

Instructions for the nominees: The Senate Committee on Commerce, Science, and Transportation asks you to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type "None" or "Not Applicable" if a question does not apply to the nominee. Return printed answers to Committee. Begin each section (i.e., "A", "B", etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used):

Peggy Elizabeth Gustafson

2. Position to which nominated:

Inspector General, Department of Commerce

3. Date of Nomination:

April 25, 2016

4. Address (List current place of residence and office addresses):

Residence: Chevy Chase, MD 20815

Place of Employment: Small Business Administration
Washington, DC 20416

5. Date and Place of Birth:

September 21, 1967
Chicago, IL

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Douglas Micheel, Assistant General Counsel, PEPCO, Washington
DC

[REDACTED]
[REDACTED]

7. List all college and graduate degrees. Provide year and school attended.
Grinnell College, Grinnell, IA, BA Political Science 1989,
Northwestern University School of Law, Chicago, IL JD, 1992
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
Inspector General, Small Business Administration, October 2009-present
General Counsel, Sen. Claire McCaskill, 2007-October 2009
General Counsel, Missouri State Auditor 1999-2007
Assistant Prosecuting Attorney, Jackson County, MO 1995-1999
Assistant County Counselor, Jackson County, Missouri 1993-1995
Judicial Law Clerk, Missouri Court of Appeals 1992-1993
9. Attach a copy of your resume.
Attachment A
10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.
None
11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.
Board member, Senate Employees Child Care Center, 2007-2009
12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.
Member, Missouri Bar, 1992-present (currently inactive)

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

No

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

None

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

None

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

None

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

Congressional testimony in my capacity as Inspector General of SBA and Chair of the Legislation Committee of Council of Inspectors general for Integrity and Efficiency. (a position I held from 2010-2015). Testimony is available at

<https://www.sba.gov/oig/category/oig-navigation-structure/reading-room/congressional-testimony>. See also, Attachment B.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

In my current role as Inspector General of the Small Business Administration, I believe I have developed a skill set which will enable me to meet the responsibilities as Inspector General of the Department of Commerce if I am confirmed. In my previous roles in public service, I have demonstrated an ability to identify challenges, formulate recommended solutions and work constructively with senior leaders of an agency to resolve problems and overcome challenges. If confirmed, I would welcome the opportunity to apply the skills and lessons I've learned in my previous roles to promote integrity and efficiency within the Department of Commerce to help the agency achieve its mission.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

Having served as an Inspector General for a cabinet-level federal agency since 2009, I am well versed in the office's responsibilities under the Inspector General Act of 1978 as amended. IG offices are tasked with performing reviews and investigations of their agency with the goal of improving the economy, efficiency and effectiveness of the agency's programs. I have been the Inspector General for the SBA, which office has an annual budget of approximately \$20 million and 103 FTE for over six years. The Department of Commerce Office of Inspector General is slightly larger but I believe I have the experience necessary to manage the organization successfully.

20. What do you believe to be the top three challenges facing the department/agency, and why?

As Inspector General of the Small Business Administration, I find that one of our most useful reports is our annual report on the Top Management Challenges facing the SBA. This report is used not only by

Congress, but by the agency to inform their decisions on where to focus their attention when it comes to making the agency more efficient. Should I be confirmed as Inspector General of the Department of Commerce, I would refer to the office's Management Challenges report to determine what I believe the top management challenges for the agency are. I would also confer with my staff, as well as agency stakeholders and Congress when considering that question.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.
I have been a public servant my entire career, and possess one defined compensation plan from the State of Missouri to which I no longer contribute. I also have two defined benefit plan accounts, from Missouri and from Jackson County, Missouri, which will pay me a monthly amount upon retirement at age 62 or 65. Details are available on my OGE Form 278e, filed with the Office of Government Ethics.
2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.
No
3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.
None
4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.
None
5. Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.
None, save for the Congressional testimony in my capacity as SBA IG, noted above.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and Department of Commerce ethics officials to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department of Commerce and that has been provided to this committee. I am not aware of any other potential conflicts of interest.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:
 - a. Provide the name of agency, association, committee, or group;
 - b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
 - c. Describe the citation, disciplinary action, complaint, or personnel action;
 - d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

No

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

No

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

No

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

None

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees?
Yes

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?
Yes

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?
Yes

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?
Yes

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(Nominee is to include this signed affidavit along with answers to the above questions.)

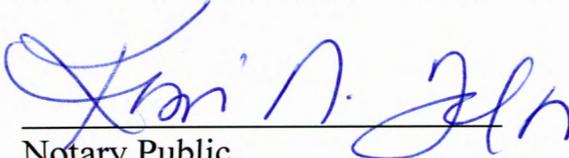
F. Affidavit

Peggy Elizabeth Gustafson being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.



