

# Statement of Management Opportunities & Performance Challenges

FISCAL YEAR 2022



ARCHITECT OF THE CAPITOL  

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OFFICE OF INSPECTOR GENERAL

## OFFICE OF INSPECTOR GENERAL MISSION

The Office of Inspector General (OIG) promotes efficiency, effectiveness and economy to deter and prevent fraud, waste, abuse and mismanagement in Architect of the Capitol (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.

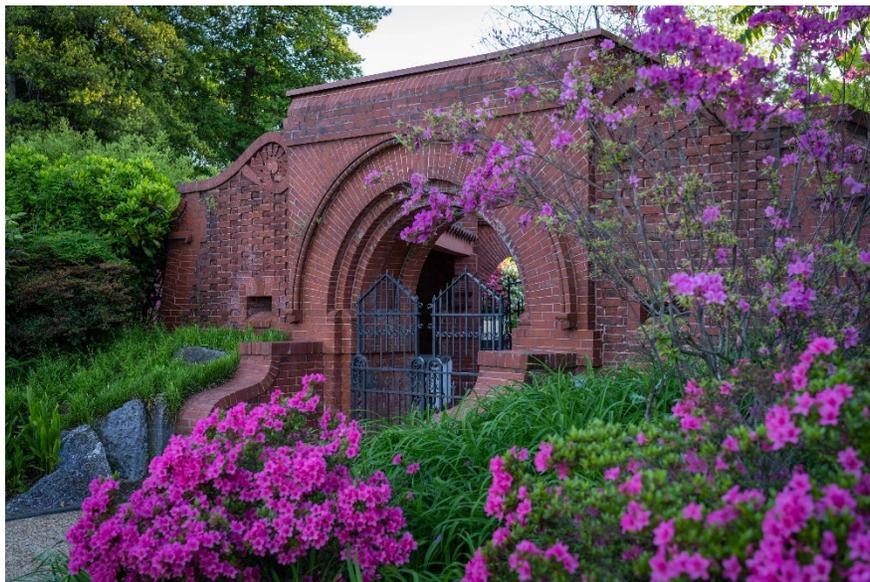
## INTRODUCTION

The OIG submits this Statement of Management Opportunities and Performance Challenges (Statement) in support of the AOC's Performance and Accountability Report (PAR) for fiscal year (FY) 2022 under best practice guidance identified in the [Reports Consolidation Act of 2000](#) and [Office of Management and Budget Circular A-136](#). This statement includes the most significant management opportunities and performance challenges facing the AOC as determined by the OIG and based on OIG trend analyses and observations, as well as information uncovered during the performance of our oversight responsibilities.

## DEVELOPMENTS IMPACTING THE AOC IN FY 2022

Many AOC programs and operations conducted in FY 2022 endured during the COVID-19 pandemic, which required them to sustain challenges and constraints, such as functioning with reduced staff. Likewise, peer organizations operating on the Capitol campus, such as the U.S. Capitol Police, continued with reduced staff, thereby highlighting safety and security concerns in conducting programs and operations. Additionally, the events at the Capitol on January 6, 2021, continues to bring safety and security issues to the forefront.

The OIG recognizes the AOC's accomplishments in performing its core mission amid these challenges and highlights the management opportunities and performance challenges noted herein to support effectiveness and efficiency and to detect and deter fraud, waste and abuse within AOC programs and operations.



## MANAGEMENT OPPORTUNITIES & PERFORMANCE CHALLENGES

The challenges in the following list, in no order, illustrate the most significant areas the OIG believes need improvement for the AOC to effectively manage its resources and minimize the potential for fraud, waste and abuse occurring within the AOC's programs and operations. Addressing the issues related to these challenge areas will enable the AOC to increase operational efficiencies and improve mission effectiveness. These challenges are marked as new, renewed or closed for the fiscal year.

1. Human Capital Management: Employee Wellness and Culture of Employee Misconduct & Noncompliance.
2. Accessibility, Auditability & Records Retention.
3. Cyber Security.
4. Whistleblower Protections.
5. Balancing Safety, Security & Preservation.
6. Working Capital Fund.
7. Waste & Accountability.

