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NOMINATIONS OF HON. TARA J. O'TOOLE AND JEFFREY D. ZIENTS

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

OF THE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

NOMINATIONS OF HON. TARA J. O'TOOLE TO BE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY, U.S. DEPARTMENT OF HOMELAND SECURITY; AND JEFFREY D. ZIENTS TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET

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NOMINATIONS OF HON. TARA J. O'TOOLE AND JEFFREY D. ZIENTS

WEDNESDAY, JUNE 10, 2009

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:08 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Joseph I. Lieberman, Chairman of the Committee, presiding.

Present: Senators Lieberman, Levin, Akaka, Carper, Tester, Bennet, and Collins.

OPENING STATEMENT OF CHAIRMAN LIEBERMAN

Chairman LIEBERMAN. The hearing will come to order.

We have just been having a debate about—we know you are an honorable person—why the title "Hon." is in front of your name, Dr. O'Toole. And I know it is not your choice, and I have been told that you were confirmed for a position during the Clinton Administration. Am I right?

Dr. O'TOOLE. That is correct.

Chairman LIEBERMAN. So perhaps that is why you are not only honorable but officially "Honorable." [Laughter.]

Welcome to the hearing.

Senator Levin has to leave urgently to go to a meeting that he has, and he wanted to make a brief statement before we proceed. So I will call on him at this time.

OPENING STATEMENT OF SENATOR LEVIN

Senator LEVIN. Mr. Chairman, I very much appreciate it.

There have been a number of critics who have raised questions about Dr. O'Toole's writings in the past, and with the permission of the Chairman, I would like to submit for prompt response questions to those critics, and then give Dr. O'Toole, of course, an opportunity to respond to any comments that they might make.

Chairman LIEBERMAN. Thanks, Senator Levin. Without objection, we will do that.

Senator LEVIN. I appreciate that. Thank you.

Chairman LIEBERMAN. Thank you.

Dr. O'TOOLE. I would be happy to.

Chairman LIEBERMAN. Today we are going to consider the nominations of Dr. Tara O'Toole to be Under Secretary for Science and Technology (S&T) at the Department of Homeland Security (DHS)

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and Jeffrey Zients to be the Deputy Director for Management at the Office of Management and Budget (OMB).

We are going to begin with Dr. O'Toole, who has appeared previously before our Committee as a very constructive and helpful witness on various matters that we have been following and who I am delighted to welcome back as the nominee for this important position.

The Science and Technology Directorate at DHS is charged with managing our Nation's investments in homeland security research and development (R&D) projects. The fact is that Senator Collins and I, when this Committee was working on the legislation to create the Department of Homeland Security after September 11, 2001, were very impressed by the work that the Defense Advanced Research Projects Agency (DARPA) has done over the years at the Department of Defense (DOD) and wanted very much to create a similar center for public investments in research in science and technology that could enable our country to take much more effective and rapid leaps ahead in protecting homeland security.

And the truth is, it is hard to think of a threat to our homeland security that is not already being better defended against or could not be better defended against with the innovative and sensible application of science and technology. So this is a very important part of our overall homeland security effort.

The fact is that the Science and Technology Directorate had what I will diplomatically call "a difficult launch" in its early years, and it struggled to clarify and, in fact, at times execute its primary mission. As a result, unfortunately, the fiscal year 2007 Appropriations Act cut the Directorate's then $1.4 billion budget by 40 percent.

In wake of that jolt, former Under Secretary Jay Cohen, who held the position that you have been nominated for now, resolved to build a leaner and more tightly managed organization that focused on serving its primary customers—the various agencies within DHS—and also on being fully transparent with Congress.

Under Secretary Cohen, I think, did very effective work implementing internal controls to monitor S&T finances and track the progress of S&T investments. He established a structured strategic planning process that is designed to produce specific objectives and annual performance measures. And the good news is that there have been recent increases in the Directorate's budget, which are about the most tangible way Congress can express its growing confidence in the work that the Directorate has done, though I will say it is not yet back to where it was before that cut.

But, obviously, a number of complex challenges remain and the threat to our homeland in various ways from Islamist terrorists, particularly, willing to strike at human targets and undefended targets, which will present you, of course, if confirmed, Dr. O'Toole, with challenges and will call upon your leadership to continue to build and improve this agency that is so vital to the Department's overall mission.

Among the challenges that I think you will face are expanding investments in innovative R&D for homeland security and ensuring the reliability of the testing and evaluation that is done on large acquisition programs.

Second is strengthening relationships between the Science and Technology Directorate and agencies within DHS. To these and the other challenges you face, Dr. O'Toole, you bring a wealth of experience that will serve you well in this job, if you are confirmed.

For the record, I will simply say that probably as an act of humility by my staff on my behalf, they have left out—and I know Senator Collins always likes to note this—my pleasure that you spent time in your medical education at Yale University in New Haven, Connecticut.

After practicing medicine in Baltimore for several years, Dr. O'Toole earned a Master of Public Health from Johns Hopkins University, spent 5 years as a senior analyst and project director with the Congressional Office of Technology Assessment, and from 1993 to 1997, served as the Assistant Secretary for Environment, Safety and Health—in a most honorable fashion, I might add—at the Department of Energy.

From 1999 to 2003, she managed the Johns Hopkins Center for Civilian Biodefense Strategies. For the last 6 years, Dr. O'Toole has served as the Director and Chief Executive Officer at the Center for Biosecurity at the University of Pittsburgh.

Dr. O'Toole is known as a nationally recognized expert on biodefense and the actions that we must take to detect, deter, and react to either a biological terrorist attack or a pandemic event.

She is a former chair of the board of the American Federation of American Scientists and has participated in major studies or advisory panels at the National Science Foundation, the Department of Defense, the Department of Health and Human Services, and the Department of Homeland Security.

This is a most impressive background that you bring as a nominee, and I welcome your selection. Of course, all this does not say that you are beyond question, and therefore, I look forward to the question-and-answer period.

Dr. O'TOOLE. Thank you.

Chairman LIEBERMAN. Senator Collins.

OPENING STATEMENT OF SENATOR COLLINS

Senator COLLINS. Thank you, Mr. Chairman.

I join the Chairman in welcoming Tara O'Toole to the Committee today. As the Chairman has pointed out, Dr. O'Toole has testified before us previously and has also lent her expertise to us when we have called her informally for advice.

The Chairman has already illustrated that Dr. O'Toole has an extensive medical, public health, and biodefense career. I would point out that she was one of the original members of the Johns Hopkins Center for Civilian Biodefense Strategies and served as its director from 2001 to 2003.

When the Department of Homeland Security was established, Congress recognized the important role that technology must play in securing our Nation; therefore, we created a Science and Technology Directorate to undertake research and development activities. As the Chairman has indicated, the Directorate got off to a rough start, but in recent years has made some real progress. Today, the Department is developing technologies on a variety of

fronts, including biological, chemical and explosives detection, communications interoperability, and passenger and cargo screening.

Technological advances at the ports of entry are already helping to identify individuals who are using fraudulent travel documents. This technology allows the Department to better perform its mission of protecting the American people while still facilitating the legitimate flow of people and commerce. Our goal is always to let our friends in while keeping our enemies out.

The Department's relationship with the University of Maine and other research universities is helping to improve our homeland security. An example of the great promise of advanced technology is the composite-material cargo container prototype under development at the University of Maine. A composite shipping container with embedded sensors could improve the security and integrity of the supply chain while offering shippers a lighter and longer-lasting alternative to traditional steel containers. I mention this as an example of the promise of technology.

Research and development of new technologies at the Department carry an annual multi-billion-dollar price tag. To ensure that these dollars are well spent, the Science and Technology Directorate must rigorously test and evaluate technologies before procurement decisions are made. Better engagement by the Directorate's testing and evaluation office in the Department's acquisition programs could help avoid problems such as those that have been experienced in the SBInet program.

The next Under Secretary for Science and Technology will also need to align DHS research and development priorities with the greatest security vulnerabilities that our Nation faces and ensure close coordination with DHS operational components and other Federal, State, and local partners. I look forward to hearing how Dr. O'Toole would address these challenges, if confirmed.

Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thank you, Senator Collins.

Let me now say for the record that Dr. O'Toole has filed responses to a biographical and financial questionnaire, answered pre-hearing questions submitted by the Committee, and had her financial statements reviewed by the Office of Government Ethics. Without objection, this information will be made part of the hearing record, with the exception of the financial data, which are on file and available for public inspection in the Committee offices.