Signature of Nominee

Subscribed and sworn before me this 2 day of May, 2014.



Notary Public



KIM N. TAYLOR
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 14, 2020

Attachment A – Commerce Committee Questionnaire

PEGGY E GUSTAFSON



Professional Experience

October 2009-Present

Inspector General, Small Business Administration

- Head of office responsible for conducting audits, investigations and other reviews of the programs of the Small Business Administration.
- From 2009-2015 also served as Vice Chair, then Chair of the Legislation Committee of Council of Inspectors General on Integrity and Efficiency (CIGIE) and member of CIGIE's executive council.

January 2007-October 2009

General Counsel, Senator Claire McCaskill

- Served as aide to United States Senator in areas of homeland security, government oversight, judiciary issues, and ethics.
- Staffed Senator at hearings of Homeland Security and Government Affairs Committee, and hearings in other committees involving legal issues, such SASC hearing on interrogation methods used at Guantanamo Bay.
- Granted TOP SECRET clearance, December 2008

February 1999-January 2007

General Counsel, Missouri State Auditor's Office

- Represented State Auditor's Office in litigation relating to fiscal notes prepared for statewide ballot initiatives, up to and including briefs before Missouri Supreme Court.
- Served as legal counsel for Auditor's office in personnel matters.
- Advised audit staff on legal questions arising in course of audits.
- Counseled State Auditor on legal issues regarding official duties and powers of State Auditor, such as access to records and permissible scope of audits.
- Involved in management of auditor's office as member of executive staff.

1995-February 1999

Assistant Prosecuting Attorney, Jackson County, Missouri

- Tried felony criminal cases of every type, including first degree murder cases
 - Had sole responsibility for charging and trying of arsons.
 - Team leader of white collar crime trial team.

Attachment A – Commerce Committee Questionnaire

- Worked with U.S. Attorneys' Office as Special Assistant U.S. Attorney, in areas of white collar crime and public corruption.
- Attended ATF Arson School for Prosecutors at FLETC in Georgia.
- Attended two week arson investigator school at National Fire Academy, Emmitsburg, Maryland.
- Had sole responsibility for appellate practice (misdemeanor appeals and appeals of rulings *in limine* to exclude evidence.) for prosecutor's office.
- Had primary responsibility for drafting motions for writs of prohibition and mandamus and handled appeals in those cases.
- Assisted Prosecutor with cases involving removal of officials for misconduct through writ of *quo warranto*.

October 1993-1995

Assistant County Counselor, Jackson County Counselor's Office

- Represented Jackson County in litigation, including defense of county and corrections officers in cases arising out of 42 U.S.C. Sec. 1983.
 - Tried federal jury trial in which county prevailed in case brought by prisoner alleging abuse.
 - Represented county in federal case defending county's adult business zoning ordinance.
 - Represented county hospital and doctors in hearings seeking involuntary commitment of mentally ill individuals.
 - Prosecuted county ordinance violations in Jackson County Associate Circuit Court.

May 1992- October 1993

Law Clerk, the Honorable Don Kennedy, Missouri Court of Appeals

- Researched and drafted appellate opinions in all issue areas.

May-August 1991

Summer Associate, Williams and Montgomery, Chicago, Illinois

- Drafted legal memoranda and general legal research for law firm in area of insurance defense litigation.

May-August 1990

Research Assistant, Professor Richard Speidel, Northwestern University School of Law, Chicago Illinois

- Assisted professor with revision of casebook on contract law.

1985-1989

Worked at Grinnell College Library, Grinnell, Iowa for work-study program.