### 1. HUMAN CAPITAL MANAGEMENT: EMPLOYEE WELLNESS AND CULTURE OF EMPLOYEE MISCONDUCT & NONCOMPLIANCE



**Renewed** for FY 2022

Years Included: 2011-2014, 2019-2022

#### Key OIG Resources

- [Architect of the Capitol \(AOC\) employee misused their position and violated both AOC and a private contractor's policies \(2022-0014-INVI-P\)](#)
- [Architect of the Capitol \(AOC\) Senior Manager Accused of Negotiating with Vendors and Obligating Funds in Violation of the Anti-deficiency Act and AOC Policy \(2020-0013-INVI-P\)](#)
- [Architect of the Capitol \(AOC\) employee misuses AOC identification \(ID\) to gain access to unauthorized areas of the U.S. Capitol building while utilizing Sick Leave \(2022-0012-INVI-P\)](#)
- [AOC employee attended personal medical appointments on government time with a government vehicle \(2022-0011-INVI-P\)](#)
- [Accusations of Reprisal and Abuse of Authority against two Architect of the Capitol \(AOC\) Senior Leaders \(2022-0008-INVI-P\)](#)
- [Architect of the Capitol \(AOC\) Employees Violated the AOC Standards of Conduct and Ethics Policies by Wagering on the Outcome of the 2020 Presidential Election and Engaging in Political Conversation While on Duty \(2022-0005-INVI-P\)](#)
- [Alleged favoritism towards AOC Construction Contractors \(2022-0004-INVI-P\)](#)
- [Architect of the Capitol \(AOC\) Supervisor threatened a subordinate employee and misused AOC issued Information Technology Division \(ITD\) resources to portray nudity \(2022-0003-INVI-P\)](#)

- Architect of the Capitol (AOC) Supervisor Conducted Outside Employment Without Prior Approval for Several Years (2022-0002-INVI-P)
- Architect of the Capitol (AOC) Employee Displayed their Personal Firearm to another Employee on U.S. Capitol Grounds in 2016 (2022-0001-INVI-P)
- Architect of the Capitol (AOC) Employee Forged Medical Documentation (2021-0017-INVI-P)
- Two Architect of the Capitol (AOC) Employees found to Violate Time and Attendance Policy and Procedures by Swapping Identification Cards (2021-0016-INVI-P)
- Architect of the Capitol (AOC) Employee Heckled U.S. Capitol Police (USCP) Officers while entering Controlled Access Points (2021-0014-INVI-P)
- Supervisors Failed to Provide Adequate Oversight While Employees Took One-Hour Lunches for Years (2021-0007-INVI-P)
- Flash Report Series – Architect of the Capitol’s (AOC) Emergency Preparedness Ahead of the January 6, 2021, U.S. Capitol Event (2021-0002-IE-P)
- Architect of the Capitol (AOC) Office of Inspector General (OIG) Management Advisory Report – 2022-0002-INVM-P – U.S. Capitol Visitor Center (CVC) Safety Concerns

### Why This Is a Challenge

Human capital management is a broad category of personnel-related activities that encompasses hiring and retention, benefits, payroll, training, wellness, and employee and labor relations. From this broad category, this FY, we noted an increase in employee-on-employee violence and continued to note, as discussed in previous Statements, inconsistent application across jurisdictions in awarding employee discipline and holding employees accountable for their actions resulting in a culture of misconduct and noncompliance.

One of the AOC’s core workplace values under the organizational restructuring and transformation is Safety (RISE: Respect, Integrity, Safety, Empower). Under the Safety value, AOC personnel are governed by the foundation of “safety always” so that all can feel safe, make safe and be safe.

A general definition of occupational health and safety is to promote and maintain the

highest degree of all workers’ physical, mental and social well-being. It is the AOC’s duty to ensure, so far as is reasonably practicable, the health, safety and welfare of all employees at work.

The AOC has both employee wellness and safety programs. The AOC maintains employee wellness guidance and support via the Human Capital Strategic Plan Fiscal Year 2022-2026, Employee Assistance Program and other Avenues of Assistance. The safety program provides guidance and support via the AOC Safety Manual, which establishes the AOC’s safety policies and technical guidance, best management practices and standard operating procedures, Safety and Industrial Hygiene Program Audit Checklists, safety training and a process on how to report safety issues or concerns.