Dr. O'Toole, as I think you know, our Committee rules require that all witnesses at nomination hearings give their testimony under oath, so I would ask you to please stand and raise your right hand. Do you swear that the testimony that you are about to give this Committee is the truth, the whole truth, and nothing but the truth, so help you, God?

Dr. O'TOOLE. I do.

Chairman LIEBERMAN. Thank you very much. Please be seated.

We would now welcome your opening statement and introduction, if you choose, of any family and friends that are with you today.

TESTIMONY OF HON. TARA J. O'TOOLE[1] TO BE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY, U.S. DEPARTMENT OF HOMELAND SECURITY

Dr. O'TOOLE. Thank you, Mr. Chairman, Senator Collins, and distinguished Members of the Committee. It is a great honor to appear before you today as President Obama's nominee for the position of Under Secretary of Homeland Security. I am greatly humbled by this privilege of being chosen by the President and by Secretary Napolitano to be nominated for this important post. I am also honored to appear before this Committee, which has done so much for so long to provide distinguished leadership in the complicated, ongoing efforts to address the Nation's many homeland security challenges.

At this point, I would like to recognize my partner, Dr. Liza Solomon, for her unstinting support; and my niece, Sarah Hallonquist, who is just beginning her government career. I would also like to thank the many friends and colleagues who are here today for all they have done to enrich my life.

Mr. Chairman, as you noted in your opening remarks, when this Committee wrote the Homeland Security Act of 2002, you recognized that the application of science and technology would be fundamental to the success of the Department. The history of the Committee since then shows that you have repeatedly returned to this topic of how science and technology might be used to advance the goals of the Department as well as national homeland security priorities.

Similarly, Secretary Napolitano has identified the pursuit of science and technology in service to the Department of Homeland Security missions as being among her top priorities. She noted in congressional testimony, perhaps echoing you, Mr. Chairman, or you, Senator Collins, she said, "It is difficult to think of an area of DHS operations where a greater use of cutting-edge technology would not improve capabilities."

And, indeed, mobilizing science and invention to solve practical problems has been an American hallmark since Ben Franklin flew his kite in a lightning storm. And I am very excited and grateful for the opportunity to continue this tradition.

As you noted, I am trained as a physician. I have practiced medicine, and I have served in government in the Office of Technology Assessment and as an Assistant Secretary of Energy for Environment, Safety and Health. And for the past decade, I have helped found and led two university-based think tanks devoted to biosecurity.

Over the course of my career in universities, government, and non-governmental organizations, my work has encompassed the study and management of a broad range of "threats" and focused particularly on risks associated with nuclear and biological weapons, radiation, and toxic chemicals, and on what could go wrong in complex, human-built systems.

As this Committee knows well, the responsibilities of the DHS Directorate of Science and Technology cover a broad spectrum of technical and operational problems. While I do not claim to have

[1] The prepared statement of Dr. O'Toole appears in the Appendix on page 31.

deep expertise in all of these areas, I am confident that my background and experience equip me to lead the Directorate and to serve the research and development needs of the Department and of the country.

Through my own work on biodefense and nuclear safety, I am convinced that the skills, expertise, and willing collaboration of State, local, and tribal governments, first responders, and the private sector are essential to the Federal Government's capacity to execute a coordinated, fully functioning homeland security strategy. This is, I realize, a view which this Committee has long championed. And if confirmed, I commit to working closely with the Committee to identify, answer, and manage the science and technology needs of the Department and to serve the strategic homeland security R&D priorities of the country as a whole.

Should I have the privilege of being confirmed to this position, I would pursue four priorities.

First, I will continue to strengthen the relationships between the Science and Technology Directorate and the Department's operational components, including first responders. It has been said, actually by the DARPA, that transitioning technology—that is, moving technology from research into use—is a contact sport. It is done by personal contacts between people.

As you noted, under the leadership of the former Under Secretary, Admiral Jay Cohen, the S&T Directorate established the Integrated Project Team process to create these essential connections. If confirmed, I will work to expand and deepen the contacts and the working relationships between the actual users of technology and the operation components of DHS and the R&D professionals, and to integrate a disciplined process of technology development into the Department's acquisition process.

Second, if confirmed, I would modestly increase the portion of the S&T budget devoted to longer-term, highly innovative projects which, if successful, could change the playing field or provide solutions to particularly difficult high-priority problems.

While I believe that DHS's immediate operational needs continue to demand significant investments in near-term technology development, I believe that some of the problems confronting the Department may require fundamental discoveries and technical achievements.

Third, if confirmed, I will work with this Committee and with my colleagues in DHS to forge a strategic 5-year approach to homeland security R&D, both within the Directorate and across the Department. I believe the ongoing Quadrennial Homeland Security Review (QHSR), which the Secretary has underway, will provide an essential foundation for such a strategy, and I hope to become actively engaged in the QHSR, if confirmed.

Fourth, should I be confirmed, I would seek to focus more resources on how we might make the American people and our communities more resilient to disasters, whether natural or man-made. I believe we can use science and technology to assist the American people as individuals, as employers, or as employees, as volunteers, and as community members to help prevent and better prepare for the unexpected and to construct more robust public-private sector collaborations and foster more rapid recoveries from calamities.

The consequences of path-breaking science and of new technologies are famously unpredictable. I am here today in part because of the surprise launch of the Soviet satellite Sputnik in 1957. The shock of Sputnik spurred U.S. investments in science education, which brought teachers, science fairs, and advanced placement science courses to my small public high school in Massachusetts—New England—and essentially launched me into college and medical school.

In the end, Sputnik catalyzed the U.S. triumphs in space and a new era of achievement in American science and technology. It is and has long been my conviction that science and technology wedded to American ingenuity can be applied to help us better understand, prevent, and if necessary, respond to terrorist attacks and natural disasters. I would be honored to be a part of such an effort as Under Secretary for Science and Technology.

If confirmed, I am committed to working with this Committee to help create a strong and successful Department of Homeland Security and to serve the interests of the United States and its people.

I am, of course, happy to answer any questions you might have.

Chairman LIEBERMAN. Thanks very much, Dr. O'Toole. That was really an excellent, very thoughtful opening statement, and I will come back and begin my questioning by asking you about a few of the things you said, which are thought provoking. But let me begin with the standard questions we ask of all nominees.

Is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Dr. O'TOOLE. No, sir.

Chairman LIEBERMAN. Do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Dr. O'TOOLE. No, I do not.

Chairman LIEBERMAN. And, finally, do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted Committee of Congress if you are confirmed?

Dr. O'TOOLE. Yes, I do.

Chairman LIEBERMAN. I appreciate that. Let us proceed now with the first round of questions that are limited to 7 minutes each.

I am going to depart from what I was going to begin to ask you because your opening statement sort of led me to refine it a little bit. I am very interested in drawing you out on two of your four priorities. The second one was to consider investments in long-term innovative projects that may assist in our efforts to defend against, to prevent, or to respond to high-priority problems. Talk a little more about what you have in mind and what kinds of models there are that you have in mind for previous governmental involvement of this kind.

Dr. O'TOOLE. Well, the model I have in mind is DARPA's, quite frankly. They have been extremely successful in taking on very formidable challenges and working away at them over a period of years long before their customers—that would be the military serv-

ices—have identified a particular technology, such as stealth aircraft, as something they need to fight the wars of today or tomorrow.

I think there are many such challenges in the Department of Homeland Security, and indeed, the problem may be selecting one or two that we could afford to pursue. Let me give you one example.

I was visiting with Mr. Ahern, the head of Customs and Border Protection, and we were talking about the threat of these unmanned submersibles bringing large quantities of drugs into the shores of Mexico. If we could detect and interdict those vehicles, which are getting increasingly sophisticated and numerous, we could turn off the drug trade before these drugs are distributed to many people who are a lot harder to track down and before these drugs get to the Mexican shores, so we could actually aid in the stability of Mexico in addition to getting rid of a big problem and securing our own borders.

I think that is a huge technological challenge, but it is a challenge which, if met, would take that problem off the table. So if you can take the problem off the table as opposed to getting better and better at incrementally diminishing the problem, that would be very attractive to me.

Chairman LIEBERMAN. Good example. Very hopeful. And the fourth one was more resources to assist the American people and our government to achieve resiliency. That brought to mind—I recently met with John Brennan, the Assistant to the President for Homeland Security and Counterterrorism. And on the chart of the National Security Council, there is now a box, among several boxes, that is called "Resiliency." So what are you thinking of?

