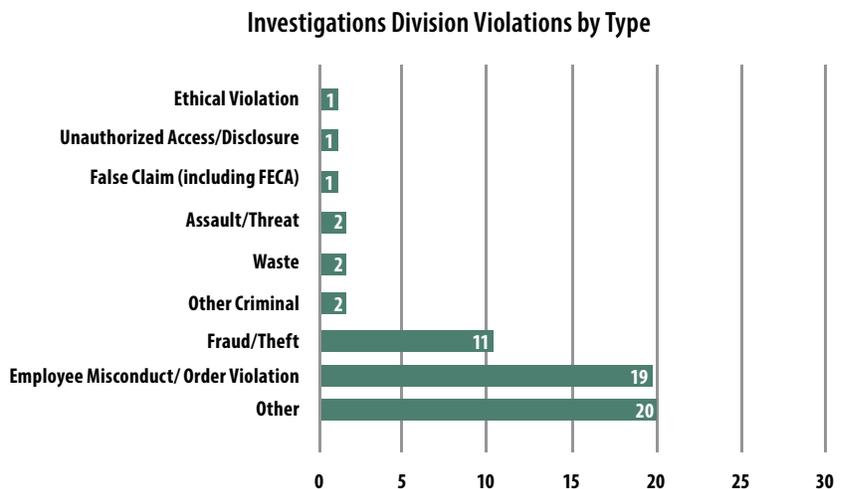
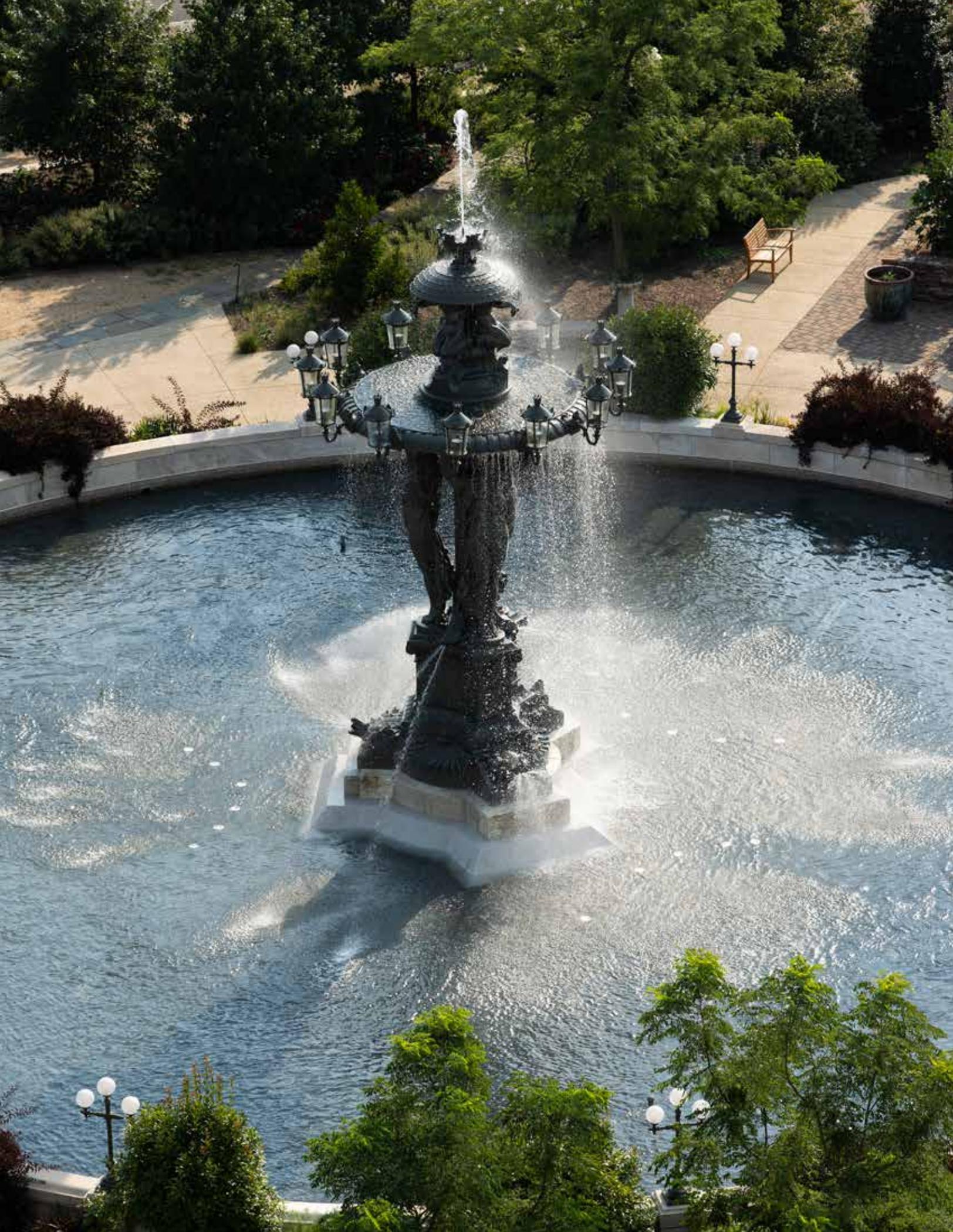


Figure 2 represents investigation activities to include complaints and referrals for the time period under review broken out by violation type. Fraud/Theft, Employee Misconduct/Order Violation and Other (that did not meet a certain case criteria when initiated)<sup>4</sup> were the most frequent types of violations committed by AOC employees.

<sup>4</sup> Other Law Enforcement Coordination, Inadequate Processes, Potential Discriminatory Practices and COVID-19/safety concerns.



## Open Investigations

We currently have nine open investigations:

- 2020-0012-INVI-P
- 2020-0013-INVI-P
- 2021-0007-INVI-P
- 2021-0011-INVI-P
- 2021-0013-INVI-P
- 2021-0016-INVI-P
- 2021-0017-INVI-P
- 2021-0018-INVI-P
- 2021-0019-INVI-P

Per OIG policy, we are unable to comment about ongoing investigations. We anticipate reporting these as closed investigations in the next reporting period.

## Closed Investigations

### **Suspected Violations of the AOC “Government Ethics,” “Standards of Conduct,” “Absence and Leave” Policies and “Title 31, United States Code §3729 — False Claims”: Substantiated (2021-0006-INVI-P)**

On November 6, 2020, the OIG received a complaint from an AOC supervisor regarding a personnel matter. The supervisor alleged a subordinate employee also worked another job while utilizing AOC workplace and leave flexibilities afforded to employees as a result of the COVID-19 pandemic. The employee began employment with the AOC on July 20, 2020, and had not physically reported to work due to childcare issues since September 22, 2020. The supervisor suspected that the employee worked for a local distribution warehouse during the period they utilized the AOC workplace and leave flexibilities, which authorized them to receive their regular income.

During the COVID-19 pandemic, the AOC Chief Administrative Officer published a memorandum dated October 6, 2020, clarifying expectations of agency employees while on administrative leave. The memorandum stated in part, “Per AOC Order 630-1, administrative leave is an excused (administratively authorized) absence from duty without loss of pay and without charge to leave.” The memorandum directed that employees on administrative leave must be available and able to work on short notice. AOC leadership defined an employee as “available” when, “during his or her normal tour of duty, he or she is communicating regularly with and responding

promptly to AOC colleagues and supervisors, participating in telework activities as directed by management, and able to return to work in two to three hours, regardless of jurisdictional operating status.” In December 2020, the OIG in consultation with the AOC Office of General Counsel, determined there was nothing specific in AOC policy prohibiting AOC employees from working another job (or engaging in other personal activities) while on administrative leave, so long as they were responsive and available to be called back to the AOC on short notice as needed during regular work hours.

The OIG determined through testimonial and documentary evidence that AOC management allowed the employee to take supplemental administrative leave in conjunction with their flexible schedule (one-week on, one-week off) to care for their child whose school was closed due to COVID-19 related reasons. AOC management provided additional guidance that effective October 30, 2020, supplemental administrative leave would be discontinued and AOC employees would need to apply for the Families First Coronavirus Response Act (FFCRA)<sup>5</sup> to continue paid leave. The FFCRA provides paid sick leave or expanded family and medical leave for specified reasons related to COVID-19 that includes, in part, care of a child whose school is closed due to the pandemic. Thus, agencies no longer had to expense the cost for COVID-19-related expanded leave flexibilities. The employee was informed of this policy change and asked to submit a FFCRA application. On October 27, 2020, the employee prepared and submitted a FFCRA self-certification, citing the need to care for a minor child whose school had closed as a result of the pandemic. On November 4, 2020, AOC management approved the employee’s FFCRA request with guidance that they could take up to 480 hours (12 weeks) of FFCRA administrative leave that expired on December 31, 2020. The OIG confirmed that the employee was also employed by a local distribution warehouse from July 19 through December 26, 2020, and worked at a local distribution warehouse on days when they received supplemental and FFCRA leave, counter to their claim of needing these leave flexibilities to care for a minor out of school due to COVID-19.

Although AOC policy did not prohibit employees from working another job (or engaging in other personal activities) while on FFCRA Leave, the investigation also determined that the employee did not complete a “Notice of Outside Employment or Self-Employment Form” with the AOC, as required by AOC Order 38-1, Government



Ethics (November 1, 2018). On April 21, 2021, during their interview with the OIG, the employee admitted to working at a local distribution warehouse while on FFCRA administrative leave.

The AOC continues to have the authority and discretion to grant administrative leave; however, the current policies set forth as a result of COVID-19 were silent regarding outside employment. The policy gap identified increases the AOC's risk exposure to fraud. As a result, AOC employees have been able to "double dip" by working for an outside employer during the time granted under administrative leave. The OIG feels strongly the employee's actions are tantamount to payroll fraud whereby an employee has claimed a need that prevents them from performing their AOC duties and in turn receives compensation under FFCRA administrative leave. Meanwhile the employee, who claimed they could not perform their AOC duties, performed comparable work at another employer for additional compensation.

The employee defrauded the AOC out of \$20,197.16 in salary and benefits.

**Final Management Action:** The OIG substantiated that the AOC employee violated AOC policy when they failed to obtain advance permission for outside employment from their Agency Designee and claimed a need that prevented them from performing their AOC duties and in turn received compensation under FFCRA administrative leave. The administrative violations were submitted to the jurisdiction for action deemed appropriate, if any. Where applicable and allowable, the OIG suggests the AOC attempt to recoup identified funds put to better use. This investigation and other cases involving administrative leave will be collectively presented to the AUSA for potential prosecution. The case is closed and management action is pending.

**Suspected Violations of the Architect of the Capitol (AOC) Government Ethics (Section H – Political Activities): Not Substantiated; Government Ethics (Section I – Outside and Post – Government Employment): Substantiated; Standards of Conduct, Authority and Responsibilities of the Office of Inspector General and Cooperation of Architect of the Capitol Employees Policies, Administrative Leave Uses and Update on the Administration of Leave During COVID-19 and Title 18, United States Code §1343 – Fraud by wire, radio or television devised or intending to**

**devise any scheme or artifice to defraud, or for obtaining money: Substantiated (2021-0008-INVI-P)**

On February 5, 2021, the OIG, received a complaint from a jurisdiction Administrative Officer (AO) regarding Ms. Blakely LeMasters, (former GS-05) abusing the COVID-19 pandemic administrative leave and working outside employment without prior approval.

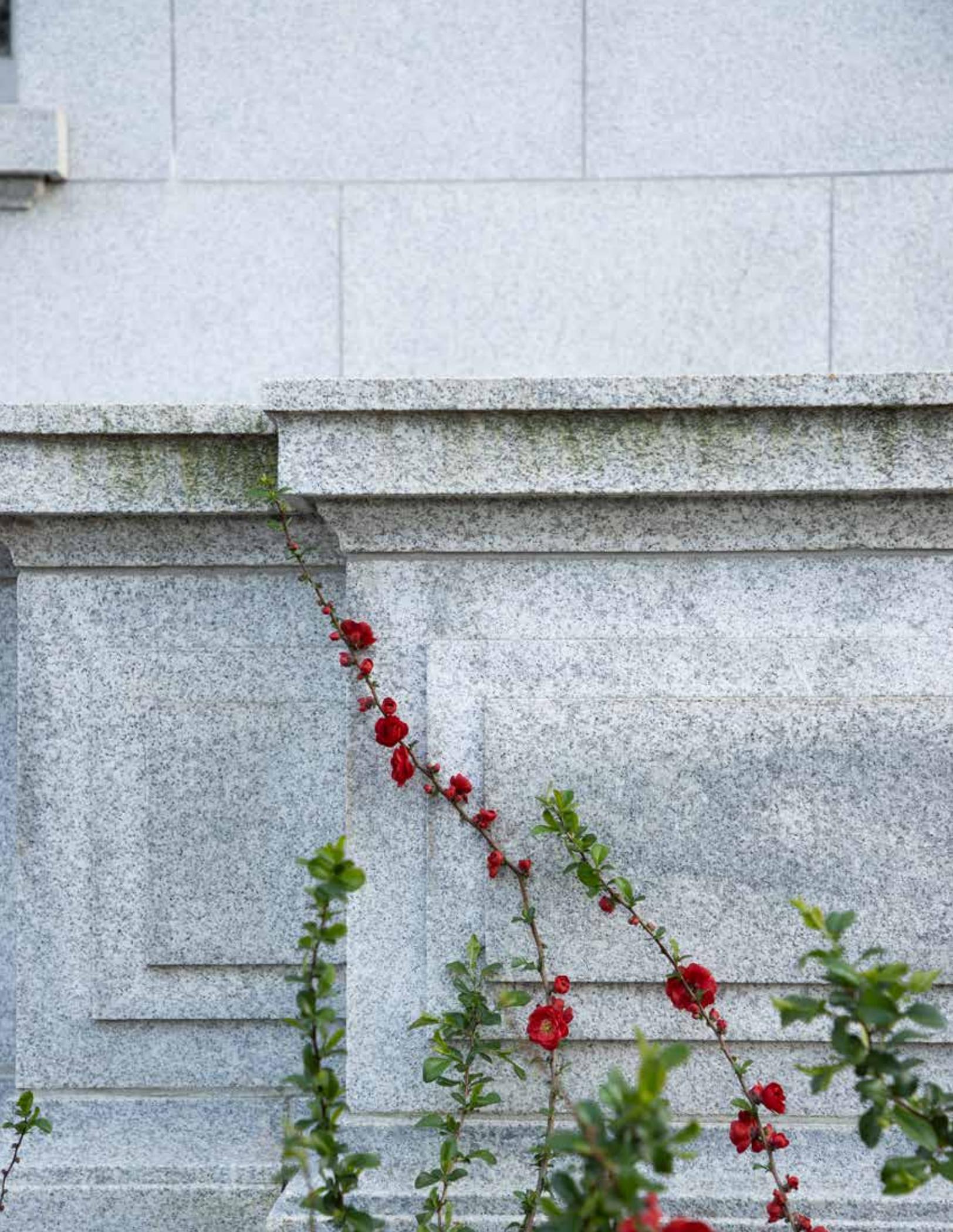
LeMasters became an AOC employee on September 3, 2019. On March 13, 2020, the AOC jurisdiction closed to the public due to the COVID-19 pandemic. LeMasters worked in a non-telework eligible position and she along with her colleagues were placed on administrative leave due to these positions requiring direct interaction with the public. While on administrative leave, LeMasters was expected to be available, to stay in communication with her manager and to complete required telework activities and training.