However, noting a year-over-year increase in reported employee-on-employee violence,

The OIG has determined that additional governance is needed to protect employees from workplace violence and promote employee wellness. Therefore, in addition to the need for sustained emergency preparedness as highlighted in challenge five (Balancing Safety, Security & Preservation), the AOC should consider strengthening current policies and practices related to employee wellness and safety.

In line with the AOC's core values, all employees should feel safe, make safe and be safe — all principles that support both psychological and physical health and safety.

Likewise, consistency and compliance in the workplace are necessary to protect the safety of its workforce and to achieve AOC's strategic and operational goals. In order to operate effectively and efficiently, the AOC must strive to treat its employees equitably and fairly across all disciplines.

To this end, the OIG continues to notice inconsistent application of and noncompliance to AOC policies and orders

across many jurisdictions. Specifically, we continue to note inconsistent application of AOC orders for awarding discipline for like offenses.

The continued trend of AOC employee misconduct and noncompliance could be an indication that employees are confused or unaware of their role, responsibility and obligation to adhere to AOC policies and orders. AOC orders should be communicated, accessible and applied consistently across all jurisdictions to avoid potential fraud, waste and mismanagement, mitigate risks, and increase effectiveness and efficiency.

We understand that keeping employees compliant with policies and regulations is a challenge, especially when there are updates or new regulations. However, the AOC must remain proactive to ensure that the AOC workforce receives effective and continuous training and communication. Setting clear expectations via strong policy and highlighting potential consequences will help mitigate legal and safety risks for the AOC.

## 2. ACCESSIBILITY, AUDITABILITY & RECORDS RETENTION

**Renewed** for FY 2022

Years Included: 2017-2022



### Key OIG Resources

- [Flash Report Series – U.S. Capitol Building Window Installation, Preservation and Repair: Before and After January 6, 2021 \(2022-0003-IE-P\)](#)
- [Audit of Fiscal Year 2021 Financial Statements \(OIG-AUD-2022-04\)](#)
- [Architect of the Capitol Repeatedly Reimbursed Small Dollar Amounts of Unallowable Costs to the Contractor on the Cannon House Office Building Renewal Project \(OIG-AUD-2022-01\)](#)

- [Evaluation of the Architect of the Capitol's Fleet Management Program \(2021-0001-IE-P\)](#)

### Why This Is a Challenge

We continue to recognize the AOC's challenge with executing standardized procedures for recording all transactions, communications and significant events in a manner that allows documentation to be readily available for examination. Our request for documentation has continued to take the AOC and its contractors a sizeable amount of time to gather and provide. Often, the OIG has also found that the requested documentation is either delayed, incomplete or not provided.

The AOC's procedures on documentation do not promote a fully standardized process; therefore, the documentation maintained varies among staff and jurisdiction or office. Documentation should be appropriately detailed and organized, and contain sufficient information to support transactions, events and management decisions. Effective documentation will provide a means to:

- Retain historical information of the transaction or event
- Mitigate the risk of having the information limited to a few staff
- Communicate and make information available in a timely manner to external parties, such as external auditors

All transactions and events should be promptly recorded and documented to maintain relevance and value to AOC management and third-party stakeholders. The documentation should apply to the entire process or life cycle of a transaction or event from its initiation and authorization through its final status in summary records. Properly managed and maintained documentation with identified points of responsibility and contact would better support management decisions and allow for improved management reviews and auditability.

### 3. CYBER SECURITY

**Renewed** for FY 2022

Years Included: 2017-2022



#### Key OIG Resources

- [Evaluation of the ITDs Inventory Accountability and Controls \(2022-0002-IE-P\)](#)
- [Architect of the Capitol \(AOC\) Employee Continued to Violate Standards of Conduct, Information Technology Division \(ITD\) Property and Rules of Behavior and Lied about Losing Four iPhones After Returning from 15-day Suspension \(2021-0004-INVI-P 1st Supplemental\)](#)

## Why This Is a Challenge

The AOC is responsible for the operations, maintenance, development and preservation of the Capitol campus. Additionally, it is responsible for effectively managing the information technology (IT) used in AOC programs and operations and IT is increasingly integral to most facets of AOC programs and operations. The result is that IT devices and components are generally interdependent with disruption in one node impacting others.