Dr. O'TOOLE. Well, I think social science has actually been very useful in helping us to design strategies and technologies that could, for example, help human agents detect wrongdoers or people who are acting suspiciously. I think we can also use social science to help us better understand how to improve resilience. I think there are endless examples in the context of past disasters, including September 11, 2001, including Hurricane Katrina, of individuals and groups of individuals and of organizations, including businesses, doing great things, sometimes spontaneously, sometimes with prior planning. I think that truly protecting homeland security is going to require that we take a much more strategic, thoughtful, and purposeful approach to organizing that kind of ingenuity and collaboration and enabling it in new ways.

So, for example, how could we form more robust public-private partnerships between businesses and State or city government to get better prepared?

Chairman LIEBERMAN. So here you are thinking really primarily of social science research.

Dr. O'TOOLE. Yes.

Chairman LIEBERMAN. Very interesting and, again, hopeful.

Let me give you an opportunity to respond on the record to the matter that I believe Senator Levin was referring to. I have heard and seen some of the criticism, which to me seems, I will indicate a bias here, like an academic debate. I say that with respect. [Laughter.]

But, in other words, you have had some pretty aggressive critics, particularly of the two exercises you played an important role in organizing—Dark Winter and Atlantic Storm—which explored, generally speaking, our country's preparedness to respond to a biological attack, specifically a smallpox attack, as I recall. And there has been some criticism here that—I am going to do it generally, and maybe not do it justice—you were offering too severe a portrayal of the disease outcome and spread and in some sense that your science was not sound; and if I can really express what I think is the sort of policy approach behind it, that you were drawing the country through these exercises into too strong a response to the threat of biological attack and, therefore, money was being allocated to those purposes as opposed to other public health purposes where it was more needed.

Give us a response to that in general, if you would.

Dr. O'TOOLE. Well, first of all, thank you for the opportunity to do so, Senator. As you say, Dark Winter and Atlantic Storm were both scenarios positing a smallpox attack on the American people, a covert attack. I believe the question that Senator Levin is concerned with and, indeed, the question that the critics—there is actually one critic, very persistent—have fastened on is the secondary transmission rate that we assumed in the scenario.

Chairman LIEBERMAN. And just define it for us. What is the secondary transmission rate?

Dr. O'TOOLE. OK. That is the number—once you have an attack and you have infected a certain number of victims, how many subsequent infections will those initial unfortunates cause? And we chose the number 10.

Now, the transmission rate of a disease is very contextual. It is not a biological factor. It has a lot to do with the context in which the disease occurs—the number of people exposed, the number of people in the population who are susceptible, the number of contacts the exposed had with other people, the time of the year, etc.

What we did in Dark Winter is we looked at the available empirical data of the number of people who got secondary smallpox in the context of those importations of smallpox that occurred in Europe in the 1960s just before smallpox was eradicated. Even though it was mostly gone from Europe, you would still have occasions where people would come back from other countries and bring smallpox into the country.

We looked at instances where, first of all, there was some transmission, because at that point in time doctors were pretty good at recognizing smallpox, isolating people, and it never went anywhere. We looked only at winter events because we thought a thinking enemy would pick the season in which smallpox is most contagious. That virus lives longer and more robustly in cool, dry weather. And that left us with six instances of transmission of smallpox after importation. And the data—these are not assumptions; these are empirical data from those cases—showed that the secondary transmission rate was between 9.3 and 17.3, with a confidence interval of 95 percent.

Now, in the Dark Winter story, it was happening in June 2001, at a time when 42 percent of the American population had never been vaccinated, and at a time when most doctors have never seen

a case of smallpox. And, of course, prior to September 11, 2001, we were not thinking about smallpox and their differential diagnosis.

So we chose what we thought was a very reasonable and conservative transmission rate of 10, and we were not alone in this. There was another article in *Nature,* another peer-reviewed magazine, in 2001 which thought that the secondary transmission rate would be somewhere between 4 to 12 because of the difficulty of recognizing these cases before they had gone on to contact and infect others.

So I do stand by the assumptions. They are assumptions, but as I said, they are based on empirical data. And as you say, this is something of an academic debate. The transmission rate one way or another does not change the scenario in any way. And, furthermore, I make no apologies for my advocacy of the need for a stronger biodefense. I do not agree that we have done too much in biodefense. As you know, I think there is much left to be done.

Chairman LIEBERMAN. Thanks. That was an excellent response. Of course, I agree with you, and I would just say parenthetically, because I am way over my time, the Graham-Talent Commission on the Prevention of Weapons of Mass Destruction (WMD) Proliferation and Terrorism actually focused—this was last year—on the threat of biological attack as the one that we need to urgently raise our defenses against because it is more likely for various reasons than the other forms of a potential WMD attack. Thank you.

Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. Let me pick up where you left off.

Dr. O'Toole, as you know, this Committee has done a great deal of work on bioterrorism, holding several hearings, and you have contributed greatly to those. Last year, we did look at the safety of biological labs, and we heard testimony from the Commission on the Prevention of WMD Proliferation and Terrorism, which specifically recommended that we take action to improve the security of biological labs.

In addition, the Government Accountability Ofice (GAO) testified that, in response to the global spread of emerging infectious diseases and the threat of bioterrorism, high-containment biosafety laboratories have been proliferating in the United States and that more needs to be done to ensure their safety.

Given your expertise, I am alarmed then at a statement that you wrote last year in a scientific journal in which you said, "The notion that we can somehow prevent a bioattack by locking up pathogens in research laboratories is ridiculous."

Could you explain what you meant and if you disagree with the Commission and the GAO's assessment that we do need to tighten security of labs?

Dr. O'TOOLE. Well, first of all, Senator, thank you for the opportunity to clarify the record and explain my rather inartful single-sentence quote in what was a long conversation with that reporter. And thank you, too, for your support and pursuit of the WMD Commission recommendations, which I regard as very important. I am actually very proud to have letters of support from both of the Senators of that Commission.

I strongly support improved and more formal biosafety and biosecurity approaches, particularly for high-containment labs, and,

indeed, for those BSL4 labs, the highest level of containment, I think it would make sense to have a certification and training program in addition to a stronger regime.

I have advocated stronger biosafety since the early 1990s when I was overseeing safety at the Department of Energy laboratories. The journal, which I co-edit, was one of the very first to require a security review from all reviewers of the authors to make sure that there was not dual-use information in the articles that we published. And we also at the center held what I think was the first workshop on safety and security, and we called in most of the directors from the BSL4 labs in the United States to that workshop.

So I very much support stronger biosafety, and I agree completely with the Commission's recommendation that the current regime of dealing with select agents and safety ought to be reviewed. I also agree with the statement of the Commission that we need to proceed while taking care that we do not impede or otherwise unnecessarily burden legitimate research.

You may know that during the H1N1 outbreak, Mexico initially sent samples to Canada, not to the Centers for Disease Control and Prevention (CDC), because of the difficulty of transporting these legitimate research samples into the United States due to the Select Agent rule. So I do worry about that. I think biology is going to be not only critical for biodefense but for economics. So that is my concern.

Senator COLLINS. There are a considerable number of privately funded BSL3 labs in this country that are permitted to work on a number of dangerous pathogens that could result in a serious biological event, yet these labs are not required to inform any Federal agency of their activities.

What is your view of the need to at least require laboratories operating at the BSL3 level to identify themselves through a Federal registration process so that we at least know where these pathogens are?

Dr. O'TOOLE. Well, I think that is something worth considering, and I would be pleased to work with you on that. There are many BSL3 labs, not just in private hands but at hospitals and universities and so on and so forth. So the practicality of doing that and the benefit of doing that would be worth examining. But it is not unreasonable.

Senator COLLINS. You had a controversy in your previous confirmation that, just for the record because it is likely to come up at some point again, I would just like to give you an opportunity to respond to. At that time questions were raised regarding your involvement in an academic group that once had been called the "Marxist Feminist Group 1." Could you explain, since that obviously is a very loaded title for this group, your involvement with this group?