The agency defined "available" in a memorandum issued on October 6, 2020, as "[an employee is available] when, during his or her normal tour of duty, he or she is communicating regularly with and responding promptly to AOC colleagues and supervisors, participating in telework activities as directed by management, and able to return to work in two to three hours, regardless of jurisdictional operating status." The memorandum also provided the following example, "if an employee needs to leave the Washington DC, metropolitan area, undergo a medical procedure or attend a medical appointment, then they are required to submit the appropriate leave request (e.g., annual or sick leave) to their supervisor for approval as they will not be able to return to work in two to three hours or will not be able to participate in telework activities as directed by management."

The jurisdiction AO requested the OIG's assistance as LeMasters had union representation and would not cooperate with jurisdiction management who was in consultation with the Human Capital Management Division (HCMD) and the Office of General Counsel. The AO and LeMasters' supervisor did not want to request anything from LeMasters that they had not requested from other AOC employees who were all union employees and only required to report to work voluntarily.

The AO conducted an internet search and found LeMasters on LinkedIn. LeMasters listed her current employer as

<sup>5</sup> Congress passed FFCRA in response to the growing COVID-19 pandemic. The President signed it into law on March 18, 2020, and it became effective on April 1, 2020. Retrieved from <https://www.abetterbalance.org/resources/federal-coronavirus-proposal-the-families-first-coronavirus-response-act-h-r-6201/>



an insurance company and her job title as the Director of Group Benefits. The AO stated LeMasters had not declared outside employment nor did she have an approved notice of outside employment on file in accordance with AOC Order 38-1 Government Ethics.

LeMasters' supervisor identified several social media posts of LeMasters and her husband who was running for City Council in Spokane, Washington. Blakely LeMasters was featured in some of her husband's campaign photos and social media posts. The AO was concerned that LeMasters participated in political activities while on paid administrative leave and possibly committed a violation of AOC Order 38-1, Government Ethics.

The OIG investigation disclosed that LeMasters' supervisor contacted the AO to inform them that LeMasters was purchasing a home and that the mortgage company needed employment verification. During the loan application process, LeMasters notified the AO and her supervisor that she had been in Spokane, Washington, from January 9-29, 2021, without being on approved leave in violation of AOC Order 630-1, March 28, 2014, 16-2, and Administrative Leave Uses and Update to the Administration of Leave during COVID-19.

The AO then received an email on Friday, January 22, 2021, from the loan company and verified LeMasters employment with the AOC. On Monday, January 25, 2021, the AO received a follow up email from the loan company regional manager asking how a Visitor Assistant was able to work remotely and to confirm that LeMasters' salary would not change with her change in location from Washington, D.C. to Spokane, Washington.

When LeMasters' supervisor questioned her in a follow-up conversation via Skype on January 27, 2021, she stated she was four hours away and was not clear on when she would return. LeMasters' supervisor then allowed her to submit an unscheduled annual leave request for January 9-29, 2021, the time she was out of the area, which was then approved. In follow-on conversations, LeMasters would only answer her supervisor stating that she was "available" for work and "her location was personal information" and that she would "prefer not to disclose that information" in violation of AOC Order 752-2, Standards of Conduct. LeMasters eventually stopped communicating with her supervisor and

the AO. LeMasters' supervisor and the AO never directed her to report to work and continued to process and certify her time within the AOC's web-based time and attendance application (WebTA).

The OIG conducted a Google search on LeMasters, which identified her as the Director of Group Benefits at the same insurance company noted earlier on LinkedIn. On May 10, 2021, the OIG interviewed LeMasters' insurance company supervisor, who confirmed that LeMasters had been employed with them since October 21, 2020. After notifying LeMasters' supervisor from the insurance company that LeMasters was also employed by the AOC until March 23, 2021, they stated she led them to believe that the AOC was her former employer when she was hired.

LeMasters had been teleworking with the insurance company since October 21, 2020, when she started. Her normal duty hours were 9 a.m.-5 p.m. with the insurance company while in Washington, D.C. (Eastern Time Zone) and 11 a.m.-7 p.m. (Pacific Time Zone) to account for the time difference from the east coast to west coast after she moved to Spokane, Washington.

The OIG searched LexisNexis/Accurint for LeMasters. The search revealed that LeMasters resided at and/or was responsible for the utilities in Alexandria, VA 22314-5523, Alexandria City, from April 23, 2020 through February 2021.

The search also identified that from February 10, 2021 (connect date) LeMasters resided at and/or was responsible for the utilities in Spokane, WA 99223-3606, Spokane County (her current residence).

In March 2021, the OIG sent two emails to LeMasters in an attempt to schedule her interview regarding the complaint. LeMasters did not respond to the OIG's repeated attempts in violation of AOC Order 40-1, Authority and Responsibilities of the Office of Inspector General and Cooperation of Architect of the Capitol Employees. On March 23, 2021, LeMasters contacted her AOC supervisor via email resigning from her position with the AOC citing being "increasingly harassed by management which has caused psychological stress." She stated that she had maintained an Alexandria, VA, address and decided to permanently relocate to spend more time with her husband in Spokane, Washington.

On April 27, 2021, an open source search was conducted on LeMasters' husband. He was identified as one of two candidates running for a seat on the Spokane City Council District 2, which included East Central, the South Hill and downtown Spokane. He was running against the incumbent city councilperson.

**Agent's Comment:** On January 25, 2021, LeMasters' AOC supervisor requested she retroactively submit leave for the dates she had been out of the area. LeMasters' AOC supervisor approved her unscheduled leave request from January 9-29, 2021. Throughout this incident, jurisdiction leadership never formally requested LeMasters return to work. They maintained oversight of their employees with one mandatory meeting every two to three months and utilized voluntary team meetings every two to three weeks. While the accusation against LeMasters is egregious in nature, the lack of oversight and communication by the jurisdiction's management to their employees during the COVID-19 pandemic allowed the policy to be misunderstood or possibly exploited. LeMasters stated via text message to her AOC supervisor on January 25, 2021, that she was unaware of the October 6, 2020 memorandum and apologized for the confusion. She was then approved for unscheduled annual leave for the time she was out of the area visiting her husband in Spokane. LeMasters continued to be paid from January 31, 2021 through March 23, 2021, even though LeMasters would not verify whether she was in the Washington, D.C. or commutable surrounding location as her non-telework position required, or Spokane, Washington.

LeMasters refused to respond to the OIG's request for interviews and resigned from the AOC on March 23, 2021. Due to LeMasters' resignation, the OIG, under its authority, was not able to interview her or determine her exact location, motivation or actions during the time period in question. Since supervisors allowed LeMasters to change her timesheet to unscheduled leave, the OIG was not able to determine if there was confusion about the administrative leave policy. However, based on LeMasters' employment with both the AOC and the insurance company from October 21, 2020 through March 23, 2021, we identified intentional time and attendance fraud by concurrently representing both organizations in violation of Title 18 U.S.C. § 1343 - Fraud by wire, radio, or television devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations.

LeMasters, as well as other AOC employees, were placed on Corona Virus Prevention and/or Remediation (11ZZCOVID19) for pay purposes in WebTA. This temporary pay assignment allowed LeMasters paid administrative leave on the condition that she be available to return to full duty in Washington, D.C., in accordance with AOC policy. LeMasters instead moved to Spokane, Washington, and worked remotely for the insurance company, while simultaneously collecting pay and benefits from the AOC.

LeMasters defrauded the AOC out of \$20,450.40 in salary and benefits.

As of June 23, 2021, the jurisdiction employees remain on administrative leave and voluntarily participate in work-related projects and teams. LeMasters was never asked to return to work prior to her resignation.

**Final Management Action:** Although the allegations were substantiated, LeMasters is no longer an AOC employee based on her resignation, therefore the case is closed. Where applicable and allowable, the OIG suggests the AOC attempt to recoup identified funds put to better use. This investigation and other cases involving administrative leave will be collectively presented to the AUSA for potential prosecution.

**Suspected Violations of the AOC Government Ethics Policy: Substantiated; Violation of the AOC Standards of Conduct Policy: Not Substantiated (2021-0009-INVI-P)**

On February 11, 2021, the OIG received information that an employee held outside employment while simultaneously utilizing paid administrative leave from the AOC due to being in a high-risk category for contracting COVID-19.

During the COVID-19 pandemic, the AOC has placed employees who were potentially affected by the pandemic into one administrative leave category. For example, when telework or other work arrangements could not be made or their work areas were closed and they were not needed (such as U.S. Capitol Visitor Center tour guides) they were placed on administrative leave by AOC management. Additionally, there is a large group of employees over the age of 65 or with underlying health issues (making them more at risk from COVID-19) who applied for (with proof from a doctor) this special accommodation in order to protect them from exposure while working at the AOC.

The Chief Administrative Officer for the AOC published a memorandum dated October 6, 2020, clarifying expectations of agency employees while on administrative

leave. The memorandum stated in part, “Per AOC Order 630-1, administrative leave is an excused (administratively authorized) absence from duty without loss of pay and without charge to leave.” The memorandum directed that employees on administrative leave “must be available and able to work on short notice.” AOC leadership defined an employee as “available” when, during his or her normal tour of duty, he or she is communicating regularly with and responding promptly to AOC colleagues and supervisors, participating in telework activities as directed by management, and able to return to work in two to three hours, regardless of jurisdictional operating status. In December 2020, the OIG in consultation with the AOC Office of General Counsel, determined there was nothing specific in AOC policy prohibiting AOC employees from working another job (or engaging in other personal activities) while on administrative leave, so long as they were responsive and available to be called back to AOC work on short notice as needed during regular work hours, they received prior approval and the position did not conflict with official duties and responsibilities.

The OIG determined through testimonial and documentary evidence that the employee was provided a special accommodation of administrative leave from March 26, 2020 through December 6, 2020, by AOC management due to a pre-existing medical condition. The employee did not initially seek out the special accommodation provided to them and the OIG found no evidence that the employee intended to defraud the AOC by obtaining outside employment after requesting a special accommodation from the AOC. In a memorandum dated November 16, 2020, the Diversity, Inclusion and Dispute Resolution office denied the employee additional administrative leave following the request for all AOC employees to submit medical documentation and a COVID-19 High Risk Identification Form.

Upon receipt of the denial memorandum, the employee was placed back in the work rotation and permitted to utilize their own leave during their scheduled work rotations.

The investigation determined that the employee was also employed at a large grocery chain with locations throughout the District of Columbia, Maryland and Virginia. The employee was forthcoming during an interview with the OIG and admitted they had outside employment but were unaware of the policy. The employee filed the proper paperwork upon their immediate return to work.

The investigation disclosed that the employee violated AOC Order 38-1 Government Ethics, November 1, 2018, Section I - Outside and Post-Government Employment, 39. Outside Employment: 39.3 by not obtaining advance permission from their Agency Designee in writing or by email using a “Notice of Outside Employment or Self-Employment Form.”

**Final Management Action:** The OIG substantiated that the AOC employee violated AOC policy when they failed to obtain advance permission for outside employment from their Agency Designee. The administrative violation was submitted to the jurisdiction for consideration. The case is closed and management action is pending.

**Workplace Violence: Not Substantiated; Standards of Conduct: Not Substantiated (2021-0010-INVI-P)**

On January 25, 2021, the OIG was contacted by a senior staff member, Employee and Labor Relations Branch, HCMD, who advised the OIG that an AOC employee reported suspected workplace violence and a security concern.

The complainant alleged that on January 13, 2021, while supporting the installation of a security fence around the perimeter at the Capitol campus, they overheard another AOC employee making a violent statement toward Members of Congress. According to the complainant, the AOC employee stated, “they should have let the mob kill all of them - Mitch McConnell; Nancy Pelosi; Chuck Schumer and Mike Pence, they are all traitors.” The complainant felt the AOC employee’s comment was inappropriate and due to the heightened security posture on the Capitol campus following the incident that occurred on January 6, 2021, they followed the mantra, “See Something, Say Something” as the reason for reporting the comment.

The OIG referred this case to the Department of Justice (DOJ). The Federal Bureau of Investigation, Washington Field Office declined to pursue the complaint due to lack of available resources as a result of the events that took place at the U.S. Capitol on January 6, 2021. The U.S. Attorney’s Office, District of Columbia, declined to prosecute the AOC employee. No decision on the merits of the allegation were made by the DOJ. The OIG then investigated the allegations for violation of administrative policies governing workplace violence and standards of conduct.

The investigation did not substantiate the allegation. Through witness testimony there was insufficient evidence to corroborate or verify the allegation that the AOC employee made a violent statement toward Members of Congress. One witness, who the complainant believed overheard the comment, did not recall the conversation nor hear the AOC employee make the alleged violent statement. The OIG interviewed the AOC employee, who denied making any threats or derogatory statements toward Members of Congress. Additional interviews regarding the AOC employee's character indicated the AOC employee always presented themselves professionally and has never expressed negative comments about the government or Members of Congress at work or in their social media presence.

**Final Management Action:** This investigation is closed.

**Theft of AOC Property: Substantiated (2021-0012-INVI-P)**

On October 7, 2020, the OIG received a complaint from an AOC manager, concerning the theft of AOC property. According to the AOC manager, there were two separate incidents of theft, which occurred in September 2020. The missing AOC property consisted of gardening equipment (chainsaws, edging tools, blower backpacks and trimmers), valued at approximately \$8,965.34. Both thefts were reported to and investigated by the U.S. Capitol Police (USCP).