Continued public and private data breaches and attacks underscore the importance of securing sensitive data and clearly demonstrate that the AOC is also vulnerable. Sophisticated attacks can result in significant releases of information and potential damage to the AOC's IT

infrastructure, as well as the security of the Capitol campus.

Further, the OIG continues to note policy gaps that allow the use of personal applications on government-issued devices, thus potentially providing opportunity to breach networks. To this end, the AOC should strengthen its de minimis use policies and consider updates to affected orders.

In an era of ever-increasing cyber threats, the major challenges the AOC faces are effectively applying security policies and practices and implementing cyber security. The AOC must continue to emphasize protecting its own data and IT systems while marshaling the necessary resources and tools to protect privacy and defend systems from intrusion, attacks and unauthorized access.

## 4. WHISTLEBLOWER PROTECTIONS

**Renewed** for FY 2022

Years Included: 2017-2022



### Key OIG Resources

- [Office of Congressional Workplace Rights Recommendations for Improvements to the Congressional Accountability Act – 117th Congress](#)
- [Architect of the Capitol \(AOC\) Supervisor Accusations of Abuse of Power, Mismanagement and Reprisal \(2022-0009-INVI-P\)](#)
- [Accusations of Reprisal and Abuse of Authority against two Architect of the Capitol \(AOC\) Senior Leaders \(2022-0008-INVI-P\)](#)
- [Architect of the Capitol \(AOC\) Senior Manager Accused of Negotiating with Vendors and Obligating Funds in Violation of the Anti-deficiency Act and AOC Policy \(2020-0013-INVI-P\)](#)

## Why This Is a Challenge

The OIG's independent hotline continues to be our greatest source of tips and complaints

regarding fraud, waste and abuse within AOC programs and operations. We continue

to treat all allegations with the utmost concern and consideration. We also continue to treat all complainants with the utmost respect and give their claims full consideration. We emphasize that they need not fear that the OIG will release their identity without their permission.

Further, we continue to receive complaints from persons who wish to remain confidential due to their fear of reprisal for reporting concerns to the OIG. While it is encouraging to see a willingness to report fraud, waste and abuse, AOC leadership has the responsibility to ensure employee confidence in reporting programs.

Likewise, AOC leadership has a responsibility to provide a safe work environment free from reprisals against those who do report. To do this, the AOC

should reward integrity and emphasize to management that employees who “see something and say something” are not subject to reprisal.

Employees should not be in fear of retribution or retaliation after reporting a crime or violation to the OIG or their own management. A single instance of reprisal could cause a chilling effect on the reporting of information.

We recognize that legislation is required to fully address this issue for the Legislative Branch as a whole and that AOC does maintain a policy guarding against retaliation. However, the AOC may consider strengthening its own policies for whistleblower protections as other agencies have done and/or working with Congress to include statutory whistleblower protections.

## 5. BALANCING SAFETY, SECURITY & PRESERVATION

**Renewed** for FY 2022

Years Included: 2019-2022



### Key OIG Resources

- [Flash Report Series – U.S. Capitol Building Window Installation, Preservation and Repair: Before and After January 6, 2021 \(2022-0003-IE-P\)](#)
- [Evaluation of the Architect of the Capitol’s Security Badging Program \(2022-0001-IE-P\)](#)
- [Architect of the Capitol \(AOC\) Employee Displayed their Personal Firearm to another Employee on U.S. Capitol Grounds in 2016 \(2022-0001-INVI-P\)](#)
- [Architect of the Capitol \(AOC\) Supervisor Suspected of Wasteful Spending for a Third Time \(2021-0019-INVI-P\)](#)
- [Architect of the Capitol \(AOC\) Employee Heckled U.S. Capitol Police \(USCP\) Officers while entering Controlled Access Points \(2021-0014-INVI-P\)](#)
- [Architect of the Capitol \(AOC\) Office of Inspector General \(OIG\) Management Advisory Report – 2022-0002-INVM-P – U.S. Capitol Visitor Center \(CVC\) Safety Concerns](#)

## Why This Is a Challenge

The AOC’s mission of “Serve, Preserve, Inspire” recognizes the desire that all construction and renewal projects maintain the historical heritage of the Capitol campus. This effort is done, in part, through the use of historically accurate, custom-designed and manufactured pieces, such as plasterwork and moldings, security bollards and barricades, security systems and devices, and ironwork, which can add substantial costs and time to these projects. For example, some security projects or project components could include modified commercial-off-the-shelf solutions versus specific, engineered or tailored elements. Projects of this nature should give due consideration of alternatives to include materials and designs used while accounting for planning and cost schedules that maintain the balance between safety and security risks in addition to vulnerabilities with preservation and heritage.