Dr. O'TOOLE. Thank you again for the opportunity, Senator, to clarify the record. I belonged to this reading group, which was called "Northeast Feminist Scholars" in my time, which was a group of academics, again, many of whom were economists, and they met three times a year for a weekend, and we discussed topics such as aging parents, math phobia among women, books that we read, international events, and so forth. It did not do any political

advocacy. It was not Marxist in any way, shape, or form. But that had been the title back in—this is actually a very longstanding group—the 1960s and 1970s. And during my last nomination, in 1993, when that came to light, some of the Senators became concerned. There was a full Federal Bureau of Investigation (FBI) investigation. The White House took affidavits from Members of the Committee, and I was passed out of the Committee with only two people voting no and confirmed, as you know.

Senator COLLINS. Thank you. Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thank you. We have not had mention of Karl Marx here in this Committee for quite a long time. [Laughter.]

Senator COLLINS. Just trying to keep things interesting, Mr. Chairman.

Chairman LIEBERMAN. That was very interesting. Thank you. Senator Tester.

OPENING STATEMENT OF SENATOR TESTER

Senator TESTER. Thank you, Mr. Chairman. And I want to thank you, Dr. O'Toole, for putting yourself up for public service again. I appreciate that very much.

I am going to talk a little less globally, more specifically, as I talked to you before the hearing, and I do not have any quotes. I would give you the opportunity to make one today. This deals with the Plum Island Animal Disease Center located in Plum Island, off Long Island, New York. You are probably intimately familiar with it, but it does research with contagious diseases that are applicable to animals, including foot-and-mouth disease (FMD), which is a very contagious disease among animals.

I would state that a new facility has to be built. There are no ifs, ands, or buts about that. There is talk about building the new facility, not talk about the new facility but actually, I believe, the decision has been made to build a new facility at Kansas State University in Manhattan, Kansas, and I have got nothing against Kansas State. I am sure it is a great university.

But the Environmental Impact Statement (EIS) on this national bio and agro defense facility that was done, states this—and there were five sites chosen, and it applies to all five except for Plum Island. The EIS states this: "The Manhattan campus site provides a significant opportunity for the spread of virus vectors and infected wildlife." It also said, "For this site, as with all the other sites, except Plum Island, there was a potential for viral pathogens to be transported significant distances by the wind." It went on to say that the location of the Plum Island provides a barrier against spread of these viruses.

Now, I understand that there are some advantages of being connected with the university. I think there are some advantages of being in the center of the United States. I think it is probably easier to get to in Manhattan, Kansas, than it would be on Plum Island.

From a common-sense perspective, if we are talking about a transmission rate of highly contagious diseases as it applies to our animal industry, would it not make better sense, would it not make more common sense just to rebuild that facility on Plum Island be-

cause it does not have the potential to spread as it would somewhere in the center of the United States?

Dr. O'TOOLE. Thank you, Senator. This is obviously a very important question, as you point out, and as is my understanding, the current facility is too old to continue, and we have to build a modern facility equipped with modern bioengineering capabilities.

I believe, first of all, that we can build such a facility in a way that contains anything with which the scientists work with very high confidence. There should be no releases from these facilities. As Senator Collins has pointed out, there are many high-containment labs already working, not just here but around the world. So that is the first thing. Wherever it is built, it has to be secure.

Second, it is my understanding that the site selection criteria included very prominently the nearby location of veterinary and agricultural schools so that the research and, indeed, the people power available to the facility would be very robust and that Kansas State came out ahead on that score.

I understand there is a GAO report looking into the very issue that you identified regarding the FMD problem, and I will be examining that very closely.

It is my understanding that, according to the World Organization for Animal Health (OIE), regardless of whether there was a FMD release—which I do not think should happen—from Plum Island or from the mainland, all of the United States would lose its FMD status. So in terms of the economic implications, which is not what you are asking, I realize, it would be the same regardless of whether it was a release from Plum Island or from the mainland sites.

Senator TESTER. Just to follow up on that, I would say that I understand the loss of FMD status, if it was a release, regardless of where it happened in the United States. I am talking about the actual spread of it. And I can tell you that we may be living in a new age, but humans still can err. There were releases as recent as 2007 from the United Kingdom. I do not know if that facility was rated at the level this one is going to be or not. I think it is great to be affiliated with the university. That is where the action is—the agricultural school, the veterinary medicine school, all that stuff. But this is 2009. Distances are not that big of a deal when we are dealing with petri dishes, mainly, I would guess. We are not dealing with live animals walking around for the most part.

I understand that it was your own EIS from your agency, I believe, that pointed out the problems with Manhattan, or any other place, versus Plum Island. Plum Island has been around forever. I just think that we need to look at it from not the best-case scenario but from a worst-case scenario if this were to get out in the center of the United States. That is all. It could literally do some real bad things to our food supply, the livestock industry, and the list goes on.

So, with that, I ask you to take a hard look at it, use the best common sense you have before we move forward. And like I said before, I know this is probably a lot of money for Kansas, but if this thing ever gets out, we have major problems.

Dr. O'TOOLE. Senator, I will definitely take a hard look at that and get back to you.

Senator TESTER. Thank you.

Chairman LIEBERMAN. Thanks very much, Senator Tester. Senator Carper.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Thanks very much. Dr. O'Toole, welcome. It is good to see you.

Dr. O'TOOLE. Thank you.

Senator CARPER. Thank you for your service to our country and for your willingness to serve in this capacity as well.

Like much of the rest of our country, Delaware, where I am from, has many critical infrastructure sites that require a variety of security protocols to safeguard those facilities. And it seems to me that resiliency plays a very important role in securing sensitive sites from harm and in assisting with our ability to prepare for and to recover from a disaster of really any type or scale.

What I would like to ask you about here today is what your thoughts are in integrating resiliency into the Science and Technology Directorate's critical infrastructure protection mission? And if you agree with this importance, how would you integrate it?

Dr. O'TOOLE. I agree with you, Senator. I think resiliency is extremely important, and I noted in my opening remarks that one of the four priorities that I would pursue would be more of a focus on how we can build resiliency among individuals, communities, and between the public and the private sector.

It may be that one place to start would be to begin with critical infrastructures and to take them as a model and to study how you could take a critical infrastructure and make it more resilient so that if it went down, it could recover very quickly. I can think of a couple of infrastructures in your State where that might make a lot of sense. And I do think that a more intense focus on recovery and on preparedness so that we are further along when catastrophe hits is warranted at this point.

Senator CARPER. All right. Let me ask a question I should have asked you right at the top, but why would you like to have the opportunity to serve in this position? You may have said that already in your statement, but I missed it.

Dr. O'TOOLE. I believe in public service. I think it is both a privilege and a duty. I think I have the background and the experience that at least gives me a good chance of being able to perform these duties adequately. And, frankly, I think it sounds like an enormously fascinating set of tasks that I eagerly look forward to. And I am very impressed with Secretary Napolitano and the President and very much appreciate the honor of having the opportunity to work for the country.

Senator CARPER. All right. Good.

Speaking of the President, the President recently announced the consolidation of the National Security Council and the Homeland Security Council into one organizational structure. Some of the critics of the Homeland Security Council said that its functions were duplicative, suggested that it contributed to a significant amount of bureaucracy within the interagency process, especially when it came to policymaking. And some of those critics said that combining these two entities will dilute the homeland mission—and you may or may not be familiar with this, but if you are, I

would appreciate your response. If you have any thoughts, what are your thoughts on these critiques? And while it might be too early to tell, what benefits might you see coming from this new streamlining? And if it is not a question that you are prepared to answer here today, if you can answer on the record, I would appreciate it.

Dr. O'TOOLE. Well, Senator, I have been concentrating on Homeland Security and the S&T Directorate for the past few weeks. I am not familiar with what Mr. Brennan has in mind. I believe that the President is very committed to homeland security and that Mr. Brennan is, too, but I would be happy to comment further for the record. I just do not have much more to say.

Senator CARPER. If you would do that, that would be great. Thanks so much.

Dr. O'TOOLE. Thank you.

Chairman LIEBERMAN. Thanks very much, Senator Carper. Thank you, Dr. O'Toole. I think we are actually going to go on to the next nominee because a vote has been called for later this morning, and we want to complete this hearing. I think we have covered the important questions. You have survived the exhaustive pre-hearing inquiries of this Committee. And if there are any additional questions, including the ones that Senator Levin mentioned, we are going to ask that they be submitted by the close of business tomorrow. And then we will proceed to consider your nomination in the Committee as soon as you are able to answer those questions.

But with that, we thank you very much. Do you have anything you would like to say in conclusion?

Dr. O'TOOLE. Just thank you very much.