The USCP's first investigation #20139085, determined that between September 21, 2020 and September 22, 2020, person(s) unknown removed gardening equipment consisting of edging tools, blower backpacks and trimmers from a storage container. The second USCP investigation #20139082 determined that between September 28, 2020 and September 29, 2020, person(s) unknown cut a padlock on a pedestrian gate, gained access to a vehicle storage area and stole eight chainsaws from an AOC tree service vehicle.

**Agent's Comment:** The USCP have the primary Law Enforcement jurisdiction for crimes (property and crimes against persons) that occur on the Capitol complex. Delay in the AOC OIG conducting their portion of the investigation was to allow the USCP to conduct and finish their investigations.

The USCP investigations did not identify a suspect(s) and the stolen property was not recovered.

There are no intrusion alarm systems or video surveillance cameras covering the area where the thefts occurred, so

the USCP were not able to identify the person(s), who cut the padlock on the pedestrian gate, accessed the area and removed the property.

The OIG determined that in March 2021 an annual inventory was conducted. During the inventory three pieces of gardening equipment, an Echo Gas Edger and two Echo Edger Sticks, which were reported stolen in September 2020, were discovered in a storage container. An adjustment was made to the inventory and the three pieces of gardening equipment, valued at \$844.00, were added back to the property book and put back into the inventory.

Based on the results of the USCP investigations and the measure of time before it was provided to the AOC OIG, we determined that furtherance of this investigation would be of little or no value.

**Final Management Action:** This investigation is closed.

**Suspected Violations of the Architect of the Capitol (AOC) "Standards of Conduct" and "Authority and Responsibilities of the Office of Inspector General and Cooperation of AOC Employees" Policies: Substantiated (2021-0014-INVI-P)**

On May 24, 2021, the AOC OIG received a complaint from the Office of General Counsel (OGC), USCP that alleged an AOC employee was not cooperative during a routine administrative search at the entrance to a government building. The OGC reported that the AOC employee called the police officer a "faggot" and asked the officer if he wanted to see their genitalia. The AOC employee then demanded a specific method of screening and verbally threatened the officer.

On May 28, 2021, the USCP OGC again reported the AOC employee for not cooperating during a routine administrative search at a different government building. The AOC employee refused to display their staff ID, comply with directions to remove their earbuds and reportedly yelled racially motivated statements at the police officers.

The AOC employee was afforded multiple opportunities to participate in an interview with the OIG to provide a defense or explanation for the reported incidents. The employee declined to answer questions during the interview and exercised their Fifth Amendment right against self-incrimination.

The AOC employee was also previously reported to the OIG on February 26, 2021, for similar circumstances. The incident was reviewed by the OIG and referred to

the Diversity, Inclusion and Dispute Resolution Office for action they deemed appropriate (2021-0011-INVR-P).

The OIG determined through multiple witness statements and closed captioned video footage that the employee violated AOC Order 752-2, Standards of Conduct, April 25, 2014. Their interactions with multiple police officers and ongoing behavior displayed conduct unbecoming of an AOC employee. In addition, their lack of cooperation with the OIG constituted a violation of AOC Order 40-1, Authority and Responsibilities of the OIG and Cooperation of AOC Employees, March 12, 2019.

**Final Management Action:** The OIG substantiated that the AOC employee violated AOC policy when they displayed conduct unbecoming of an AOC employee and did not fully cooperate with the OIG. The administrative violations were submitted to the jurisdiction for action deemed appropriate, if any. The case is closed and management action is pending.

**Suspected Violations of the Architect of the Capitol (AOC) Administrative Leave Uses and Update to the Administration of Leave During COVID-19: Not Substantiated; Suspected Violation of the AOC Standards of Conduct Policy: Not Substantiated (2021-0015-INVI-P)**

On April 26, 2021, the AOC OIG, received information that an employee falsely claimed exposure to the COVID-19 virus while on annual leave in an attempt to obtain two weeks of administrative leave under the guise of using it for quarantine purposes.

The OIG determined through testimonial evidence that no supervisor formally requested medical documentation or proof of notification of COVID-19 exposure from the employee. Upon request, the employee immediately provided the OIG with evidence as well as multiple witnesses, who corroborated the claim of being exposed to COVID-19 during the reported time frame.

The investigation also disclosed that as of the latest published guidance, The AOC Workplace and Leave Flexibilities Employee Toolkit, February 2021, there is no agency directive requiring employees who claim to have been exposed to COVID-19 to provide any documentation (formal or informal) notifying them of the exposure to the AOC.

Additionally, this specific employee's division mandates quarantine (on administrative leave) for employees who claim to have been exposed to COVID-19, then requires them to utilize their own sick leave if they report symptoms

at any point during the quarantine time frame. This policy creates the potential for employees to be untruthful by not advising their supervisors of COVID-19 symptoms in an effort to conserve their own leave and could result in additional COVID-19 workplace exposures.

**Final Management Action:** The OIG did not substantiate the allegations. The case is closed.

## Closed Investigations Involving Senior Government Employees: **None**

### Action Resulting from Investigations Reported in Previous SARs

**Suspected Violations of the Architect of the Capitol "Government Ethics," "Standards of Conduct," "Authority and Responsibilities of the Office of Inspector General and Cooperation of AOC Employees" Policies and "Title 18, United States Code §1001 – Statements or Entries Generally": Substantiated (2021-0001-INVI-P [1st Supplemental])**

On February 18, 2021, the AOC OIG published a report citing an employee with violations of AOC Order 38-1 Government Ethics, November 1, 2018; AOC Order 752-2, Standards of Conduct, April 25, 2014; AOC Order 40-1, Authority and Responsibilities of the Office of Inspector General and Cooperation of Architect of the Capitol Employees, March 12, 2019; and a violation of Title 18, United States Code §1001 - Statements or entries generally.

The OIG found the employee worked outside employment while simultaneously being on paid administrative leave from the AOC due to being in a high-risk category for contracting COVID-19.

The AOC granted the employee a reasonable accommodation of administrative leave because of an underlying health condition that placed them in a high-risk category. They requested the accommodation and claimed they could not perform their AOC duties, but the OIG investigation showed they performed comparable work related to enhanced cleaning as a result of COVID-19. This contradicted their claim for a reasonable accommodation in order to prevent exposure and increased the employee's risk of contracting the virus (the reason they requested an accommodation from the AOC).

The OIG initially reviewed the Leave and Earnings Statements of the employee dating from March 15, 2020 through January 16, 2021. During that time frame, the AOC placed the employee on administrative leave thereby



paying them \$40,913.04 to stay home from work in an effort to minimize risk and exposure to COVID-19. They additionally accrued 176 hours of annual leave (\$3,842.08) and 88 hours of sick leave (\$1,921.04) during this time frame. Overall, the OIG's initial report stated the employee received \$46,676.16 in compensation and earned leave.

Based on recent data received from the Office of the Chief Financial Officer (OFCO), which included agency contributions (i.e., agency TSP matching amounts and agency covered health insurance), the OIG recalculated the total agency costs associated with the employee's administrative leave to be \$62,061.11.

However, the employee only worked the additional job from October 13, 2020 through October 31, 2020 (pay periods 21 and 22). After receiving the comprehensive information provided by the OCFO, the OIG recalculated the total amount the employee improperly received from the AOC while they were on administrative leave and working an outside position. The total amount the employee improperly received while performing outside employment also while receiving AOC compensation, including health care and TSP, is \$5,651.68.

AOC management issued a memorandum on July 23, 2021, stating that the employee received a 10-day work suspension for their conduct. The OIG has closed the case and believes that to be a viable recoupment of funds; however, once the additional data was received from the OCFO, the OIG felt it was necessary to update the total agency costs for the time period the employee claimed they could not perform their AOC duties.

**Final Management Action:** The employee received a 10-day work suspension for their conduct. The investigation is closed.

**Suspected Violations of the Architect of the Capitol "Government Ethics" Policy: *Substantiated*; Violation of the AOC "Standards of Conduct" Policy: *Not Substantiated* (2021-0002-INVI-P)**

On November 6, 2020, the AOC OIG received information that an employee had outside employment while simultaneously receiving pay through the Workers' Compensation program for a claim they submitted.

The investigation determined that due to an incident that occurred while at work, the employee was placed on Office of Workers' Compensation Programs (OWCP) Injury Leave from October 9-28, 2020, for an injury to their thumb.

The OIG determined through testimony and documentary evidence that the employee currently owns an online custom embroidering and screen printing company; however, the employee testified to not completing tasks requiring the use of their thumb as a result of the injury. The OIG does not have sufficient evidence to contradict the documentation, their testimony or to state the injury did not happen while on duty at the AOC. We found no evidence the employee committed a violation of law by owning an online embroidering and screen printing company while simultaneously on OWCP leave due to an injury to their thumb.

The investigation disclosed that the employee violated AOC Order 38-1 Government Ethics, November 1, 2018, Section I - Outside and Post-Government Employment, 39. Outside Employment: 39.3 by not obtaining advance permission from their Agency Designee in writing or by email using a "Notice of Outside Employment or Self-Employment Form." The employee was forthcoming during an interview with the OIG and admitted to receiving prior notification of the policy, but having never followed up with their supervisor to submit the required documentation.

**Final Management Action:** The employee received a reprimand for their conduct. The investigation is closed.

**Supervisory Employee 1: Suspected Violations of the Architect of the Capitol Standards of Conduct and Information Technology (IT) Resources and De Minimis Use Policies and the Information Technology Division Rules of Behavior Policies: *Substantiated*. Supervisory Employee 2: Suspected Violations of the AOC Standards of Conduct and IT Resources and De Minimis Use Policies: *Not Substantiated* (2021-0005-INVI-P)**

On December 22, 2020, the AOC OIG received information from Diversity, Inclusion and Dispute Resolution (DI/DR) that alleged Supervisory Employee 1 misused AOC IT resources and equipment to sexually harass an AOC employee. Additionally, the allegation stated Supervisory Employee 1 violated AOC policies by sharing sexually explicit photographs from their AOC-issued iPhone. The allegation further stated that Supervisory Employee 2 violated AOC policies by notifying Supervisory Employee 1 of an upcoming confidential meeting between DI/DR and an AOC employee.

The OIG coordinated a digital forensic examination of Supervisory Employee 1's AOC-issued iPhone with a law enforcement partner and provided all evidence related to the sexual harassment allegation to DI/DR for follow up as deemed appropriate.

Additional evidence discovered by the digital forensic exam and interviews conducted by the OIG determined that Supervisory Employee 1 consistently referred to subordinates and supervisors (in person, using their personal mobile device and using their AOC-issued iPhone) in a manner that was found to be offensive and unprofessional. Supervisory Employee 1 frequently used terms such as “mami,” “papa,” “baby” and “boo” even after being advised that it was inappropriate. The behavior represented conduct unbecoming of a supervisor in a management position. Using AOC-issued IT equipment in this manner is a violation of both the AOC IT System Rules of Behavior and AOC Order 8-5, AOC IT Resources and De Minimis Use.

Interviews confirmed AOC management screen captured and saved the sexually explicit photos and messages from the employee’s Facebook Messenger app within the employee’s AOC-issued iPhone to the phone’s photo application. This was done in an effort to preserve evidence. The OIG was unable to confirm the messages and photos, sent between consenting adults, actually took place from the AOC-issued iPhone. Supervisory Employee 1 denied using the AOC-issued iPhone to communicate via the social media platform. Supervisory Employee 1 claimed that anything sent from their personal computer while at home could have been viewed on an AOC-issued iPhone due to AOC policy allowing personal social media accounts and personal Apple IDs to be linked to AOC-issued mobile devices.

Additionally, the OIG found no evidence that Supervisory Employee 2 violated AOC policies when notifying Supervisory Employee 1 of their subordinate’s pending meeting with DI/DR. Supervisory Employee 1 is Supervisory Employee 2’s direct supervisor and information was shared in an effort to keep management informed on the pending work status of a subordinate employee.

**Final Management Action:** The OIG substantiated that AOC Supervisory Employee 1 violated AOC policies when they repeatedly used their AOC-issued iPhone and personal mobile device to communicate in an offensive and unprofessional manner. The administrative violations were submitted to the jurisdiction for action deemed appropriate, if any. Originally this case was closed and management’s response was due September 29, 2021. AOC management has since requested a two-month extension due to extenuating circumstances. Management’s new response date is November 29, 2021.

## Other Work

### **Flash Report Series – Independent Assessment of Architect of the Capitol’s Role in Securing the Capitol Campus for Large Public Gatherings (OIG-AUD-2021-03)**

The OIG conducted an independent assessment of the AOC’s role in securing the Capitol campus during large public gatherings. The objective of the independent assessment was to gain an understanding of the AOC’s roles and responsibilities in the preparation and execution of operations to secure the Capitol campus, its structures, assets and artifacts during large public gatherings (e.g., July Fourth concerts, presidential inaugurations and First Amendment demonstrations).

We found that the AOC has an important role in the execution of operations to secure the Capitol campus during large public gatherings, to include concerts, presidential inaugurations and First Amendment demonstrations. However, the AOC’s role and responsibilities for the preparation of security plans for large public gatherings is limited.

The AOC’s role and responsibilities in securing the Capitol campus during large public gatherings have been to serve primarily in a support only function. The Office of the Chief Security Officer has been in a customer support role to the U.S. Capitol Police Board and U.S. Capitol Police versus an active peer and contributing member involved with the communication, coordination and collaboration to secure the Capitol campus. It also appears that the Architect’s role on the Board has been disregarded for matters of campus security for large public events.

We made six recommendations to correct the deficiencies and management concurred with the recommendations.

### **Semiannual Status Update on CHOBr Project (2021-AUD-006-O)**

The Explanatory Statement accompanying the FY 2016 Legislative Branch Appropriations Act, P.L. 114-113, directed the AOC OIG to transmit quarterly status updates to the House Committee on Appropriations (HCA) regarding the AOC’s progress related to the CHOBr Project (formerly addressed as the Cannon Project). The statement required the AOC OIG to provide the HCA with AOC confirmation that the CHOBr Project is progressing in a timely and cost-effective manner, to include scope, budget, schedule and cost schedule risk assessments. In spring 2018, the committee approved our request to transmit these status

updates semiannually. Therefore, this letter covers the period from January 1 through June 30, 2021.