Emergency preparedness is also a key component of balancing safety and security with preservation and heritage, and the OIG continues to note issues with consistency and implementation across the campus. The events at the U.S. Capitol on January 6, 2021, and other persistent threats against the Capitol campus highlight the need for sustained emergency preparedness and smart processes for accessing its many buildings and structures. It is critical to ensure that AOC employees, contractors and visitors know their roles and responsibilities both daily and during an emergency.

Additionally, the AOC should consider additional coordination efforts with other Capitol campus stakeholders to develop a comprehensive antiterrorism/force protection program and centralized badging management process for access to the Capitol campus.

## 6. WORKING CAPITAL FUND

**Renewed** for FY 2022

Years Included: 2019-2022



### Key OIG Resources

- [Evaluation of the Architect of the Capitol’s Fleet Management Program \(2021-0001-IE-P\)](#)
- [Government Accountability Office Architect of the Capitol—Proposal for Establishment of a Working Capital Fund \(B-328065\)](#)

## Why This Is a Challenge

The management of large construction projects and other programs that cross multiple funding streams pose both

challenges and risks to the AOC that are not typical to other agencies. Though adequate planning and design can mitigate some of

these challenges, unforeseen circumstances can increase vulnerabilities and costs, and create inefficiencies. To offset these, the AOC establishes policies and standard operating procedures per jurisdiction, though some reach across the agency.

capital fund to include vehicle fleet management and other decentralized decision making. This issue creates inefficiencies, waste and duplications of effort that could be mitigated through centralized efforts.

There are many integral AOC jurisdictional redundancies due to the lack of a working

## 7. WASTE & ACCOUNTABILITY

**Renewed** for FY 2022

Years Included: 2018-2022



### Key OIG Resources:

- [Evaluation of the Information Technology Division’s Inventory Accountability and Controls \(2022-0002-IE-P\)](#)
- [Audit of the Architect of the Capitol’s Unliquidated Obligations \(OIG-AUD-2021-06\)](#)
- [Architect of the Capitol \(AOC\) Supervisor Suspected of Wasteful Spending for a Third Time \(2021-0019-INVI-P\)](#)
- [Supervisors Failed to Provide Adequate Oversight While Employees Took One-Hour Lunches for Years \(2021-0007-INVI-P\)](#)

### Why This Is a Challenge

Waste is the extravagant careless, or needless expenditure of AOC funds, or the consumption of AOC property that results from deficient practices, systems, controls or decisions. Intent is not necessarily a factor to defining waste. To date, the OIG has identified nearly \$2 million in dollar-related findings such as questioned costs or funds put to better use from wasteful practices.

The ambiguities reflect a vague definition of waste, a lack of well-defined or required roles and responsibilities, and inconsistent record keeping practices – in line with other challenges. AOC policies and orders also lack comprehensive accountability standards pertaining to the wasteful use of government resources such as inclusion of waste in the discipline matrix.