Chairman LIEBERMAN. Thank you. All the best.

Dr. O'TOOLE. Thank you.

Chairman LIEBERMAN. This part of the hearing is concluded, and now we will call on Mr. Zients.

Why don't we begin this second part of the hearing as soon as Senator Carper gets through extending the greetings of the Committee.

Senator COLLINS. He is hoping there is some Delaware voters there.

Chairman LIEBERMAN. I know that Senator Bennet is coming to introduce you, which we appreciate, but to expedite, we will go ahead with our opening statements, and we will call on him.

We are going to consider President Obama's nomination of Jeffrey Zients to be Deputy Director for the Office of Management and Budget.

Senator Bennet, I know you are a new Senator, but you are a busy Senator, and your response time in getting here was so rapid that I am going to honor it by allowing you to introduce the nominee and then proceed back to your normal business.

OPENING STATEMENT SENATOR BENNET

Senator BENNET. Thank you, Mr. Chairman. I apologize for being late. I thought I was going to be early because I was so excited to have the chance to introduce Jeff Zients to you and to the Ranking Member.

Mr. Chairman, Senator Collins, thank you for giving me the opportunity to introduce Mr. Zients to serve as the Deputy Director for Management at OMB. He will also serve as our Nation's first ever Chief Performance Officer. I would like to take this opportunity to welcome him and his family to the hearing.

If confirmed, Mr. Zients will coordinate the President's efforts to make our government more efficient and accountable by identifying wasteful spending and eliminating initiatives that do not provide sufficient benefit to the American taxpayer for the amount we are investing in them. He will also work to improve how we measure the effectiveness of government programs.

It will not be easy. Just the sheer size and complexity of the Federal Government and the entrenched interests that often fight to protect certain programs make this kind of work treacherous and too often thankless. But I commend the President for prioritizing better governance, and I fully agree that somebody needs to be tasked with performing this role.

Given the enormity of this task, the President could not have found someone better suited for the job than Mr. Zients. As an expert in financial management and business strategy, he has the intellect, creativity, and tenacity to examine complex problems, implement solutions, and produce real results for the American people.

As my friend for nearly 30 years, I know he has the ability to exercise sound judgment and the character and integrity to do what is right.

In his mid-twenties, he joined the Advisory Board where he worked closely with America's top companies to become more innovative and efficient. Within 3 years, he became a partner in the company. He also helped create the Corporate Executive Board, which assists companies across various industries in financial management and business re-engineering. He played an instrumental role in taking both of these companies public, all the while creating hundreds of jobs in the Washington, DC, area.

Mr. Zients currently serves as the managing partner of Portfolio Logic, an investment firm that he founded several years ago. He is also the Chairman of Pediatric Services of America, the Nation's largest provider of pediatric nurse care.

Outside of the corporate world, he has worked to create better opportunities for young adults throughout Washington, DC, and Baltimore. He established and currently oversees a nonprofit organization that works with local companies to provide paid internships, mentoring opportunities, and job-training initiatives.

As we all know, he will be joining the President's team during the worst economic crisis in generations. At the same time, our deficits and long-term debt are on an unsustainable course. If we want to lay the framework for long-term economic growth, we need to ensure that every penny of Federal spending is necessary and targeted. His years of experience in financial management and his ability to think way outside the box will be instrumental to the President's efforts to make our government more accountable and efficient. His private sector business savvy will provide the perfect lens through which to examine the effectiveness of many public sector initiatives. By making our Federal agencies more efficient

and accountable, he will play an important role in helping restore the American people's faith in our government. I look forward to working with my old friend as he begins this important job.

Mr. Chairman, I gladly introduce and recommend with the strongest recommendation I can, Mr. Zients, to the Committee for this new and important role. Thank you very much for allowing me to introduce my friend.

Chairman LIEBERMAN. Thanks, Senator Bennet. That was an excellent statement and obviously heartfelt. It means a lot to the Committee, so we thank you for coming over, and you are excused.

Senator BENNET. Thank you.

Chairman LIEBERMAN. If you would like to be excused.

Senator BENNET. Good luck.

Chairman LIEBERMAN. Thank you.

Senator Bennet's introduction was so strong that it enables me to abbreviate my opening statement, but I will say this: Since its creation, a common criticism of the Office of Management Budget is that its leadership, no matter what party is in charge of the White House, too often has focused on the "B" at the expense of the "M"—on budget as opposed to management. And that should not be the case. The two obviously go hand in hand. If a program is not doing well with the "M," it is likely to have problems with the "B" as well, and that means the taxpayers are not getting their money's worth.

I am very pleased that President Obama has made the drive toward management excellence a priority across the government and, as Senator Bennet just indicated, has stated that the Deputy Director for Management at OMB—that is, the position for which Jeffrey Zients has been nominated—will also serve as the first Chief Performance Officer of the Government of the United States.

Mr. Zients will have oversight of four statutory offices with far-reaching and very important mandates: The Office of Information and Regulatory Affairs, which will give you the enviable task of overseeing Cass Sunstein; the Office of Federal Procurement Policy; the Office of E-Government and Information Technology; and the Office of Federal Financial Management.

I am going to put the rest of my statement in the record because I am going to raise some questions along the lines of the matters that I was next going to reference in my opening statement.[1] Bottom line, as Senator Bennet has indicated, Mr. Zients has 20 years of business experience as a chief executive officer (CEO), management consultant, and entrepreneur. He has spent most of his career devising ways to improve governance, organization, management, efficiencies, financial systems of companies, all of which we will now look to him, if confirmed, to bring to the Government of the United States of America.

So again, I welcome you, Mr. Zients, and I look forward to your statement and to the question-and-answer period.

Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. I am going to follow your lead and insert my statement for the record as well since we

[1] The prepared statement of Chairman Lieberman appears in the Appendix on page 144.

have only a short time before the vote begins.[1] Let me, however, just highlight one issue that I think is extremely important.

A major OMB responsibility is the oversight of approximately $71 billion in spending on information technology (IT) investments. It is simply unacceptable that the Federal agencies have identified approximately 450 IT projects, totaling more than $26 billion, as poorly planned, poorly performing, or both.

Senator Carper and I have introduced a bill, which this Committee has favorably reported, that would improve agency performance and oversight of Federal IT projects, and that is going to be a key responsibility for Mr. Zients, if he is confirmed, to work to prevent these kinds of enormous cost overruns, schedule problems, and performance difficulties that have plagued IT projects all across the government. And this is an area where I think that the OMB has not been aggressive enough.

Finally, I just want to reinforce the Chairman's point that OMB has a two-pronged mission. It is not just budget. It is management as well, and that is equally important.

Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thank you, Senator Collins. Good points.

I will say for the record that Jeff Zients has filed responses to the questionnaires, answered pre-hearing questions, and had his financial statements reviewed by the Office of Government Ethics. Without objection, this information will be made part of the record, with the exception of the financial data, which are available for public inspection in the Committee offices.

Mr. Zients, I would ask you now, as the Committee rules require, to please stand and raise your right hand. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. ZIENTS. I do.

Chairman LIEBERMAN. Thank you, and please be seated. We would welcome your opening statement and, if it does not take too long, an introduction of the many family members. You are welcome to introduce anyone you want.

Senator CARPER. Mr. Chairman, before Mr. Zients proceeds, I must leave. And normally, others do not make statements, but could I just make a statement for maybe a minute?

Chairman LIEBERMAN. Go right ahead, please.

Senator CARPER. I would just like to say how much I appreciated the opportunity to meet with Mr. Zients this last week and to have an opportunity to discuss a number of the priorities, some that Senator Collins has already mentioned, that the three of us share. We are also very much interested in continuing the work. The foundation has been made on improper payments. A lot of money, tens of billions of dollars actually each year, is being inappropriately spent, in many cases overspent. And I welcome the opportunity to talk with you about that and also to figure out how, when we have overpaid money, we can get that money back.

Mr. ZIENTS. Absolutely.

Senator CARPER. And we are interested in surplus property and what to do about it so we do not end up carrying all this property

[1] The prepared statement of Senator Collins appears in the Appendix on page 144.

on our books and have to pay for the maintenance costs, the utility costs, the security costs for buildings and land we are never going to use again.