The OIG received the CHOBr Project Semiannual Report from AOC project management officials on August 9, 2021. The report was organized into seven areas: 1) safety, 2) security, 3) schedule, 4) budget, 5) client satisfaction, 6) contract management and 7) risk management. To assist in our review of the semiannual report, we also reviewed the AOC's monthly Executive Summaries for January 2021 through July 2021, which provided the status of the CHOBr Project for those months. We then reviewed the minutes of weekly meetings held between the CHOBr Project team and the contractor during the period covered by the semiannual report, as well as in July and August 2021. Specifically, we performed a limited review of the status of the CHOBr Project presented in these reports. We prepared detailed questions for the AOC pertaining to the progress outlined in the reports; reviewed summary-level documentation supporting the project funding, obligations and expenditures; and obtained relevant updates to tasks

that were in process or expected to be completed shortly after June 30, 2021.

We have presented the results of our review in this letter for the Committee's review.

It is important to note that our review was not an audit of the CHOBr Project, and we therefore did not conduct the procedures in accordance with GAGAS. AOC management is responsible for the information presented in the CHOBr Project Semiannual Report and Executive Summaries. Our review did not substantiate all information presented in these reports; therefore, we do not express an opinion in this letter.

The CHOBr Project includes urgent work to replace major outdated building systems and components while preserving historic building characteristics and improving its safety conditions. The Cannon House Office Building dates back to 1908 and is the oldest office building on the Capitol campus. It includes a combination of member suites, committee hearing rooms, support offices, food services,



and facility and utility space. The building has not had a comprehensive systems overhaul since the 1930s, leaving many of its systems outdated and at risk of failure. The AOC completed pre-construction on the Cannon House Office Building in December 2014. Construction is scheduled to be completed in five phases over a 10-year period, as follows:

- Phase 0: Started in January 2015 and completed in December 2016.
- Phase 1: Started in January 2017 and achieved occupancy permit in December 2018.
- Phase 2: Started in January 2019 and achieved occupancy permit in November 2020.<sup>6</sup>
- Phase 3: Started in January 2021 and scheduled for completion in November 2022.<sup>7</sup>
- Phase 4: Scheduled for the period between January 2023 and November 2024.

Per the Integrated Cost Schedule Risk Analysis (ICSRA)<sup>8</sup> that the CHOBr Project team completed in December 2019, the estimated total cost of the CHOBr Project remains \$890.2 million. The AOC is in the process of requesting additional appropriations to help fund the increase in budget from the original \$752.7 million to \$890.2 million. In June 2020, the AOC and Clark/Christman, a Joint Venture (CCJV) updated the contractual substantial completion and final completion dates via Modification M073 to their contract (AOC13C2002). CCJV achieved Phase 2 substantial completion by November 1, 2020, as opposed to the October 15, 2020 substantial completion

date negotiated in June 2020. The AOC subsequently agreed to modify the substantial completion date to November 1, 2020 via Modification M086. CCJV did not maintain the contractual Phase 2 final completion date of November 27, 2020 negotiated in June 2020. The delays since June 2020 for both milestones were largely due to unforeseen conditions, work stoppages<sup>9</sup> and COVID-19<sup>10</sup>. CCJV completed the remaining Phase 2 in-session<sup>11</sup> interior work on May 21, 2021. On July 1, 2021, Modification M093 updated the Interior Contract Final Completion date to May 21, 2021 and the Exterior and Site Contract Final Completion to September 17, 2021. Despite CCJV not meeting the contractual completion dates, the CHOBr Project team turned over the Phase 2 member suites in December 2020, thus allowing 32 members and their staffs to move in on schedule.

As mentioned above, the CHOBr Project team is in the process of closing out the few remaining interior long-lead items and exterior site work associated with Phase 2 (north wing). Phase 3 (east wing) construction partially commenced in January 2021, but some work features were delayed until March due to the January 6 events and the resulting National Guard occupation of some Phase 3 space in the Cannon Building. In April 2021, the AOC awarded \$1.6 million to CCJV via Modification M090 for Phase 3 acceleration and recovery costs related to time lost as a result of the January 6 events. Additionally, the AOC awarded \$278,429 to its Construction Manager as Agent, McDonough Bolyard Peck / AECOM, via Modifications M047, M049 and M053 to contract AOC13C1000 for

<sup>6</sup> As of September 14, 2021, Phase 2 has not yet achieved final completion. The Phase 2 interior was partially completed on May 21, 2021, but there is other interior work related to long-lead items that was scheduled to be completed during the August 2021 congressional recess (Note: Per the project team, the base work for Phase 2 August recess interior work is complete, but there are minor items that might need to be touched up. Some of this work may require change orders due to unforeseen conditions or design completion). Additionally, CCJV must complete the Phase 2 exterior. The contractual completion date for the remaining interior work and the exterior is September 17, 2021, but due to unexpected material delays, restricted access, weather, and unforeseen conditions, the CHOBr Project team no longer expects CCJV to achieve final completion by the contractual date of September 17, 2021.

<sup>7</sup> CCJV's June 2021 schedule update did not maintain the Phase 3 contractual substantial or final completion dates of August 30, 2022, and November 1, 2022, respectively. Per the CHOBr Project team, there are 13 days of negative float to the November 1, 2022 Final Completion milestone.

<sup>8</sup> The CHOBr Project team is currently updating the ICSRA and expects to complete it in fall 2021.

<sup>9</sup> The January 6, 2021 events at the U.S. Capitol Building led to 44 days where no trade work was performed on the project (January 6, 2021 to March 6, 2021), including the following work stoppages: 1) January 6, 2021 itself; 2) January 13, 2021 to January 20, 2021 for Inauguration Day security precautions (Note: During a typical Inauguration, work would be stopped for only one day – Inauguration Day itself); 3) February 2, 2021 to February 3, 2021 for the Lying in Honor Ceremony for Officer Brian Sicknick; and 4) the National Guard's occupation of part of the Phase 3 wing. CCJV's mitigation efforts to resolve the 44 days of delay were successful, but subsequent delays led to 13 days of negative float to the November 1, 2022 Final Completion milestone.

<sup>10</sup> Between January 1 and June 30, 2021, six project contractors and two AOC employees tested positive for COVID-19. During that same period, the project lost 60 worker days due to COVID-19. These figures are down from July 1 to December 31, 2020, when 45 project contractors and two AOC employees tested positive for COVID-19, with an additional 148 project contractors classified as "identified risk" and 69 project contractors classified as positive/presumed positive. In addition, 1,079 worker-days were lost from July 1 to December 31, 2020.

<sup>11</sup> Other interior work (e.g., work related to elevators, Americans with Disabilities Act (ADA) fountains, and certain tasks in member suites) is slated to be completed during the August 2021 recess when Congress is not in session (Note: Based on the August 31, 2021 owner's meeting minutes, it appears the interior work was not completed during the recess).

security monitoring services on the Phase 2 Stair 7 doorway, as required by the USCP after the January 6 events. An additional \$130,267 for these security monitoring services is pending award.

The AOC formally closed out the Phase 1 construction contract in November 2020. Phase 1 was budgeted to cost \$194.7 million. As of June 30, 2021, the total funding for Phase 1 was \$194.7 million. Of the \$194.7 million, the AOC has obligated \$193.2 million and expended \$193.0 million. The CHOBr Project team expects to transfer the remaining \$1.5 million in Phase 1 funding to Phase 3 this year, pending a recommendation from the AOC's Chief Financial Officer and approval from the Department of the Treasury.

Phase 2 is budgeted to cost \$202.4 million. As of June 30, 2021, the total funding was \$191.7 million, of which the AOC has obligated \$183.7 million and expended \$177.9 million. The AOC had obligated \$919,000 of Phase 2 contingency for construction, security and escorting costs as of June 30, 2021. Also as of that date, the AOC had obligated \$1.8 million of Phase 2 contingency for COVID-19 costs. The AOC had obligated an additional \$363,000 for COVID-19 costs, but determined it was not needed and could be transferred to Phase 3 contingency. Additionally, the AOC transferred \$5.0 million in February 2021 and \$2.5 million in June 2021 from Phase 2 contingency to Phase 3 contingency. The Phase 2 contingency balance was \$1.3 million as of June 30, 2021. There are currently a combined 190 remaining Phase 2 punch list and warranty items. The punch list for the interior work has been closed, but the project team is still working with CCJV to determine how each of the remaining exterior work items will be addressed.

Phase 3 is budgeted to cost \$178.9 million. As of June 30, 2021, the total funding was \$191.1 million, of which the AOC had obligated \$162.0 million and expended \$22.1 million. This means that as of June 30, 2021, 91 percent of the Phase 3 budget had been obligated, with approximately 16 months left in the phase. As of that same date, the AOC had obligated \$885,000 of Phase 3 contingency for COVID-19 costs. Starting in April 2021, weekly COVID-19 enhanced cleaning and fogging of the CHOBr Project Phase 3 construction site was stopped, leading to a \$2.8 million reduction in potential future funding requirements. Taking into account the removal of this requirement, the CHOBr Project team estimates continued daily high-touch cleaning and other potential

COVID-19 mitigation efforts are likely to cost \$2.2 million through the end of Phase 3. The AOC awarded the Phase 3 guaranteed maximum price (GMP) contract to CCJV for a negotiated value of \$135.6 million, amounting to \$12.1 million more than the budgeted GMP of \$123.5 million. At the time of the award, the CHOBr Project team stated that the AOC planned to fund the shortfall using anticipated savings from Phase 2 and Phase 3 construction contingency funds. However, the team is currently unable to estimate the potential Phase 2 savings due to a lack of supplemental funding for COVID-19 costs and project delays resulting from heightened security, and the Phase 3 budget is currently at risk of being exceeded (which the CHOBr Project team plans to address in the upcoming fall 2021 ICSRA update). The CHOBr Project team also noted at the time that it did not expect the Phase 3 award to affect its ability to deliver the overall project within the \$890.2 million budget.

The CHOBr Project team analyzes risks to the CHOBr Project during weekly and quarterly risk meetings. CCJV and the CHOBr Project team held a Phase 2 risk closeout meeting on December 16, 2020, during which they resolved all previously noted Phase 2 risks. CCJV and the CHOBr Project team then held a Phase 3 risk management kickoff meeting on February 3, 2021, and held subsequent risk management meetings on April 28, May 26, and June 7. According to the CHOBr Project team, the top five Phase 3 risks during the reporting period were:

- (1) If accelerated schedule is not managed early in the phase there will potentially come a time when it is practically infeasible to find or add more manpower to accelerate later and quality may suffer.
- (2) If USCP driven design changes are significant or are incorporated late into the phase, project schedule will be impacted and turnover potentially delayed.
- (3) If the team does not receive relief from COVID-19 and security-related costs (including acceleration), there may not be sufficient contingency funds to cover Phase 3 construction.
- (4) If owner/stakeholder requested changes are significant or are incorporated late into the phase, project schedule will be impacted and turnover potentially delayed.
- (5) If there are supply chain issues, unavailability of workforce, lack of site access and increased worker safety protocols related to COVID-19, then the project may experience increased cost and schedule delays.



The CHOBBr Project team continued to provide detailed information regarding potential change orders (PCOs).

## Phase 2

- From January 1 to June 30, 2021, CCJV and the project's Architect-Engineer, Shalom Baranes Associates (SBA), initiated 95 PCOs. The CHOBBr Project team has since voided three of the PCOs and has determined that another nine have a potential impact to the project's schedule. The proposed value of the PCOs initiated during this period totaled \$1,341,246. During this same period, the CHOBBr Project team negotiated and settled 103 PCOs related to the Phase 2 scope, for a final awarded value of \$2,106,148. As of June 30, 2021, 38 PCOs remained open (23 of which are pending proposal submission by CCJV), with a proposed value of \$587,654.

## Phase 3

- From January 1 to June 30, 2021, CCJV and SBA initiated 137 PCOs. The CHOBBr Project team has since voided five of the PCOs and has determined that another 23 have a potential impact to the project's schedule. The proposed value of the PCOs initiated during this period totaled \$8,443,192. During this same period, the CHOBBr Project team negotiated and settled 54 PCOs related to the Phase 3 scope, for a final awarded value of \$9,781,542. As of June 30, 2021, 72 PCOs remained open (46 of which are pending proposal submission by CCJV), with a proposed value of \$8,747,572.

The \$1.8 million obligated for Phase 2, the \$885,000 obligated for Phase 3, and the \$2.2 million estimated costs through the end of Phase 3 bring the total unanticipated requirements for COVID-19 mitigation costs to \$4.9 million. The CHOBBr Project received \$658,000 from the Coronavirus Aid, Relief, and Economic Security (CARES) Act; in the absence of any additional supplemental funding for COVID-19, the CHOBBr Project team will continue to use contingency funding to cover any future COVID-19 cleaning requirements. In May 2021, the AOC submitted a \$9.2 million supplemental funding request<sup>12</sup> for

unanticipated CHOBBr Project costs related to COVID-19 and the January 6 events. If the CHOBBr Project receives any supplemental funding for costs related to COVID-19 and the January 6 events, the AOC should sufficiently track its use of this funding to ensure it is used for its intended purposes. The CHOBBr Project team appears to have accepted that COVID-19 is a significant risk to delivering the project on time and has taken actions to mitigate that risk. However, we expect that impacts to the schedule and budget due to COVID-19 will warrant review for the foreseeable future of the CHOBBr Project.

### Flash Report Series – The AOC's Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event (2021-0002-IE-P)

On January 14, 2021, the AOC OIG initiated a Joint Oversight Project examining the events that occurred at the U.S. Capitol on January 6, 2021. This Flash Report served as an independent assessment on the effectiveness and integrity of the AOC's emergency preparedness training, internal policies, procedures and practices prior to the events at the U.S. Capitol on January 6, 2021.

The OIG issued a final report to the AOC on April 27, 2021. Our evaluation found that prior to the events at the U.S. Capitol on January 6, 2021, the AOC's emergency preparedness posture had gaps in policy and training preparation. Specifically:

- The AOC lacked updated emergency management policies and procedures for active shooter, workplace violence, protestors and civil disturbances.
- The AOC emergency management training activity and planned training was inadequate to address active shooter, workplace violence, protestors and civil disturbances.
- The AOC lacked consistent and integrated emergency preparedness training with all other legislative branch organizations serving inside the Capitol campus.

Our report included three findings and four recommendations. The agency concurred with all recommendations and provided proposed corrective actions.

<sup>12</sup> On July 30, 2021, Public Law 117-31 appropriated funds to the AOC to prevent, prepare for, and respond to the coronavirus and to respond to the events at the United States Capitol on January 6, 2021. Per the project team, the AOC's Office of the Chief Financial Officer requested actual cost information and revised estimates for its costs related to COVID-19 and January 6 because the AOC received some supplemental funding (presumably from Public Law 117-31). However, it is not yet clear how much of the funding the AOC will allocate to the CHOBBr Project. The project team noted that even with the supplemental funding, the Phase 3 budget will still be at risk of being exceeded due to the exposure for unforeseen and design changes, the potential requirement for additional acceleration, and additional COVID-19 costs. As of August 31, 2021, the estimated potential budget risk through December 31, 2021 for Phase 3 was \$6.2 million.