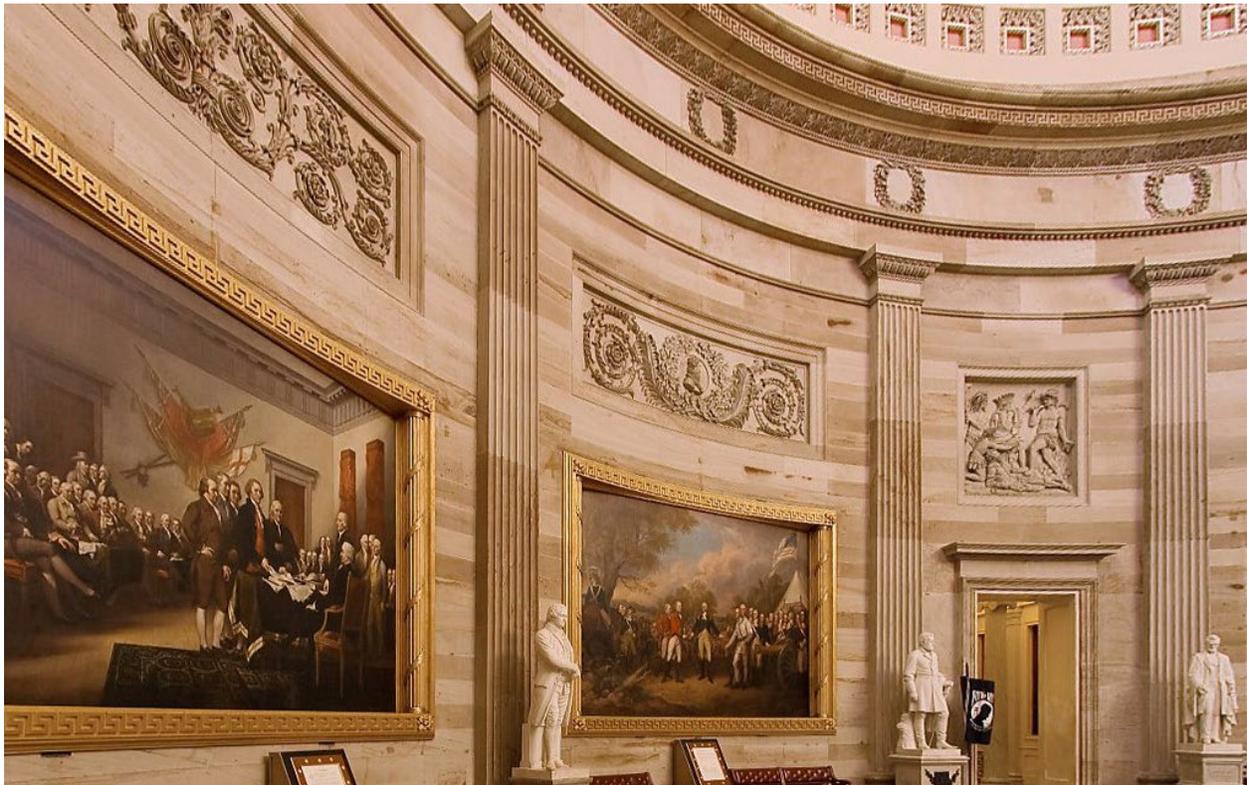
We have noted ambiguous language and directives within current AOC policies and orders or lacking directives altogether, such as no policy or definition within existing policies for waste.

In multiple instances, the OIG has identified substantiated cases of wasteful actions and behaviors that occur without the appropriate consequence per AOC policy.

Related, the OIG has regularly observed inconsistencies in holding staff accountable for their actions that have the potential to create an agency culture where recurrent instances of wasting government and taxpayer resources could become commonplace. Some recent examples the OIG has encountered of actions that have gone without consequence include duplication of effort for records management and storage and insufficient inventory and tracking of IT devices assigned to AOC personnel. We noted in previous Statements the AOC has loose inventory controls for assigned property, which is a contributing factor to waste.

These examples give the appearance of allowing wasteful practices and positions the AOC for increased risk and financial loss if not properly addressed through policy, internal controls and setting the tone at the top. AOC senior leaders should acknowledge and address waste and hold staff accountable for wasteful practices.

Finally, waste and inconsistent accountability results in issues with employee retention, and increases the opportunity for fraud, waste and abuse by creating a perception and culture of allowability.



## CONCLUSION

All federal agencies have areas in which improvements are needed. This Statement is written from the OIG's perspective and should be understood in that context. The AOC has much to be proud of as it has worked to reduce or eliminate elements of the previous years' challenges. The progress made on these opportunities is very encouraging, and the management challenges noted in this Statement will serve to improve the AOC's efforts to prevent and detect fraud, waste and abuse, as well as improve the effectiveness and efficiency of its programs and operations. As the OIG finds additional, specific challenges, we will inform management with findings and recommendations via audits, inspections and evaluations, investigations, and management advisories. The intent of these findings and recommendations is to improve the AOC's operations to meet its overall mission to "Serve, Preserve, Inspire" and to support the AOC by decreasing the potential for fraud, waste, abuse and mismanagement.





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FRAUD. WASTE. ABUSE.**

**Fraud, Waste and Abuse:**

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