There are a whole lot of opportunities here for us, and I think it is important for us to show that we can help transform our economy to more of a green energy economy. It is important that we get health care reform done. It is important that we raise student achievement in our schools across this country. It is also important that we show that we can spend money responsibly, and facing a budget deficit of $1.8 trillion this year and red ink for as far as the eye can see, we have our work cut out for us. And we see you and the folks that will be working with you very much as partners to those of us who serve on this Committee.

I was pleased to have a chance to meet your wife, Mary, and to meet your four children, and to meet your Dad, and I would just say to especially your father, thank you for helping raise this guy and instill the values in him that lead him to this table here today, and special thanks to your wife and to your children for their willingness to share you with all of us. Thanks.

Thanks, Mr. Chairman.

Chairman LIEBERMAN. Thank you very much, Senator Carper, for that statement.

Mr. Zients.

TESTIMONY OF JEFFREY D. ZIENTS[1] TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET

Mr. ZIENTS. Thank you, Mr. Chairman, Ranking Member Collins, and Senator Carper, for the very kind comments. I am honored and humbled to be here today as President Obama's nominee for Deputy Director for Management at the Office of Management and Budget.

I am grateful to my family who is here with me today: My wife, Mary, of 17 years; my four children, in descending order of age, Sasha, Matthew, Josh, and Jonny. And my Mom and Dad, Debbie and Alan, are here today. I thank all of them for their love and their support.

Senator CARPER. If I can interrupt, I did not realize your Mom was here. Would you raise your hand? Nice work, Mom. [Laughter.]

Mr. ZIENTS. Mom and Dad actually raised me here in Washington, so I have been here for many years, and I have had the opportunity to watch many people who have worked in government and always hoped that at some point I would have the opportunity to serve and give back. I want to thank the President and OMB Director Orszag for their confidence in me, and I hope to help them achieve and all of you achieve one of the Administration's top priorities—improving the efficiency and effectiveness of government.

I believe my background helps prepare me for this role. I have spent 20 years in the private sector as a CEO, a management consultant, and as an investor. For 15 of those years, I helped lead the Advisory Board Company and the Corporate Executive Board Company. Both firms are leading providers of best practices and

[1] The prepared statement of Mr. Zients appears in the Appendix on page 146.

benchmarking to over 5,000 organizations, including over 400 of the Fortune 500 companies. They work closely with the senior management teams at these organizations to measure performance, increase productivity, and improve service quality.

I very much recognize and appreciate that government is different from the private sector. I have much to learn from the people who have dedicated their lives to public service and much to learn from the many programs that operate efficiently and effectively and deliver good results.

If confirmed, I hope to help spread these government best practices across agencies while at the same time drawing on my private sector experience, bringing forward models and approaches that may benefit government performance. I very much agree with both of your comments about the need to integrate management and budget rather than separate divisions, if you will, everyone wearing both hats, both a management hat and a budget hat, at OMB.

As a CEO, I have always focused on three areas: Leadership, measurement, and a motivated workforce. I believe leadership starts with putting the right team together and articulating the right goals for the organization. Measurement means translating these goals into operating plans with clear metrics. A motivated workforce requires creating a culture to attract, retain, and develop the best talent. Together, I believe these three areas are the key to strong performance.

I have very much enjoyed my early interactions with the staff and with you, and I look forward to working closely with Members of this Committee, others in Congress, and leaders across government to improve the efficiency and effectiveness of our government.

Mr. Chairman and Ranking Member, I would welcome any comments or questions.

Chairman LIEBERMAN. Thank you very much. Let me start with the standard questions, three in number. First, is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. ZIENTS. No.

Chairman LIEBERMAN. Second, do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. ZIENTS. No.

Chairman LIEBERMAN. And, third, do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Mr. ZIENTS. Yes.

Chairman LIEBERMAN. You are doing very well so far. [Laughter.]

Let me pick up on something you said, perhaps a question that seems to have an obvious answer, but I would be interested, which is two things we often hear: One, government ought to operate more like a business; and, two, government is different from business.

As you come into this position, if confirmed, with quite impressive experience in the private sector, what do you mean when you say that government is different from business?

Mr. ZIENTS. In business, there is one very clear, most important metric, and that is profitability. There are lots of other metrics that matter, including service, quality, and other metrics around performance. But at the end of the day, I think that while business is complex, there is a bottom line.

Here, in the public service, one is balancing in government different metrics, depending on programs, and some of those metrics actually are not even program specific. They really need to run across programs.

Chairman LIEBERMAN. Give us an example. I do not mean of a particular program, but what are the metrics that government should measure itself by?

Mr. ZIENTS. I think delivering the services that individual programs or agencies are set out to deliver in a cost-effective and meaningful way, so metrics in the Department of Education are very different than metrics in DOD. Then there are issues—homelessness being an example—where the issue does not reside in a single program, but instead goes across program and even across agency. So I think it is very important, when we think about metrics in government, that it is not one size fits all. There is no single bottom-line profit equivalent like we have in the private sector. And instead we have a flexible system that really looks at the unique purpose of a program and develops the outcomes-based metrics, where appropriate, to measure against. Some programs probably are not conducive or as conducive to metric-based tracking across time and also, therefore, require longer-term studies around effectiveness and efficiency.

Chairman LIEBERMAN. That was well said, thoughtfully said. Let me go on to a question about the Federal workforce. In your prehearing discussions with the Committee staff, you noted, as you have repeated here, that advising companies on best practices, and particularly improving strategies for human resource management, was a major focus of the two consulting firms that you led. Because this Committee has oversight responsibilities and legislative responsibilities for the Federal civil service, recruiting, training, and retaining a skilled Federal workforce are priority concerns of ours.

So I wanted to ask you what your initial coming-through-the-door or approaching-the-door thoughts are about ways in which you can help us strengthen the Federal workforce.

Mr. ZIENTS. Here is a similarity, I believe, with the private sector. Human capital is the most important component of improving performance, so in my private sector days, I did spend a lot of time on human capital strategies as a result of how important it was to the clients of the firm.

My initial reaction is that there is a recruiting issue in that we have a large retirement bubble in the system, and at the same time, we have remarkably long lead times in order to bring a new individual into the workforce. So I have been struck by how long those lead times are and the need to decrease those.

I think it is an important time to be doing so and that we have an opportunity somewhat related to the economy and also to a re-

newed or even heightened interest in public service to take advantage of an opportunity. But we need to make sure that we streamline the hiring process in order to take advantage of this opportunity and start doing the right kind of planning for the retirement bubble.

Succession planning becomes very important, understanding overall the workforce needs by agency, when people are likely to be retiring, and how we ensure that we have the right succession plans in place. I think, furthermore, we do need to look at training programs. Training programs oftentimes in both the private sector and now I understand the public sector come under pressure as one of the first things to go in budget cuts. That can tend to be shortsighted, and enhancing our training programs at all levels throughout government I believe is an important priority—all of this in the context of taking a step back and making sure that we have an employment proposition that works to attract, retain, and develop talent across the Federal Government.

Chairman LIEBERMAN. Let me follow with another question related to personnel. There has been a trend, as you know, a very significant trend, toward contracting out government services. A lot of us are concerned that it has gone too far, though obviously there are cases in which it makes a lot of sense.

In your pre-hearing responses to the questions, you have emphasized that inherently governmental functions should be performed by Federal employees and that agencies must have the internal capability to maintain control over their operations. I agree wholeheartedly that those are fundamental considerations. So I wanted to ask you this question, going back again to your private sector experience.

In the private sector, what approach did you recommend to your clients for deciding what skills they should retain in-house? And what, if any, different considerations do you think a government agency should make in deciding what work is appropriate for contractors and what should be kept inside?

Mr. ZIENTS. In the private sector, I would say there are two primary considerations: One, is it a core competency of the organization? Does the organization, the for-profit company, need that competency in-house in order to differentiate itself in the marketplace and win against the competition?

The other consideration is: Is the function something that is conducive to scale? So certain things, certain activities, as you build scale and do more and more of it, you become much better at it and more efficient. Other things are less conducive to scale. And so if something is a scale activity and in an organization you are not going to achieve that scale but an outsourcer by collecting, or a contractor by creating their own scale, could do that much more efficiently, that would be the other consideration.

So two considerations: First, is it a core competency to differentiate in the marketplace? And, second, is it something that if you were bundling your activities with someone else's, would you achieve higher quality and lower cost?

I think those same principles do apply in government once we decide that something should be competed. I think, however, this test of inherently governmental, i.e., that all inherently governmental

work—hiring personnel, managing contractors, setting policy—should all be done by Federal workers. That is different from the private sector, if you will, this inherently governmental and the link to the larger purpose of government.