## Management Advisories

A Management Advisory reports on specific gaps or weaknesses in AOC internal controls observed during OIG work. These reports are a communication tool that may or may not contain recommendations that may or may not require AOC concurrence.

We did not issue any management advisories to the AOC during the reporting period.

## Notice of Concerns

A Notice of Concern reports on specific AOC safety or security issues observed during the course of OIG work and is provided to AOC management for any immediate action they deem appropriate. These reports do not provide recommendations.

We did not issue any Notices of Concern during the reporting period.

## Review of Legislation and Policies

The OIG provides resources in reviewing and providing comments on AOC draft guidance documents as part of our requirement to comment on proposed legislation and policy. This ensures the AOC's orders and/or policy revisions are consistent and promote economy and efficiency. Some of these orders result directly from OIG recommendations to improve internal controls and maintain an orderly operation. Our review is an integral part of our effort to identify and prevent fraud, waste and abuse. During this reporting period, we reviewed nine orders or other policy or guidance documents.

**Table B:** Review of AOC Legislation and Policies

Document	Title	Description
Architectural Review Board Charter		This order is an update to the charter and establishes the authority, scope, composition, function and responsibilities of the AOC Architectural Review Board to preserve and enhance any property within the jurisdiction of the AOC and to promote high quality design.
Environmental Manual 12-4, Chapter 7	Potable Water	The purpose of the Potable Water Chapter is to establish requirements; define roles and responsibilities for complying with federal, state and local potable water system regulations; and to incorporate leading facility management practices for the AOC.
Order 10-1	Asbestos Control Policy	<p>This policy summarizes requirements for protection from asbestos-containing materials and to ensure compliance with all relevant regulatory standards. This chapter supersedes prior AOC Safety Manual Guidance and also describes duties and responsibilities of employees with respect to asbestos control regulations that apply to the AOC. Changes include:</p> <ul style="list-style-type: none"> <li>• Ambient Air Sampling and Sampling Guidance Requirements</li> <li>• Inventory Requirements for Quantities of Asbestos</li> <li>• Permitting and Notification Requirements</li> <li>• Fiber Release Standard Operating Procedure</li> <li>• Occupational Health and Safety Administration Regulation Updates</li> <li>• Asbestos Abatement Project Closeout</li> <li>• Personnel Requirements</li> </ul>

**Table B: Review of AOC Legislation and Policies Continued**

<b>Document</b>	<b>Title</b>	<b>Description</b>
Order 10-1	Lead Exposure Control	The purpose of this policy is to prevent occupational exposures to lead hazards, to protect the public for exposures to lead, and to summarize the requirements for multiple activities regarding working with lead and lead-containing materials. It supersedes prior volumes of AOC Safety and Health Manual 10-1. This policy also describes the duties and responsibilities of employees with respect to lead control regulations that apply to the AOC.
Order 591-1	Uniform Policy	This update to the January 28, 2020, order sets forth agency policy for the AOC uniform program including uniform requirements, manner of wearing and procurement.
Policy Memorandum 10-1D	Control of Hazardous Energy (Lockout/Tagout)	The objective of this memorandum is to implement immediate changes to the Architect of the Capitol Safety Manual 10-1, Volume I – Chapter H – Industrial Safety, H.4 Control of Hazardous Energy (Lockout/Tagout or LOTO) policy for work being completed by contractors on AOC-owned equipment. Prior AOC policy did not address the coordination process between a jurisdiction and an external worker (contractors, non-jurisdiction AOC employees or external clients) to de-energize, lockout and tagout AOC-owned equipment.
Standard Operating Procedure GGA-SOP-001	Grounds Protection During Events	In accordance with the Capitol Police Board's Traffic Regulations for the U.S. Capitol Grounds (amended 2019), guidelines have been established to ensure permitted events held inside the boundaries of the U.S. Capitol Grounds are conducted in a manner that protects public health and safety, while also ensuring the congressional community can continue to fulfill its legislative responsibilities. Accordingly, demonstration activity is only allowed in designated areas on the U.S. Capitol Grounds.
Standard Operating Procedure GGA-SOP-002	Tree Removal Notification	This standard operating procedure delineates steps associated with the notification of tree removals on the Capitol campus.
Standard Operating Procedure GGA-SOP-003	Tree Risk Tolerance Levels	This is a new procedure. The Capitol Grounds and Arboretum engages in a complex decision-making process to assess the risk and impact zone of the trees in its care. Capitol Grounds and Arboretum arborists provide recommendations on tree risk. In addition, the AOC uses ISA TRAQ-certified arborists to monitor and make recommendations regarding tree health and safety. While safety is the primary basis for establishing risk levels, a tree's historic or environmental significance, aesthetics, funding and other factors may also affect risk assessment. All risk determinations are made in accordance with American National Standards Institute A300 Part 9, Tree Risk Assessment and the accompanying ISA Best Management Practices Tree Risk Assessment (2017 or current), of which the Gardens and Grounds Division maintains hard copies. The securing of impact zones and mitigation of extreme and high-risk trees shall take priority over other arboriculture work.



## Instances of the AOC Refusing to Provide Information or Assistance or Interfering with the OIG's Independence

There were no instances of the AOC refusing to provide information or assistance or interfering with the OIG's independence during the reporting period.

## Status of Reports or Recommendations

- (1) For Which No Management Decision was Made
- (2) For Which No Management Comment was Made Within 60 Days

There were no reports or recommendations more than six months old for which we had not received management decisions during the reporting period. Further, there were no reports or recommendations for which management did not provide comments within 60 days.

## Significantly Revised Management Decisions

There were no significantly revised management decisions during the reporting period.

## Significant Management Decisions With Which the OIG Disagrees

There were no significant management decisions with which the OIG disagreed with during the reporting period.

## Instances in Which an Inspection, Evaluation or Audit was Completed and Not Disclosed to the Public

There were no instances during the reporting period in which we completed an inspection, evaluation or audit without disclosing it to the public. All such products are listed at [www.oversight.gov](http://www.oversight.gov).

## Peer Review Reporting

### AUDIT

The Federal Maritime Commission OIG conducted an external peer review of AOC OIG audit operations and issued a final report on September 1, 2021. The AOC OIG received a peer review rating of Pass, the highest rating possible, confirming that audit operations are performed in accordance with GAGAS. There are no outstanding recommendations in the final report.

### INSPECTIONS & EVALUATIONS

The Equal Employment Opportunity Commission OIG conducted an external peer review of AOC OIG inspection and evaluations operations and issued a final report on September 23, 2021. The Reviewing OIG determined that the AOC OIG's policies and procedures generally were consistent with the seven CIGIE Blue Book standards addressed in the external peer review. Each of the reports reviewed complied with the seven covered CIGIE Blue Book standards. There are no outstanding recommendations in the final report.

### INVESTIGATIONS

There was no peer review activity for investigation operations this reporting period. The last peer review for the OIG investigation function was conducted in July 2017 by the Federal Housing Finance Administration OIG. The AOC OIG received a rating of Pass and there are no outstanding recommendations.



# Recommendations

Tables C through F below reflect 62 recommendations associated with 15 reports. Of those, 19 recommendations were implemented and closed; 43 remain open/unresolved.

**Table C: Audits Unimplemented Recommendations**

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
<b>Architect of the Capitol</b>			
Audit of FY 2019 Financial Statements Audit Management Letter	OIG-AUD-2020-02 December 17, 2019	1	<p><b>Report Summary:</b> The OIG performed oversight of an IPA audit of the AOC FY 2019 Financial Statements.</p> <p><b>Recommendation:</b> Ensure that Momentum® user administration guidance and procedures are updated to reflect current processes and controls, including processes for approving both new accounts and roles and modifications to existing access to the system.</p> <p><b>AOC Management Decision: Concur.</b></p>
Audit of FY 2019 Financial Statements Audit Management Letter		2	<p><b>Recommendation:</b> Require, document and maintain approvals for Momentum® access modifications in addition to original account provisioning actions.</p> <p><b>AOC Management Decision: Concur.</b></p>
Audit of FY 2019 Financial Statements Audit Management Letter		5	<p><b>Recommendation:</b> Enforce AOC Order 30-1 requiring a review of ULOs. Consider drafting a standard operating procedure to simplify the periodic review process for the status of ULOs and to ensure appropriate contract personnel and jurisdictional account holders communicate when funds are no longer valid. The process should include the requirement to provide documentation of the review of the status of the ULO balances that lack expenditure activity for a prolonged period.</p> <p><b>AOC Management Decision: Concur.</b></p>
Audit of FY 2019 Financial Statements Audit Management Letter		6	<p><b>Recommendation:</b> Conduct appropriate training and provide formal communication (e.g., correspondence, minutes) on a periodic basis to applicable AOC personnel (e.g., Contracting Officers, CORs) to ensure proper execution over the monitoring of ULO balances and timely de-obligations of invalid ULO balances. Training should include information on the AOC's ULO review process, specifically on how to execute a review, in addition to understanding the importance of de-obligating unneeded funds in a timely manner.</p> <p><b>AOC Management Decision: Concur.</b></p>
Audit of FY 2019 Financial Statements Audit Management Letter		7	<p><b>Recommendation:</b> Continue to have Chief, Acquisition of Architecture, Engineering and Construction Services Division; Chief, Acquisition of Supplies, Services and Material Management Division or their representative and the Accounting and Finance Officer work jointly to develop an automated solution.</p> <p><b>AOC Management Decision: Concur.</b></p>
Audit of FY 2019 Financial Statements Audit Management Letter		8	<p><b>Recommendation:</b> The HCMD should review the policies and procedures related to overtime and leave and make updates if considered appropriate.</p> <p><b>AOC Management Decision: Concur.</b></p>

Table C: Audits Unimplemented Recommendations Continued

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
Audit of FY 2019 Financial Statements Audit Management Letter		9	<b>Recommendation:</b> AOC managers, supervisors and timekeepers must adhere to the policies and procedures put in place for supervisors and responsible parties to properly monitor the overtime and leave of absence use in their jurisdictions. <b>AOC Management Decision: Concur.</b>
Audit of FY 2019 Financial Statements Audit Management Letter		10	<b>Recommendation:</b> AOC jurisdictional leaders should reinforce to their managers, supervisors, timekeepers and employees the importance of following the leave and overtime approval process by frequently communicating and meeting with personnel with responsibility to monitor overtime and leave use. Jurisdictional leaders should have situational awareness of instances where overtime and leave requests are not being approved in accordance with AOC Orders 550-1 and 630-1, respectively. <b>AOC Management Decision: Concur.</b>
Audit of FY 2019 Financial Statements Audit Management Letter		11	<b>Recommendation:</b> If overtime or leave cannot be approved in advance, document and maintain an explanation for the delay. Hard copy requests and approvals should be retained in a location that is easily available upon request or annotated in the remarks section in WebTA if overtime or leave requests are requested and approved in the system. <b>AOC Management Decision: Concur.</b>
FY 2020 Financial Statements Audit Management Letter	OIG-AUD-2021-02 December 14, 2020	1	<b>Report Summary:</b> The OIG performed oversight of an IPA audit of the AOC FY 2020 Financial Statements. <b>Recommendation:</b> Ensure that AOC staff responsible for evaluating System and Organization Controls (SOC 1 <sup>®</sup> ) reports adequately understand the impact of controls performed by subservice organizations on the AOC's financial systems and consider whether the absence of SOC 1 <sup>®</sup> testing of these controls requires implementation of additional Complementary User Entity Controls (CUEC). <b>AOC Management Decision: Concur.</b>
FY 2020 Financial Statements Audit Management Letter		2	<b>Recommendation:</b> Determine whether the National Finance Center (NFC), Invoice Processing Platform (IPP), and subservice provider SOC 1 <sup>®</sup> reports will be delivered in a timely manner and contain the following information required for an effective review and analysis: A. Complete system description B. Description of controls tested and the results of those tests C. Applicable management responses D. Incorporate any applicable changes to IPP and Treasury Web Application Infrastructure (TWAI) subservice providers to the AOC IPP risk assessment that impacts the accounts payable financial statement assertion for transactions through IPP <b>AOC Management Decision: Concur.</b>
FY 2020 Financial Statements Audit Management Letter		3	<b>Recommendation:</b> Complete an IPP/TWAI-specific risk assessment to ensure implementation of key controls relevant to the AP financial statement assertion (e.g., through complete and timely SOC 1 <sup>®</sup> reports and/or internal AOC CUECs). If the AOC becomes aware that the content of IPP/TWAI-related SOC 1 <sup>®</sup> reports will continue to be provided in an untimely manner or presented in redacted format, AOC management should implement, through its risk assessment, a process to separately identify and assess mitigating and compensating controls to its environment. Additionally, for known control deficiencies at the service and key subservice providers, the AOC should identify compensating control(s) to mitigate the risks within the AOC control environment. <b>AOC Management Decision: Concur.</b>

