

NOV 25 2009

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& STATE RECORDS



State of New York
NOV 25 2009
Department of State
Secretary of State

State of New York

Executive Chamber

No. 31

EXECUTIVE ORDER

SETTING FORTH THE RESPONSIBILITIES, DUTIES AND POWERS OF THE STIMULUS OVERSIGHT PANEL

WHEREAS, the United States Congress has enacted and President Barack Obama has signed the American Recovery and Reinvestment Act of 2009 ("ARRA"), for the purposes of (1) preserving and creating jobs and promoting economic recovery; (2) assisting those most impacted by the recession; (3) providing investments needed to increase economic efficiency by spurring technological advances in science and health; (4) investing in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and (5) stabilizing state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases; and

WHEREAS, the Obama Administration has called for an equitable and fair recovery which encourages recipients of ARRA funds "to implement best practices for ensuring that all individuals – regardless of race, gender, age and national origin – benefit from the Recovery Act"; and

WHEREAS, New York State has been provided over twenty-six billion dollars in ARRA funds and a significant portion of ARRA funds are distributed under the auspices of agencies, departments, offices, boards, bureaus or commissions of the State including, but not limited to, the Department of Health, the State Education Department, the Department of Labor, the Department of Environmental Conservation, the Division of Housing and Community Renewal, the Department of Criminal Justice Services, the Office of General Services, the Office of Temporary and Disability Assistance, the Office for Technology, and the Metropolitan Transportation Authority; and

WHEREAS, it is of paramount importance to ensure that ARRA funds are expended with transparency, strict oversight and accountability; and are distributed in an equitable, fair and non-discriminatory manner acknowledging the importance of: promoting equality and eliminating inequities along lines of race, gender and other protected classes as well as socioeconomic status; positively impacting distressed and marginalized communities; and stimulating the New York State economy; and

WHEREAS, the prevention and detection of waste, fraud, abuse and mismanagement of ARRA funds, the promotion of transparency and openness, and the collection and public availability of employment data regarding women, veterans, communities of color, people with disabilities, older adults and economically disadvantaged communities advance the purposes of the ARRA, enhance public confidence and promote economic recovery; and

WHEREAS, on July 9, 2009, I announced the formation of a Stimulus Oversight Panel ("the Panel"), headed by the State Inspector General and including the Medicaid Inspector General, the Inspector General of the Metropolitan Transportation Authority and the State Division of Human Rights Commissioner to provide coordinated oversight of ARRA funds; and

WHEREAS, the members of the Panel possess expertise and specialized and sophisticated institutional resources regarding the prevention and deterrence of waste, fraud, abuse and mismanagement and the enforcement of civil rights; and

WHEREAS, since that announcement the Panel has been functioning as an important oversight body ensuring the appropriate use of ARRA funds, and the Panel's experience to date has indicated that it could benefit from a formal codification of its roles, responsibilities and powers; and

WHEREAS, coordination amongst the Panel members will draw on the strengths of the four existing offices, leveraging their expertise and combining their commitment toward achieving the highest standards of honesty, equality, transparency, accountability, and efficiency in State government;

NOW, THEREFORE, I, DAVID A. PATERSON, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, including section six of the New York State Executive Law, do hereby order as follows:

1. There is hereby established a Stimulus Oversight Panel ("Panel") to prevent and detect waste, fraud, abuse, discrimination and mismanagement related to the use of ARRA funds.
2. The Panel shall be comprised of the following members or their designees: the State Inspector General, who shall serve as Chair of the Panel, the State Medicaid Inspector General; the Inspector General of the Metropolitan Transportation Authority; and the State Division of Human Rights Commissioner.
3. The Panel will report directly to the Governor and the New York State Economic Recovery and Reinvestment Cabinet.
4. The Panel, and its designees, shall have the following functions, duties, and powers:
 - (a) to examine and investigate the management and use of ARRA funds by any agency, department, office, board, bureau or commission of the State, including the management and use of funds received from such agency, department, office, board, bureau or commission by any entity, including any private party, foundation or local government;
 - (b) to subpoena and enforce the attendance of witnesses, to administer oaths and examine witnesses under oath, and to require the production of any books, papers or other records, in any format, deemed relevant or material to the examinations and investigations permitted under paragraph (a) above;
 - (c) to have full and unrestricted access to all records, reports, audits, reviews, documents, papers, workforce and minority and women's business enterprise/disadvantaged business enterprise data, recommendations or other material prepared, maintained or held by any agency, department, office, board, bureau or commission of the State, where relevant or material to the examinations and investigations permitted under paragraph (a) above;
 - (d) to conduct inspections and examinations, announced or unannounced, of any agency, department, office, board, bureau or commission of the State relevant to the examinations and investigations permitted under paragraph (a) above;
 - (e) to examine or copy or remove documents or records of any kind prepared or held by any agency, department, office, board, bureau or commission of the State relevant to the examinations and investigations permitted under paragraph (a) above;
 - (f) to implement a mechanism for citizens to report waste, fraud, abuse, and mismanagement of ARRA funds to the Panel through the existing mechanisms for reporting abuses in state government to the Office of the Inspector General; and
 - (g) to request information, assistance and cooperation from any unit or subdivision of federal, state or local government as may be necessary to fulfill these duties.
5. The Panel shall report on a quarterly basis on the status of ongoing activities and results of investigations performed under this order to the Deputy Secretary for Infrastructure and Transportation and the Counsel to the Governor, and provide such additional information as they shall request, and as is consistent with the integrity of the investigations and any necessary confidentiality.

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6. The State Division of Human Rights will serve as the centralized civil rights monitoring unit under this order. The State Division of Human Rights may recommend to the Governor policies, procedures and practices as needed for monitoring and reporting actions concerning ARRA programs, projects and funds by state agencies.

7. The Panel shall make recommendations to the Governor regarding actions that state agencies should take, based upon the work of the Panel along with Inspector General findings, Office of the State Comptroller audits and internal reviews, and federal and state civil rights laws, executive orders and non-discrimination requirements, to eliminate vulnerabilities in the contracting and oversight of ARRA funds.

8. The Panel shall coordinate with federal, state and local prosecutors and enforcement agencies and offices of federal inspectors general and state and federal internal control and audit authorities on matters that warrant their attention, and assist these entities as warranted.

9. Each of the offices of the members of the Panel shall retain its respective jurisdiction and authority over matters related to ARRA funds which implicate its existing authority and nothing in this order will impair or otherwise affect the extant powers or jurisdiction of the offices of any of the Panel members.

10. All state departments, divisions, boards, bureaus, agencies, councils, authorities and public benefit corporations are hereby authorized and directed to provide every assistance, facility and cooperation which may be necessary or desirable for the accomplishment of the duties assigned to the Panel.

11. Nothing in this order shall give the Panel any authority, beyond that the members of the Panel already possess by law, to investigate or examine any entity that is not a State department, division, board, bureau, agency, or council: (a) that has received ARRA funds directly from the federal government; and (b) is not subject to the administration or oversight of any state department, division, board, bureau, agency, or council regarding management or use of ARRA funds.



G I V E N under my hand and the Privy Seal of the

State in the City of Albany this twenty
fifth day of November in the year two
thousand nine.

BY THE GOVERNOR

Louise Schwartz
Secretary to the Governor

David A. Paterson

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