Chairman LIEBERMAN. Thank you. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

I mentioned in my opening statement my concern about the Federal Government's failures when it comes to IT projects. This year alone, the Federal Government will spend more than $70 billion on IT projects, and yet OMB every year, through its tracking system, identifies billions of dollars of wasted spending on IT.

What do you think OMB should do to get troubled IT investments back on track and to ensure that they are on track in the first place?

Mr. ZIENTS. Thank you for that question. I believe that this is a management issue more than a technology issue, so it comes down to good management, having the right people accountable, sharing best practices, and ensuring that the processes, particularly the program management processes, are robust and experienced people are in charge.

There are a few efforts underway, which I think are a good start, led by the new Federal Chief Information Officer (CIO), Vivek Kundra. One is to make sure that the CIO is at the senior management table. I think too often we approach IT projects as a silo when, in fact, a large IT project has to have the senior team, starting with the head of the agency, at the table understanding the resources that are required and making the necessary commitment. So ensuring that the CIO is at the table as a senior executive is, I think, very important.

Second, I think too often we find out about problems too late, when things are off track, on an annual cycle, if you will; whereas, an IT project needs to be managed daily, weekly, monthly, not annually. And there is an effort underway to create a dashboard, which will allow us, with transparency, to see where projects are, spot problems early, and get them back on track.

Last, I think we need to make sure that someone is accountable here, and certainly the CIO and, I believe, the head of the agency have to be held accountable in a transparent way for the success of these projects.

Senator COLLINS. OMB has developed a system known as the Program Assessment Rating Tool (PART), and it is a performance results system that is intended to evaluate the effectiveness of Federal programs. Are you familiar with PART?

Mr. ZIENTS. Yes, I am.

Senator COLLINS. What we have found, however—and GAO has determined also—is despite the existence of the PART ratings, managers across the Federal Government do not use the assessments when it comes to allocating resources. So all this energy goes into this complex evaluation system, and then, frankly, no one uses it. The individual agencies do not use it in deciding what their budget request should be for the most part, and Congress does not use it either. The Appropriations Committees tend to discount the PART ratings.

In the previous Administration, OMB tried to use low PART ratings as a justification for terminating or reducing funding for various programs, and I am at a loss to think of even one where they were successful.

What can we do to develop a performance assessment program that is going to guide resource allocations and budget decisions in an effective way?

Mr. ZIENTS. Thank you. I think you hit the nail on the head. The test of a performance management system is: Is it being used to make important resource allocation, budgeting, and capital decisions by all stakeholders? And I think the way that you go down the path of achieving that goal is with a collaborative approach, working with the stakeholders at the senior-most level to understand what matters, what are the overall goals, how are they being translated into operating plans, and then what are the best handful of outcomes-based metrics to track progress across time; and that you have the flexibility in the system, going back a little bit earlier in the conversation, to look at problems not just by program—or issues or opportunities—but across agencies.

So I am wary of anything that is one size fits all, and at the same time, I think the ultimate test is right where you started, which is: Is the system being used by senior managers, senior leaders, and senior stakeholders to make decisions? So, if confirmed, I look forward to working with the Committee and others in Congress and across agencies to collaboratively develop a system that is used to make important decisions.

Senator COLLINS. I think you have identified the key issue. If it is a collaborative system that agencies buy into and if you establish performance metrics that are cross-cutting, I think there will be more support for using the results of the assessments. And I know this is an area where you have had a great deal of experience, and I am really pleased that you are going to be bringing that experience as the first Chief Performance Officer.

The President has committed to making this Administration more transparent, and that is something that I completely support. And one of the best ways to do that is to expand, update, and improve the use of government websites.

But if you look at the Federal websites versus the private sector and, in some cases, State and local websites, you will find that there are a lot of frustrations and that they are not as good as they could be. And a great example that this Committee has been focusing on are the websites for the stimulus spending.

People are very interested in tracking that spending, of making sure that it is achieving the results that all of us hope that it will, and yet the Recovery.gov website is not nearly as good as a website developed by the private sector that I believe is Recovery.org. It is a very similar name.

In the private sector website, you are able to track money down to the contractor level. With the Federal website, we are not able to do that effectively.

Mr. ZIENTS. Yes.

Senator COLLINS. Why can we not get our act together when it comes to websites for tracking spending?

Mr. ZIENTS. Good question, and I totally agree with you that it is a high priority for this Administration, one of the highest priorities, to increase the transparency and thereby the accountability of government.

My understanding is that there is a lot of effort right now being put into Recovery.gov with focus at OMB and, obviously, the leadership of the oversight board to working collaboratively, and we are headed toward, in October, launch of a lot more information on the website.

I think we will see very good things in October, and I think as we get that out there, we have to have a continual process to improve and add more and more data, as you said, all the way through the sub-recipient level, both on the grant side and the contract side.

I think the root cause problem is the legacy systems that we have and the fact that we have not been able, going back to IT management, to update a lot of our IT systems. So we have outdated systems. We saw this in the pressure that was on Grants.gov through the added dollars in the Recovery Act. So I think updating these systems going back to IT management and making sure that we have robust systems that we can draw data out of is very important. Recovery.gov, I think, will offer unprecedented transparency and will set a standard to which we will then move USASpending.gov and Grants.gov across time.

I agree with your premise, though, that we are not where we should be in terms of the base foundation to pull the data off of.

Senator COLLINS. In a way—just one final comment, if the Chairman will indulge me.

Chairman LIEBERMAN. Sure. Go ahead.

Senator COLLINS. In a way, you have identified my frustration, though. You are saying by October there should be a significant upgrade, and yet here we have this private sector website that is tracking the money more effectively right now, and presumably it was a lot harder for the private company to identify the funding streams and track them. They do not have these companies, these State and local governments reporting the way the Federal Government does.

So it is frustrating to me to hear that it is going to take that many more months for us to try to catch up with what the private sector has already done. That indicates a problem.

Mr. ZIENTS. I agree.

Senator COLLINS. Fortunately, that is not your watch.

Mr. ZIENTS. We will hopefully leap-frog in October, but I share your concern.

Senator COLLINS. Thank you. Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thanks, Senator Collins. Senator Akaka, welcome.

OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. Thanks very much, Mr. Chairman. I do want to add my welcome to Mr. Zients and, of course, to your lovely family and your children and friends and even your supporters who are here at this hearing.

As you know, the amount of acquisition spending by the Federal Government has grown dramatically over the past decade while the size and expertise of the Federal acquisition workforce has not kept pace, and that has been a huge problem. This has affected agencies' ability to acquire and oversee mission-critical contracts and has cost taxpayers through increased waste, fraud, and abuse.

If confirmed, what role will you play in identifying and addressing the needs of the Federal acquisition workforce?

Mr. ZIENTS. Thank you. There has been a doubling, as you said, across the last 8 years in contracting. At the same time, I believe the total size of the Federal acquisition workforce has actually stayed the same size or even decreased a little bit. So there is clearly a need to do comprehensive workforce planning around the acquisition workforce because it also is subject to something we talked about earlier, Senator, which is the pending retirement wave. It will hit that workforce also. So we have the need to hire a lot of new people and the need to train and ensure that we are increasing the size and the capabilities of that workforce as we ask them to take on more and more complex contracts.

So I think it is an area that needs a lot of attention. Working closely with the General Services Administration, DOD, the Federal Acquisition Institute, and the Defense Acquisition University, we need to coordinate those efforts and work with you and others on the Committee to ensure that we get ahead of the problem. I think we are behind it right now. So we need to catch up and then get ahead of the problem and have an acquisition workforce that is the right size and has the right set of capabilities to oversee our contracting.

Senator AKAKA. Mr. Zients, you have mentioned a desire to find the right mix of Federal and private contractor employees for performing government services. What steps will you take and whom do you expect to coordinate to achieve this?

Mr. ZIENTS. President Obama in his March 4, 2009, memo on contracting talked about a blurring of the line around inherently governmental, and I think it is very important that we clarify what is inherently governmental and ensure that only Federal workers are performing these functions.

Second, I think it is important that we have the critical capabilities at each agency to do their work, to maintain control over their operations. So there are some areas, technical areas, professional service areas, where it might be right to have a mix of Federal workers and contractors, but at all times the agency has to maintain a core set of capabilities to maintain control over their operations.