Table C: Audits Unimplemented Recommendations Continued

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
FY 2020 Financial Statements Audit Management Letter		4	<p><b>Recommendation:</b> Complete an NFC-specific risk assessment to ensure implementation of key controls relevant to the payroll financial statement assertion (e.g., through complete and timely SOC 1® reports and/or internal AOC CUECs). If the AOC becomes aware that the content of NFC-related SOC 1® reports will continue to be provided in an untimely manner, AOC management should implement, through its risk assessment, a process to separately identify and assess mitigating and compensating controls to its environment. Additionally, for known control deficiencies at the service and key subservice providers, the AOC should identify compensating control(s) to mitigate the risks within the AOC control environment.</p> <p><b>AOC Management Decision: Concur.</b></p>
FY 2020 Financial Statements Audit Management Letter		5	<p><b>Recommendation:</b> Update AOC patching guidance by setting specific timelines for implementation related to high-risk patches.</p> <p><b>AOC Management Decision: Concur.</b></p>
FY 2020 Financial Statements Audit Management Letter		6	<p><b>Recommendation:</b> Prioritize application of specific patches based on the security impacts, versus the functional impacts of the patch application.</p> <p><b>AOC Management Decision: Concur.</b></p>
FY 2020 Financial Statements Audit Management Letter		7	<p><b>Recommendation:</b> Implement critical security patches within prescribed timelines, remediate vulnerabilities through configuring the software (e.g., turning off or limiting access to ports or services), or obtain and document the open vulnerabilities in a plan of action and milestones.</p> <p><b>AOC Management Decision: Concur.</b></p>
Audit of the Architect of the Capitol's Unliquidated Obligations	OIG-AUD-2021-06 September 29, 2021	1	<p><b>Report Summary:</b> The OIG performed an audit of the AOC's unliquidated obligations.</p> <p><b>Recommendation:</b> The AOC review and properly closeout the following dormant ULOs:</p> <ul style="list-style-type: none"> <li>• 68 invalid ULOs valued at \$479,907.61</li> <li>• Nine unsupported questioned ULOs valued at \$90,109.58</li> <li>• Nine valid ULOs valued at \$8,230 that have not received a final invoice</li> <li>• 231 ULOs with balances less than \$50</li> </ul> <p>Funds put to better use: \$479,907.61 and Questioned costs: \$90,109.58</p> <p><b>AOC Management Decision: Concur.</b></p>
Audit of the Architect of the Capitol's Unliquidated Obligations		2	<p><b>Recommendation:</b> The AOC ensure supporting documentation for unliquidated obligations is maintained and readily available.</p> <p><b>AOC Management Decision: Concur.</b></p>
Audit of the Architect of the Capitol's Unliquidated Obligations		3	<p><b>Recommendation:</b> The AOC finalize the new Quarterly Financial Review SharePoint application and ensure this new application addresses the current and prior year audit findings; and revise the AOC's policies and procedures to align with the new application.</p> <p><b>AOC Management Decision: Concur.</b></p>

Table C: Audits Unimplemented Recommendations Continued

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
<b>Architect of the Capitol/Office of the Chief Security Officer</b>			
Flash Report Series – Independent Assessment of the Architect of the Capitol’s Role in Securing the Capitol Campus for Large Public Gatherings	OIG-AUD-2021-03 May 5, 2021	1	<p><b>Report Summary:</b> The OIG performed an independent assessment of the AOC’s role in securing the Capitol campus during large public gatherings.</p> <p><b>Recommendation:</b> The AOC coordinate with legislative stakeholders to draft legislation that would incorporate the following:</p> <ul style="list-style-type: none"> <li>• Add the Office of the Chief Security Officer to an advisory or consultative role to assist in the plans and execution of securing the Capitol campus for large public gatherings</li> <li>• Require communication, coordination and collaboration between the AOC, Capitol Police Board and the USCP</li> </ul> <p><b>AOC Management Decision: Concur.</b></p>
Flash Report Series – Independent Assessment of the Architect of the Capitol’s Role in Securing the Capitol Campus for Large Public Gathering		2	<p><b>Recommendation:</b> The AOC Office of the Chief Security Officer coordinate with USCP to draft a memorandum of agreement to support the roles, responsibilities and services required for preparation and execution of the perimeter security plans for large public events.</p> <p><b>AOC Management Decision: Concur.</b></p>
Flash Report Series – Independent Assessment of the Architect of the Capitol’s Role in Securing the Capitol Campus for Large Public Gathering		3	<p><b>Recommendation:</b> The AOC Office of the Chief Security Officer establish well-defined policies and procedures with a preparation checklist for jurisdictions based on the severity of threat that provides clear guidance on execution of support activities related to coordination, mobilization, de-mobilization, asset protection and reporting of activities associated with special events across the Capitol campus.</p> <p><b>AOC Management Decision: Concur.</b></p>
Flash Report Series – Independent Assessment of the Architect of the Capitol’s Role in Securing the Capitol Campus for Large Public Gathering		4	<p><b>Recommendation:</b> The AOC coordinate with the Capitol Police Board and legislative stakeholders to evaluate the overall focus on campus security, and reevaluate the responsibilities for design, installation and maintenance of the Capitol campus security systems and determine who should execute those responsibilities.</p> <p><b>AOC Management Decision: Concur.</b></p>

Table C: Audits Unimplemented Recommendations Continued

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
Flash Report Series – Independent Assessment of the Architect of the Capitol's Role in Securing the Capitol Campus for Large Public Gathering		5	<b>Recommendation:</b> The AOC Office of the Chief Security Officer hold a security briefing with AOC senior leadership for each event, which highlights the security threats and risks identified during their monitoring and received from coordinating agencies along with the AOC's approach to manage such risks and instructions for jurisdictions to execute the developed preparation checklist. <b>AOC Management Decision: Concur.</b>
Flash Report Series – Independent Assessment of the Architect of the Capitol's Role in Securing the Capitol Campus for Large Public Gathering		6	<b>Recommendation:</b> The AOC inform the USCP of the deferred security maintenance work elements prior to large public gatherings and events on the Capitol campus. <b>AOC Management Decision: Concur.</b>
<b>Architect of the Capitol/Office of the Chief Engineer</b>			
Audit of the Cannon House Office Building Renewal Project's Contract Invoices	OIG-AUD-2020-05 August 25, 2020	1	<b>Report Summary:</b> The OIG performed oversight of an IPA audit of the AOC CHOBr Project's contract invoices. <b>Recommendation:</b> The AOC review the terms and conditions of the CMC's contract to ensure that the contract contains the appropriate terms and conditions for the CHOBr Project. <b>AOC Management Decision: Concur.</b> By September 30, 2020, the AOC will modify the contract's payment terms to reflect the process being used by the AOC and the CMC. The OIG extended the due date to November 25, 2021. <b>OIG Response:</b> This remains open until confirmed.
Audit of Cannon House Office Building Renewal Project's Reimbursable Costs	OIG-AUD-2021-04 June 8, 2021	1	<b>Report Summary:</b> The OIG performed oversight of an IPA audit of the AOC CHOBr Project's contract reimbursable costs. <b>Recommendation:</b> CHOBr Project team strengthen the review process for small-dollar reimbursable cost transactions to help ensure that the CMC does not include, and the CHOBr Project team does not approve, unallowable costs in the pay applications. <b>AOC Management Decision: Concur.</b> The CHOBr Project team will: review labor positions, rates and hours to confirm calculations; review consultant invoices and allocation documentation for proper calculations, reasonableness and allowability; confirm costs are allowable per contract requirements; and monitor reimbursable cost billings against the awarded contract value per line item. <b>OIG Response:</b> This remains open until confirmed.

Table C: Audits Unimplemented Recommendations Continued

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
Audit of Cannon House Office Building Renewal Project's Reimbursable Costs		2	<p><b>Recommendation:</b> To the extent legally and administratively possible, the CHOBr Project team recover the \$54,246 of unallowable costs reimbursed and, if applicable, any additional unallowable amounts resulting from the application of items such as overhead and fees to the unallowable costs.</p> <p><b>AOC Management Decision: Concur.</b> The AOC obtained a credit of \$21,490 for unallowable Phase 2 costs and determined that the remaining unallowable costs are not recoverable because they were part of a settled Requests for Equitable Adjustment or received prior approval from the contracting officer.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>
Audit of Cannon House Office Building Renewal Project's Reimbursable Costs		3	<p><b>Recommendation:</b> CHOBr Project team work with the CMc to identify any additional transactions for unallowable cost types identified in our report for which the AOC reimbursed the CMc. We also recommend that, to the extent legally and administratively possible, the CHOBr Project team recover these costs and, if applicable, any additional amounts resulting from the application of items such as overhead and fees to the unallowable costs.</p> <p><b>AOC Management Decision: Concur.</b> The AOC OIG plans to conduct its own review of the remaining non-sampled transactions to identify any additional unallowable cost types identified during the audit for which the AOC reimbursed the CMc.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>
Audit of Cannon House Office Building Renewal Project's Reimbursable Costs		4	<p><b>Recommendation:</b> As it pertains to the full \$234,383 in outside legal costs, we recommend that the CHOBr Project team review all of the costs that the Construction Manager as CMc incurred and billed to the AOC related to the hearing and determine if the costs are allowable and reasonable as reimbursable costs.</p> <ul style="list-style-type: none"> <li>• If the CHOBr Project team determines that any of the costs that the CMc incurred for the hearing are allowable, the CHOBr Project team should determine whether the AOC should fund the costs through a contract change order and what funding source the AOC should use to fund the costs (e.g., contingency, allowance).</li> <li>• If any of the costs that the CMc incurred for the hearing are unallowable, the CHOBr Project team should recover the costs to the extent legally and administratively possible. If applicable, the CHOBr Project team should also recover any additional amounts resulting from the application of items such as overhead and fees to the unallowable costs.</li> </ul> <p><b>AOC Management Decision: Concur.</b> The AOC is now pursuing a credit of \$35,426 from the CMc. The AOC also instituted a tracking system to identify reimbursable costs that have been billed but not previously approved.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>
Audit of Cannon House Office Building Renewal Project's Reimbursable Costs		5	<p><b>Recommendation:</b> The CHOBr Project team consider implementing a policy requiring the CMc to provide detailed support for any reimbursable costs that exceed an appropriate dollar threshold at the time the CMc submits the pay application.</p> <p><b>AOC Management Decision: Concur.</b> The AOC implemented a process requiring the CMc to provide detailed support for any reimbursable cost that exceeds \$25,000 on its monthly invoice.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>

Table C: Audits Unimplemented Recommendations Continued

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
Audit of Cannon House Office Building Renewal Project's Reimbursable Costs		6	<p><b>Recommendation:</b> We recommend that the CHOBr Project team review the \$286,933 in insufficiently supported costs and, to the extent legally and administratively possible, recover any amounts for which the CMc cannot provide support. If applicable, the CHOBr Project team should also recover any additional amounts resulting from the application of items such as overhead and fees to the unsupported costs.</p> <p><b>AOC Management Decision: Concur.</b> The AOC determined that \$215,263 of the billed \$286,933 was supported, so it obtained a credit of \$71,670 for the remaining unallowable costs plus associated markups. The AOC actions appear to be responsive to the recommendation.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>
Audit of Cannon House Office Building Renewal Project's Reimbursable Costs		7	<p><b>Recommendation:</b> The AOC's CHOBr Project team ensure that the supporting documentation for all costs that the CMc actually incurred and for the amounts reported in its invoices related to the project is sufficient, maintained and readily available for examination.</p> <p><b>AOC Management Decision: Concur.</b> The AOC will ensure that the supporting documentation for reimbursable costs is sufficient, maintained and readily available for examination. It will also perform periodic test checks of the supporting documentation.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>
Audit of the Cannon House Office Building Renewal Project's Subcontractor Bids and Awards	OIG-AUD-2021-05 August 30, 2021	1	<p><b>Report Summary:</b> The OIG performed oversight of an IPA audit of the AOC CHOBr Project's subcontractor's bids and awards.</p> <p><b>Recommendation:</b> The AOC review the terms and conditions of its CMc contract to ensure the contract contains the appropriate terms and conditions for the CHOBr Project.</p> <p><b>AOC Management Decision: Concur.</b> CHOBr Project team will modify the AOC's contract with the CMc to align with the AOC's intent regarding approval/acknowledgement of subcontract awards.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>
Audit of the Cannon House Office Building Renewal Project's Subcontractor Bids and Awards		2	<p><b>Recommendation:</b> The AOC provide guidance to its Contracting Officers to modify contracts promptly in cases in which they find terms or conditions that are not appropriate.</p> <p><b>AOC Management Decision: Concur.</b> The CHOBr Project team will issue guidance to its Contracting Officers instructing them to modify contracts promptly in cases in which they find terms or conditions that are not appropriate.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>
Audit of the Cannon House Office Building Renewal Project's Subcontractor Bids and Awards		3	<p><b>Recommendation:</b> The CHOBr Project team consider updating its Project Management Plan to include procedures to ensure that, for each scope of work, the AOC has maintained written documentation of:</p> <ul style="list-style-type: none"> <li>• The conditions for satisfaction in situations where the AOC received fewer than three bids; specifically, the steps it took to evaluate the bid amounts in the absence of preferred competition levels.</li> <li>• The Contracting Officer's approval of the CMc rationale in situations where the CMc recommended hiring a subcontractor that was not the lowest bidder.</li> <li>• The CMc's compliance with the Contracting Officer Representative's solicitation requirements, which require the CMc to perform an analysis of the proposals received and to provide a recommendation to the CHOBr Project team regarding which subcontractor to select based on this analysis.</li> </ul> <p><b>AOC Management Decision: Concur.</b> The CHOBr Project team will update the Project Management Plan to ensure it maintains documentation for the items covered in the recommendation.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>

Table C: Audits Unimplemented Recommendations Continued

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
Audit of the Cannon House Office Building Renewal Project's Subcontractor Bids and Awards		4	<p><b>Recommendation:</b> To ensure consistency during the subcontractor bid and award process, we recommend that the CHOB Project team develop a checklist or other template describing the steps the CHOB Project team should take to meet satisfaction requirements in situations where the Construction Manager as the Constructor obtained fewer than three bids for a scope of work.</p> <p><b>AOC Management Decision: Concur.</b> The CHOB Project team will develop the recommended checklist.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>