Attachment B – Commerce Committee Questionnaire

Wednesday, March 16, 2016	<u>SBA Inspector General Peggy E. Gustafson.</u>	On March 16, 2016, SBA Inspector General Peggy E. Gustafson issued a Statement for the Record before the U.S. House of Representatives, Committee on Small Business. The hearing was titled, "SBA Management and Performance Challenges: The Inspector General's Perspective."
Thursday, April 10, 2014	<u>SBA Inspector General Peggy E. Gustafson</u>	On April 10, 2014, SBA Inspector General Peggy E. Gustafson and Chair of the Legislation Committee for the Council of the Inspectors General for Integrity and Efficiency (CIGIE), issued a Statement for the Record before the U.S. Senate, Committee on Homeland Security and Government Reform, Subcommittee on Financial and Contracting Oversight. The purpose of the hearing was to review the processes and mechanisms by which small agencies and other federal entities without statutory inspectors general receive oversight.
Wednesday, April 9, 2014	<u>SBA Inspector General Peggy E. Gustafson</u>	On April 9, 2014, SBA Inspector General Peggy E. Gustafson testified before the U.S. Senate Committee on Small Business and Entrepreneurship. The purpose of the hearing was to discuss the President's budget.
Wednesday, January 15, 2014	<u>SBA Inspector General Peggy E. Gustafson</u>	On January 15, 2014, SBA Inspector General Peggy E. Gustafson and Chair, Legislation Committee for the Council of the Inspectors General for Integrity and Efficiency (CIGIE), issued a Statement for the Record before the U.S. House of Representatives Committee on Oversight and Government Reform. The purpose of the testimony was to discuss CIGIE's role and opportunities to strengthen agency oversight through the community of Inspectors General.
Tuesday, November 19, 2013	<u>SBA Inspector General Peggy E. Gustafson</u>	On November 19, 2013, SBA Inspector General Peggy E. Gustafson testified before the U.S. Senate, Committee on Homeland Security and Government Affairs, Subcommittee on Efficiency and Effectiveness of Federal Programs and the Federal Workforce. The purpose of the hearing was to discuss whether oversight positions are appropriately tasked and appropriately filled. It also sought to identify challenges that may be preventing or impairing the federal oversight workforce from effectively carrying out its mandate within its respective federal agency.
Wednesday, June 5, 2013	<u>SBA Inspector General Peggy E. Gustafson</u>	On June 5, 2013, SBA Inspector General Peggy E. Gustafson testified before the U.S. House of Representatives Committee on Small Business. The purpose of the hearing was to examine the Inspector General's audits, management assessments, and investigations of improper activity by Small Business Administration personnel to help the agency become a more efficient organization.
Wednesday, April 17, 2013	<u>SBA Inspector General Peggy E. Gustafson</u>	On April 17, 2013, SBA Inspector General Peggy E. Gustafson testified before the U.S. Senate Committee on Small Business and Entrepreneurship. The purpose of the hearing was to discuss the President's budget.
Wednesday, April 10, 2013	<u>SBA Inspector General Peggy E. Gustafson</u>	On April 10, 2013, SBA Inspector General Peggy E. Gustafson testified before the U.S. House Committee on Appropriations Subcommittee on Financial Services and General Government. The purpose of the hearing was to discuss the OIG's oversight activities of SBA programs and

Attachment B – Commerce Committee Questionnaire

		operations.
Thursday, March 29, 2012	<u>SBA</u> <u>Inspector</u> <u>General</u> <u>Peggy E.</u> <u>Gustafson</u>	On March 29, 2012, SBA Inspector General Peggy E. Gustafson testified before the U.S. Senate Committee on Small Business and Entrepreneurship. The purpose of the hearing was to discuss the President's budget proposal for the SBA.
Tuesday, December 6, 2011	<u>SBA</u> <u>Inspector</u> <u>General</u> <u>Peggy E.</u> <u>Gustafson</u>	On December 6, 2011, SBA Inspector General Peggy E. Gustafson testified before the U.S. Senate Committee on Homeland Security and Government Affairs, Subcommittee on Contracting Oversight. She provided this testimony in her capacity as Chair of the Legislation Committee for the Council of the Inspectors General on Integrity and Efficiency. The focus of the hearing was whistleblower protections for government contractors.
Thursday, October 27, 2011	<u>SBA</u> <u>Inspector</u> <u>General</u> <u>Peggy E.</u> <u>Gustafson</u>	On October 27, 2011, SBA Inspector General Peggy E. Gustafson testified before the House Subcommittee on Investigations, Oversight, and Regulations, Committee on Small Business, regarding Preferential Contracting Programs and related audits and investigations.
Thursday, June 16, 2011	<u>SBA</u> <u>Inspector</u> <u>General</u> <u>Peggy E.</u> <u>Gustafson</u>	On June 16, 2011, SBA Inspector General Peggy E. Gustafson testified before the Senate Committee on Small Business and Entrepreneurship regarding waste, fraud, abuse, and inefficiencies in SBA procurement and loan programs, and regarding SBA OIG suggestions to Congress on reducing the cost of SBA programs.
Wednesday, April 21, 2010	<u>SBA</u> <u>Inspector</u> <u>General</u> <u>Peggy E.</u> <u>Gustafson</u>	Statement of Peggy E. Gustafson, Inspector General, U.S. Small Business Administration Before the Small Business Committee United States House of Representatives April 21, 2010.