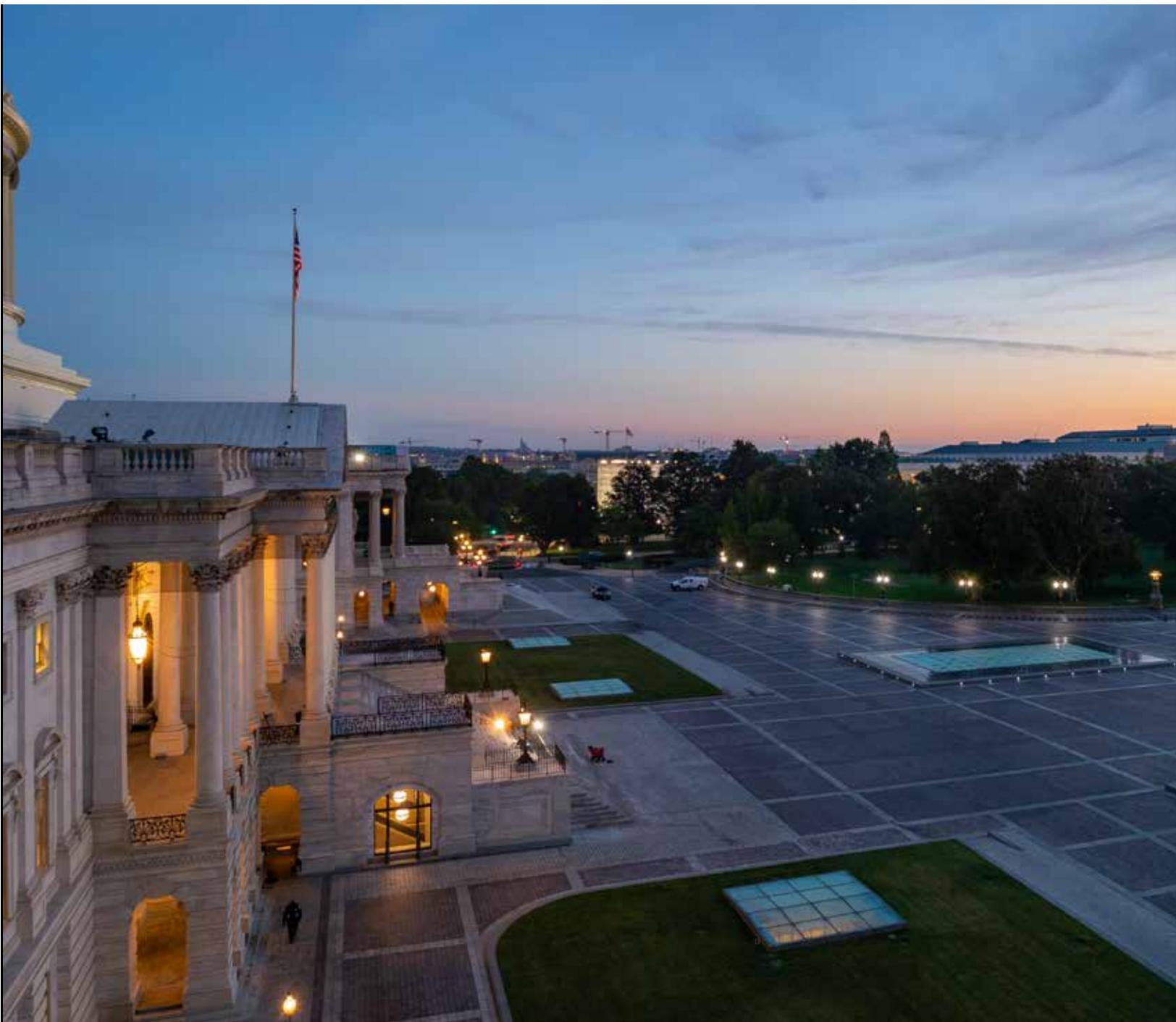


Table D: I&amp;E Unimplemented Recommendations

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
<b>Architect of the Capitol/ Office of the Chief Administrative Officer</b>			
Evaluation of the AOC's Compliance with Its Discipline Order	2019-0001-IE-P June 5, 2020	C	<p><b>Recommendation:</b> The AOC develop and publish a discipline policy for exempt personnel, for transparency and consistency with other employee groups.</p> <p><b>AOC Management Decision: Concur.</b> The AOC concurs with the OIG recommendation to develop and publish a discipline policy for Senior Rated personnel, for transparency and consistency with other employee groups. The AOC's policy governing Senior Rated employees (AOC Order 213-1, Exempt Personnel) has been revised to include a section on discipline and is currently under review by the AOC.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>
<b>Architect of the Capitol/ Office of the Chief Security Officer</b>			
Evaluation of the AOC's Emergency Preparedness Posture	2020-0002-IE-P February 5, 2021	2	<p><b>Recommendation:</b> The AOC organization head responsible for emergency management perform a feasibility study to consider the development and implementation of a quarterly AOC Emergency Management Training Program to train and educate AOC executive leaders and organizational emergency management personnel on critical emergency management functions, emergency management responsibilities and emergency incident management systems.</p> <p><b>AOC Management Decision: Concur.</b> The AOC reviewed the existing training program, identified the areas that require updates or additions and will implement a new series of online training courses with associated curriculum and exercises.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>
Evaluation of the AOC's Emergency Preparedness Posture		3	<p><b>Recommendation:</b> The AOC organization head responsible for emergency management in coordination with AOC Training and Employee Development develop and implement a standardized AOC emergency management training evaluation process for all AOC organizations.</p> <p><b>AOC Management Decision: Concur.</b> The Base EARP is currently under revision to incorporate the new organizational roles, responsibilities and standardized terminology.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>
Evaluation of the AOC's Emergency Preparedness Posture		4	<p><b>Recommendation:</b> The AOC organization leaders in coordination with the AOC organization head responsible for emergency management designate appropriate personnel to review and update the organizational EARPs and Base EARP to synchronize alignment of policy structure, content and application guidance.</p> <p><b>AOC Management Decision: Concur.</b> The Office of the Chief Security Officer is currently revising the Base EARP to incorporate the new organizational roles, responsibilities and standardized terminology based on the initial input from the Emergency Management Work Group.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>
Evaluation of the AOC's Emergency Preparedness Posture		5	<p><b>Recommendation:</b> The AOC organization head responsible for emergency management in coordination with AOC organization leaders implement a standardized timeline for periodic review of emergency management policies and procedures to improve means of tracking and sustaining these efforts.</p> <p><b>AOC Management Decision: Concur.</b> The AOC is working to develop a standardized review process and timeline as part of the Emergency Management Working Group Effort.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>

Table D: I&amp;E Unimplemented Recommendations Continued

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
Flash Report Series – Architect of the Capitol’s Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event	Flash Report Series 2021-0002-IE-P  April 27, 2021	3	<p><b>Report Summary:</b> The OIG performed an evaluation to assess the effectiveness and integrity of the AOC’s emergency preparedness training, internal policies, procedures and practices prior to the events at the U.S. Capitol on January 6, 2021.</p> <p><b>Recommendation:</b> The Chief Security Officer, in coordination with AOC Training and Employee Development, review the AOC Emergency Management training and exercise program, and develop and implement AOC training and exercise curriculum to address active shooter, workplace violence, protestors and civil disturbances.</p> <p><b>AOC Management Decision: Concur.</b> The AOC reviewed the existing training program, identified the areas that require updates or additions and will implement a new series of online training courses with associated curriculum and exercises.</p> <p><b>OIG Response:</b> This remains open until confirmed.</p>



Table E: Audits Implemented and Closed Recommendations

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
<b>Architect of the Capitol/Office of the Chief Engineer</b>			
Audit of the AOC Capitol Power Plant Cogeneration Facility	OIG-AUD-2019-05 September 30, 2019	A.1	<p><b>Report Summary:</b> The OIG performed an audit of the AOC Capitol Power Plant Cogeneration Facility.</p> <p><b>Recommendation:</b> The AOC incorporate well-defined contract requirements for future utility energy service contracts, to include but not limited to:</p> <ul style="list-style-type: none"> <li>• Commissioning requirements – general description, commissioning roles and responsibilities, systems to be commissioned, commissioning plan, scheduling, commissioning report</li> <li>• Reliability run requirements – duration, classification of interruptions and scheduling</li> </ul> <p><b>AOC Management Decision: Concur.</b> The AOC is updating its 2010 Commissioning Guidelines and will include provisions in the update to address the issues raised by the OIG. The AOC expects to complete this update by March 2021.</p>
Audit of Senate Underground Garage Renovations and Landscape Restoration Project's Contract Modifications	OIG-AUD-2020-06 September 25, 2020	1	<p><b>Report Summary:</b> The OIG performed an audit of the Senate Underground Garage (SUG) Renovations and Landscape Restoration Project's contract modifications.</p> <p><b>Recommendation:</b> We recommend the SUG Project team ensure:</p> <p>A. The SUG Project contract file includes all the documentation to support the final decisions and/or approvals for potential change orders.</p> <p>B. All the support documentation is properly managed and maintained to be readily available for examination.</p> <p><b>AOC Management Decision: Concur.</b> The project team will document final decisions and approvals and include this documentation and related documents in the contract file for the remainder of the project.</p>
Audit of Senate Underground Garage Renovations and Landscape Restoration Project's Contract Modifications		2	<p><b>Recommendation:</b> The SUG Project team, to the extent legally and administratively possible, should recover the \$9,344 of unallowable costs and the \$39,768 of unallowable markups identified in our review.</p> <p><b>AOC Management Decision: Concur.</b> Recovering these funds is complicated due to legal and administrative issues associated with government claims involving recovering funds from contractors. Despite this challenge, the AOC will attempt recovery from the contractor.</p>
Audit of Senate Underground Garage Renovations and Landscape Restoration Project's Contract Modifications		3	<p><b>Recommendation:</b> The Acquisition and Material Management Division (AMMD) clarify language in the AOC 52.243-1 Changes - Supplement (c) Allowable Markups, dated June 2014, to provide better guidance on how the contractor and subcontractor should calculate the overhead and profit markups.</p> <p><b>AOC Management Decision: Concur.</b> The AMMD revised the Changes - Supplement clause in July 2020. This revision clarifies contractor and subcontractor markups.</p>
Audit of the Russell Senate Office Building Exterior Envelope Repair and Restoration, Seq. II (Phases 2 and 4) Contract Modifications	OIG-AUD-2020-07 September 28, 2020	2	<p><b>Report Summary:</b> The OIG performed an audit of the AOC's Russell Senate Office Building Exterior Envelope Repair and Restoration, Seq. II (Phases 2 and 4) Project's contract modifications.</p> <p><b>Recommendation:</b> The Exterior Repair and Restoration Project team ensure that the Sequence II contract file include all documentation to support final decisions and/or approvals for modification 13, Contract Line Item Numbers (CLINs) 10, 12 and 13.</p> <p><b>AOC Management Decision: Concur.</b> The project team will add a document to the contract file approving the costs typically included in overhead as direct costs and confirming that questions raised during the review process have been resolved.</p>



Table F: I&amp;E Implemented and Closed Recommendations

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
<b>Architect of the Capitol/Office of the Chief Administrative Officer</b>			
Evaluation of the AOC's Inventory Accountability and Controls	2018-0002-IE-P August 20, 2019	C	<p><b>Report Summary:</b> The OIG performed an evaluation to determine whether the AOC had adequate mechanisms, controls and property tracking procedures in place to account for non-consumable property. We also detailed if any "best practices" existed that might enhance the AOC's property management efforts, and if savings to the agency could be gained by lowering the \$1,500 non-consumable property threshold amount.</p> <p><b>Recommendation:</b> We recommend that the Architect direct an organizational assessment to determine the feasibility of creating full-time property management positions that strictly deal with property management.</p> <p><b>AOC Management Decision: Concur.</b> After an AOC symposium, the AOC determined that this course of action would be cost prohibitive at this time. This recommendation is closed.</p>
Evaluation of the AOC's Inventory Accountability and Controls		D.1	<p><b>Recommendation:</b> The AOC review all existing allocated and assigned storage space across each jurisdiction and reallocate and reassign facility space based on the needs of the jurisdictions.</p> <p><b>AOC Management Decision: Concur.</b> After an AOC symposium and facility space review, the AOC determined that there isn't room at the jurisdictional level for reallocating existing storage space to other jurisdictions. This recommendation is closed.</p>
Evaluation of the AOC's Inventory Accountability and Controls		D.2	<p><b>Recommendation:</b> The AOC complete a cost estimate and assess the feasibility of building a consolidated and centralized AOC inventory control center.</p> <p><b>AOC Management Decision: Concur</b> After an AOC symposium and feasibility review, the AOC determined that it would not benefit from a consolidated inventory center at this time. This recommendation is closed.</p>
Evaluation of the AOC's Compliance with Its Discipline Order	2019-0001-IE-P June 5, 2020	A.1	<p><b>Report Summary:</b> The OIG performed an evaluation to determine if AOC disciplinary actions taken, from FY 2015 to 2019, in response to employee misconduct complied with established policy and penalty guidance. We also reviewed disciplinary actions to determine if punitive actions were applied consistently based on appropriate criteria and evidence.</p> <p><b>Recommendation:</b> The AOC develop a system of accountability that regularly assesses agency performance and that provides clarity in roles, as well as expected outcomes, to include: a) that the HCMD implement a case management system to ensure regular assessment and reporting of agency performance and trends with easily retrievable data; b) improved training practices for the HCMD Employee &amp; Labor Relations Branch (ELRB) and AOC management staff; c) updated guidance documents that clarify roles as well as expected outcomes; and d) development of a knowledge management plan for all personnel involved in the disciplinary process.</p> <p><b>AOC Management Decision: Concur.</b> The Employee Relations database components and reporting capability functionality have been finalized and are currently in use. The Labor Relations database components were configured for testing and for use. The improved training practices and updated guidance documents have been implemented. This recommendation is closed.</p>
Evaluation of the AOC's Compliance with Its Discipline Order		A.2	<p><b>Recommendation:</b> The AOC revise Order 752-1, Discipline, and the Management Toolkit for Discipline to direct that jurisdictions provide documentation to the HCMD on all formal disciplinary actions before the actions are implemented.</p> <p><b>AOC Management Decision: Concur.</b> The AOC has revised Order 752-1 and the Management Toolkit for Discipline. This recommendation is closed.</p>
Evaluation of the AOC's Compliance with Its Discipline Order		A.3	<p><b>Recommendation:</b> The AOC conduct a feasibility study for centralizing all discipline actions in the HCMD.</p> <p><b>AOC Management Decision: Concur.</b> The AOC conducted a feasibility study through an outside consultant group and used the results to revise AOC Order 752-1. This recommendation is closed.</p>

Table F: I&amp;E Implemented and Closed Recommendations

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
Evaluation of the AOC's Compliance with Its Discipline Order		B	<p><b>Recommendation:</b> The HCMD retrain ELRB Human Resource specialists in the assignment of SF 50 codes. The AOC should also seek affirmation from the Office of Personnel Management that its use of the "RUM" code is appropriate in cases where employees with appeal rights waive these rights to fulfill settlement terms for a clean discipline record as a factor in separation.</p> <p><b>AOC Management Decision: Concur.</b> The AOC believes that ELRB specialists have been adequately trained and their training requirements are up-to-date. This recommendation is closed.</p>
<b>Architect of the Capitol/Capitol Grounds and Arboretum</b>			
Evaluation of the AOC's Tree Maintenance Program	2020-0003-IE-P February 4, 2021	1	<p><b>Report Summary:</b> The OIG performed an evaluation to determine if improvements directed by the OCWR in 2018 to the AOC processes for tree inspection and safety-related issues were appropriately implemented and maintained, and if they effectively addressed safety hazards from trees located on the Capitol campus. This evaluation also included a limited review of the Capitol Grounds and Arboretum's response efforts to the COVID-19 pandemic.</p> <p><b>Recommendation:</b> The Capitol Grounds and Arboretum implement a formalized training tracking system, with consideration given to the AOC Training Department initiatives planned or currently in place. This system should be regularly reviewed by supervisors to ensure employees appropriately maintain their professional certifications and as a tool for individualized career development planning.</p> <p><b>AOC Management Decision: Concur.</b> The AOC provided information to the OIG for corrective action to address this recommendation. This recommendation is closed.</p>
<b>Architect of the Capitol/Office of the Chief Administrative Officer/Office of the Chief Security Officer</b>			
Evaluation of the AOC's Emergency Preparedness Posture	2020-0002-IE-P February 5, 2021	1	<p><b>Report Summary:</b> The OIG performed an evaluation to determine the effectiveness of AOC emergency incident drills, exercises and training in accordance with the AOC Base EARP. This evaluation also included a limited review of the AOC's response efforts for the COVID-19 pandemic.</p> <p><b>Recommendation:</b> The AOC organization leaders, in coordination with the AOC organization head responsible for emergency management, implement a quarterly review and validation process to ensure the appropriate emergency management personnel are designated to fully represent and communicate jurisdiction interests for planning and participation in AOC emergency management exercises.</p> <p><b>AOC Management Decision: Concur.</b> The AOC implemented an Emergency Management Working Group, which allows jurisdictions to collaborate and coordinate emergency management efforts. This recommendation is closed.</p>
Evaluation of the AOC's Emergency Preparedness Posture		6	<p><b>Recommendation:</b> The AOC organization head responsible for emergency management, in coordination with AOC organization leaders, designate appropriate personnel to continue to monitor, review and update the AOC Pandemic Plan and organizational EARPs in accordance with emerging federal guidelines and medical best practices.</p> <p><b>AOC Management Decision: Concur.</b> The Chief Security Officer designated the Emergency Management staff as the lead to monitor, review and update the current plans to address emerging pandemic incidents. This recommendation is closed.</p>
Evaluation of the AOC's Emergency Preparedness Posture		7	<p><b>Recommendation:</b> The Chief Administrative Officer, in coordination with the AOC Return to Work Tiger Team, continue to develop and update AOC policies and operational related changes in accordance with emerging federal pandemic legislation.</p> <p><b>AOC Management Decision: Concur.</b> The AOC continues to collaborate with other federal agencies to incorporate best practices and emerging pandemic legislation and guidance. This recommendation is closed.</p>

Table F: I&amp;E Implemented and Closed Recommendations Continued

Subject	Report No. Issue Date	Rec No.	Summary of Recommendations and Action
Flash Report Series – Architect of the Capitol’s Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event	Flash Report Series 2021-0002-IE-P  April 27, 2021	1	<p><b>Report Summary:</b> The OIG performed an evaluation to assess the effectiveness and integrity of the AOC’s emergency preparedness training, internal policies, procedures and practices prior to the events at the U.S. Capitol on January 6, 2021.</p> <p><b>Recommendation:</b> The Chief Security Officer, in coordination with AOC organizational leaders, review AOC organizational emergency management policies and develop and implement standardized emergency incident procedures to address active shooter, workplace violence, protestors and civil disturbances.</p> <p><b>AOC Management Decision: Concur.</b> The AOC completed the review of the emergency management policies and plans and identified required updates to terminology to ensure the documents and training addressed all hazards. The AOC provided documents to show corrective action for this recommendation. This recommendation is closed.</p>
Flash Report Series – Architect of the Capitol’s Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event		2	<p><b>Recommendation:</b> The Chief Security Officer, in coordination with the Capitol Police Board, review AOC protective actions to determine if current protective action definitions and categories are sufficient for emergency incident responses.</p> <p><b>AOC Management Decision: Concur.</b> The AOC participated in the legislative branch efforts to review terminology and the Joint Emergency Mass Notification System messaging. The Office Emergency Management Coordinator Manual and training slides have been updated to reflect the most current information. This recommendation is closed.</p>
Flash Report Series – Architect of the Capitol’s Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event		4	<p><b>Recommendation:</b> The Chief Security Officer, in coordination with the Emergency Management Task Force, develop a quarterly, integrated training and exercise program to address active shooter, work place violence, protestors and civil disturbances for the AOC, and all other legislative branch organizations that work and serve inside the Capitol campus.</p> <p><b>AOC Management Decision: Concur.</b> The AOC is developing a quarterly integrated training and exercise program for the AOC. The AOC identified the basic courses and exercises and has coordinated with legislative branch partners on sequencing and timing. This recommendation is closed.</p>

# FUNDS QUESTIONED OR PUT TO BETTER USE

**Table G: Audit Recommendations and Management Decisions Put to Better Use of Funds**

	<b>Statutory Language</b>	<b>Number of Reports</b>	<b>Questioned Costs<sup>3</sup></b>	<b>Funds Put to/For Better Use<sup>4</sup></b>
<b>A</b>	<b>Audit reports for which no management decision was issued by the start of the reporting period</b>	0		
<b>B</b>	<b>Reports requiring a management decision during the reporting period</b>	4		
<b>C</b>	<b>Prior Year Adjustments</b>	0		
	<b>Subtotals (A+B+C)</b>	<b>4</b>		
<b>D</b>	<b>Reports for which a management decision was issued during the reporting period:</b>	4		
	(i) Dollar value of disallowed costs <sup>1</sup>	1		\$54,246.00
	(ii) Dollar value of costs not disallowed <sup>2</sup>	2	\$611,426.00	\$479,907.61
	(iii) Dollar value of recommendations that were agreed to by management	2	\$611,426.00	\$534,154.00
	(iv) Dollar value of recommendations that were not agreed to by management	0		
<b>E</b>	<b>Reports for which no management decision was issued by the end of the reporting period</b>	0		
<b>F</b>	<b>Reports for which no management decision was made within six months of issuance</b>	0		

## DEFINITIONS

<sup>1</sup> Costs determined to be unallowable by federal guidance (Funds For Better Use)

<sup>2</sup> Allowability of costs undetermined (Questioned) or costs considered to be waste (Funds Put to Better Use)

<sup>3</sup> Costs questioned due to —

- a. An alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds
- b. A finding that, at the time of the audit, such cost is not supported by adequate documentation
- c. A finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable

<sup>4</sup> Recommendation that funds could (“should” for disallowed costs) be used more efficiently if management of an establishment took actions to implement and complete the recommendation.

Example:

- a. Reductions in outlays
- b. Deobligation of funds from programs or operations

**Table H: Status of Questioned and Disallowed Costs**

Report Name	Report ID	Date Issued	Reported Costs		Status of Reported Costs				
			Questioned Costs	Disallowed Costs	Status of Questioned Costs		Status of Disallowed Costs		Status to Date
					Allowed Costs	Disallowed Costs	Recovered Costs	Not Recovered Costs	
Audit of Senate Underground Garage Renovations and Landscape Restoration Project's Contract Modifications	OIG-AUD-2020-06	9/25/20	\$ —	\$49,112.00	\$ —	\$ —	\$49,058.00	\$54.00	Closed
Audit of Cannon House Office Building Renewal Project's Reimbursable Costs	OIG-AUD-2021-04	6/8/21	\$521,316.00	\$54,246.00	\$ —	\$ —	\$ —	\$ —	Open
Audit of the Architect of the Capitol's Unliquidated Obligations	OIG-AUD-2021-06	9/29/21	\$90,110.00	\$ —	\$ —	\$ —	\$ —	\$ —	Open

**Table I: Investigation Recommendations for Better Use of Funds****Cost Avoidance, Savings and Recoveries Resulting from OIG Investigations**

Item	Quantity
*Cost Avoidance from Employee Removals/Resignations	\$71,760
*Savings from Employee Salaries during Suspensions	\$6,900
Administrative Repayment Determinations	\$0
Court Ordered Fines/Forfeitures/Restitution	\$0
OIG Recovery of Stolen Government Property/Funds	\$0
Funds put to better use:	
Salary	\$35,946
Benefits	\$13,780
<b>Total</b>	<b>\$128,386</b>

\*Using the AOC average salary of \$71,760 per employee per year or \$276 per workday for suspensions for FY 2021. The one-year cost avoidance method is used to conservatively estimate the positive impact and savings from investigations that result in the removal or resignation of employees engaged in misconduct in the workplace or who submit fraudulent workers' compensation claims.



# Appendices

## Appendix A: Inspector General Reporting Requirements

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## Appendix B: Definitions of Terms Used in this Semiannual Report

Term	Definition
Questioned Cost	A cost that is questioned because (i) of an alleged violation of a provision of a law, regulation, contract or other agreement or document governing the expenditure of funds; (ii) the cost is not supported by adequate documentation; or (iii) the expenditure of funds for the intended purpose is unnecessary or unreasonable.
Disallowed Cost	A questioned cost that management, in a Management Decision, has sustained or agreed should not be charged to the government.
Funds Put to Better Use	A recommendation made that funds could be used more efficiently if management took actions to implement and complete the recommendation.
Management Decision	Management's evaluation of the findings and recommendations included in an audit, evaluation or investigative report and the issuance of a decision by management, including actions the AOC plans to take in response to the recommendations.

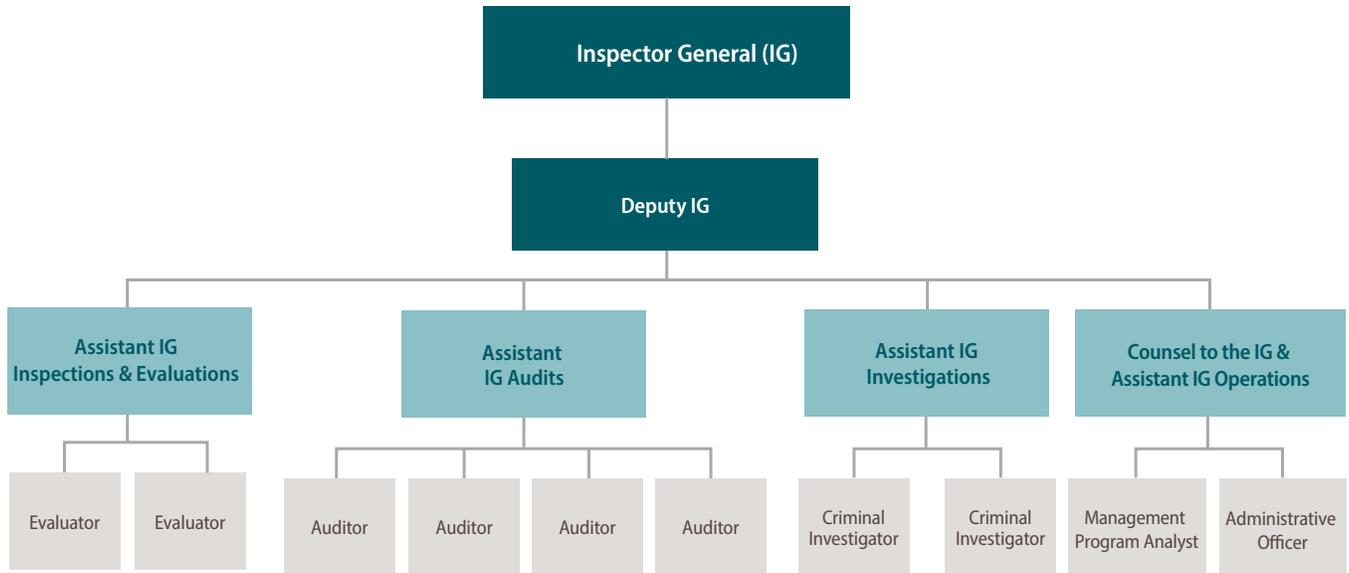




## List of Acronyms Used in this Report

<b>AOC</b>	Architect of the Capitol	<b>GAO</b>	Government Accountability Office
<b>AMMD</b>	Acquisition and Material Management Division	<b>GMP</b>	Guaranteed Maximum Price
<b>AO</b>	Administrative Officer	<b>HCA</b>	House Committee on Appropriations
<b>AUSA</b>	Assistant United States Attorney	<b>HCMD</b>	Human Capital Management Division
<b>CCJV</b>	Clark/Christman, A Joint Venture	<b>I&amp;E</b>	Inspection & Evaluation
<b>CDC</b>	Centers for Disease Control and Prevention	<b>ICSRA</b>	Integrated Cost-Schedule Risk Analysis
<b>CHOB</b>	Cannon House Office Building Renewal	<b>IPA</b>	Independent Public Accounting Firm
<b>CIGIE</b>	Council of the Inspectors General on Integrity and Efficiency	<b>IPP</b>	Invoice Processing Platform
<b>CLIN</b>	Contract Line Item Number	<b>NFC</b>	National Finance Center
<b>CMc</b>	Construction Manager as Constructor	<b>OIG</b>	Office of Inspector General
<b>COR</b>	Contracting Officer Representative	<b>OWCP</b>	Office of Workers' Compensation Program
<b>Cotton</b>	Cotton & Company	<b>PCO</b>	Potential Change Orders
<b>COVID-19</b>	2019 Novel Coronavirus	<b>P.L.</b>	Public Law
<b>CUEC</b>	Complementary User Entity Controls	<b>SAR</b>	Semiannual Report
<b>DI/DR</b>	Diversity, Inclusion and Dispute Resolution	<b>SOC</b>	System and Organization Controls
<b>DOJ</b>	Department of Justice	<b>SUG</b>	Senate Underground Garage
<b>EARP</b>	Emergency Action Response Plan	<b>TSP</b>	Thrift Savings Plan
<b>ELRB</b>	Employee & Labor Relations Branch	<b>TWAI</b>	Treasury Web Application Infrastructure
<b>FFCRA</b>	Families First Coronavirus Response Act	<b>ULO</b>	Unliquidated Obligations
<b>FY</b>	Fiscal Year	<b>U.S.C.</b>	United States Code
<b>GAGAS</b>	Generally Accepted Government Auditing Standards	<b>USCP</b>	U.S. Capitol Police

# Office of Inspector General Organization Chart



# To Report Fraud, Waste and Abuse



**Confidential Toll-Free Hotline** 877.489.8583



**OIG Website Hotline Report** <http://www.aocoig.oversight.gov>



**Twitter** @AOCOIG



**Email** [Hotline@aoc-oig.org](mailto:Hotline@aoc-oig.org)



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**To request a copy of this Semiannual Report, please send a written request to:**

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We welcome any feedback, comments, concerns or suggestions on this report.

Please send any comments to Christopher Failla, CIG at [Christopher.failla@aoc.gov](mailto:Christopher.failla@aoc.gov).





SAR 21-2