So once we clear through, if you will, those two standards, there could be work that is eligible for a competitive process. I think it is very important that we have the acquisition workforce, per your earlier question, in place to oversee that type of contracting, if indeed we decide to do it, and that we have a fair and transparent and economically based decisionmaking process where Federal employees are given a fair choice to compete.

Senator AKAKA. There are concerns also from Federal employees as well. In particular, I would mention the unions. Like you, I believe government transparency and accountability are essential in

all levels of management. However, in recent initiatives intended to hold Federal employees more accountable for their performance, there has been significant concern over fairness and consistency in evaluations.

What are your views on crafting performance management systems that can be implemented fairly, consistently, and transparently enough that Federal employees and managers alike will embrace them?

Mr. ZIENTS. I think that performance appraisal systems are critical. They are the basis for a lot of the performance efforts that we have been discussing, writ large. I think that we need to make sure that anything we do respects and is consistent with the merit-based system and protects employees from any prohibited personnel practices. So I believe that we all are supportive of transparency; at the same time, we need to balance that with other considerations when we are talking about our Federal employees.

Senator AKAKA. One concern that we have had over a period of time is that of security clearances, and this Committee has held hearings on that issue. Since 2004, Mr. Zients, our Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, under both the leadership of myself and Senator Voinovich, has worked closely with the Office of Management and Budget in reforming the current security clearance process, which remains on the Government Accountability Office's high-risk list. Until recently, the backlog for obtaining a security clearance was unacceptably long. While some progress has been made, I am concerned that the new Administration may not yet be focused on moving forward with security clearance reforms.

Will you commit to have your team work with our Subcommittee on this important issue?

Mr. ZIENTS. I agree very much with the issue. There has been some progress, as you have noted, under your leadership and others. At the same time, we are not where we need to be, and OMB plays a role here with the Office of Personnel Management, DOD, and the Office of the Director of National Intelligence. And I very much commit that, if confirmed, it will be a very important priority for me to review the work to date and to make sure that we make continued progress and work closely with you.

Senator AKAKA. Well, thank you very much. I want to wish your lovely family well, and you also. Thank you very much, Mr. Chairman.

Chairman LIEBERMAN. Thanks, Senator Akaka. Mr. Zients, thanks very much. Your answers have been excellent. You are obviously well prepared for this position. The Administration and all of us need you there as quickly as possible.

So, without objection, we are going to keep the record of the hearing open until noon tomorrow for the submission of additional questions or statements, and then we will move as quickly as we can, assuming nothing unexpected occurs, to confirm you by the Committee and send you out to the full Senate.

Do you have anything else you would like to say?

Mr. ZIENTS. No. Thank you. I really appreciate it.

Chairman LIEBERMAN. Thank you very much. The hearing is adjourned.

[Whereupon, at 11:44 a.m., the Committee was adjourned.]

APPENDIX

PREPARED STATEMENT OF SENATOR LIEBERMAN FOR TARA O'TOOLE

Good morning. Today this Committee will consider the nominations of Dr. Tara O'Toole to be Undersecretary of Science and Technology, at the Department of Homeland Security (DHS), and Jeffrey Zients to be the Director for Management at the Office of Management and Budget (OPM).

We will begin with Dr. O'Toole, who has appeared previously before our Committee as a witness and who I'm delighted to welcome back as the nominee for this important position.

The Science and Technology Directorate is charged with managing our Nation's investments in homeland security research and development projects.

It is hard to think of a threat to America's homeland security that cannot be better defended against with an innovative application of science and technology.

S&T had a difficult launch and in its early years struggled to clarify and execute its primary mission. As a result, the FY 2007 Appropriations Act reduced the Directorate's $1.4 billion budget by 40 percent.

In wake of this dose of tough-love, former Undersecretary Cohen resolved to build a leaner and more tightly-managed organization that focused on serving its primary customers—DHS agencies—and being transparent with Congress.

Undersecretary Cohen implemented internal controls to monitor S&T finances and track the progress of S&T investments. He established a structured strategic planning process that is designed to produce specific objectives and annual performance measures.

In my view, the recent increases in the Directorate's budget indicates that S&T's career staff has succeeded in regaining the trust of the oversight and appropriations committees in the House and Senate.

But a number of complex challenges remain, and we would look to you, Dr. O'Toole, for the leadership to continue to build and improve this agency that is vital to DHS's overall mission to protect our homeland.

These challenges include expanding investments in innovative R&D for homeland security and insuring the reliability of the testing and evaluation that DHS relies on for large acquisition programs.

You also must strengthen relationships between S&T and agencies within DHS. Dr. O'Toole brings a wealth of experience that will serve her well in this new job.

After practicing medicine in Baltimore for several years, Dr. O'Toole earned a Masters in Public Health from Johns Hopkins University, spent 5 years as a senior analyst and project director with the Congressional Office of Technology Assessment and, from 1993 to 1997, served as the Assistant Secretary for Environment, Safety and Health at the Department of Energy.

From 1999 to 2003, she managed the Johns Hopkins Center for Civilian Biodefense Strategies. For the last 6 years, she has served as the Director and Chief Executive Officer of the Center for Biosecurity at the University of Pittsburgh.

Today she is best known as a nationally recognized expert on biodefense and the actions what we must take to detect, deter and react to either a biological terrorist attack or a ruinous pandemic.

An important measure of her fitness for this post is the respect she has garnered in the scientific community and across the U.S. Government.

A former chair of the board of the American Federation of American Scientist, she has participated in major studies or advisory panels at the request of the National Science Foundation, the Department of Defense, the Department of Health and Human Services, and the Department of Homeland Security.

I believe her nomination is an inspired choice.

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PREPARED STATEMENT OF SENATOR COLLINS FOR TARA O'TOOLE

I join the Chairman in welcoming Tara O'Toole, the nominee to head the Science and Technology Directorate at the Department of Homeland Security.

Dr. O'Toole has had an extensive medical, public health, and biodefense career and currently serves as CEO and director of the Center for Biosecurity at the University of Pittsburgh Medical Center and as a professor of medicine and of public health at the University of Pittsburgh. She was one of the original members of the Johns Hopkins Center for Civilian Biodefense Strategies and served as its director from 2001 to 2003.

When the Department of Homeland Security was established, Congress recognized the important role that technology must play in securing our Nation and created a Science and Technology Directorate to undertake research and development activities. Today, the Department is developing technologies on a variety of fronts, including biological, chemical and explosives detection, communications interoperability, and passenger and cargo screening.

Technological advances at the ports of entry are already helping to identify people using fraudulent travel documents. This technology allows the Department to better perform its mission of protecting the American people while still facilitating the legitimate flow of people and commerce—letting our friends in, while keeping our enemies out.

The Department's relationship with the University of Maine and other research universities is helping to improve our homeland security. An example of the great promise of advanced technology is the composite-material cargo-container prototype under development at the University of Maine. A composite shipping container with embedded sensors could improve the security and integrity of the supply chain while offering shippers a lighter and longer-lasting alternative to traditional steel containers.

Research and development of new technologies at the Department carry an annual multi-billion dollar price tag. To ensure that these dollars are spent wisely, the Science and Technology Directorate must rigorously test and evaluate technologies before procurement decisions are made. Better engagement by the Directorate's testing and evaluation office in Department acquisition programs could help avoid problems such as those experienced in the troubled SBInet program.

The next Under Secretary for Science and Technology will also need to align DHS research and development priorities with the greatest security vulnerabilities that our Nation faces and ensure close coordination with DHS operational components and other Federal, State, and local partners. I look forward to hearing how Dr. O'Toole would address these challenges if confirmed.

Tara O'Toole
To be Under Secretary of the
United States Department of Homeland Security
Before the United States Senate Committee
On Homeland Security and Government Affairs

June 10, 2009
342 Dirksen Senate Office Building

Mr. Chairman, Senator Collins, and Members of the Committee, I am honored to appear before you today as President Obama's nominee for the position of Under Secretary of Science and Technology for the Department of Homeland Security. I am greatly humbled by the privilege of being chosen by the President and by Secretary Napolitano to be nominated for this important post. I am also honored to appear before this Committee, which has long provided distinguished leadership in the complex and ongoing efforts to address the nation's many homeland security challenges.

At this point, I would like to recognize my partner, Dr. Liza Solomon, my niece, Sarah Hallonquist, and the colleagues and friends who join me here today.

Mr. Chairman, when this Committee wrote the Homeland Security Act of 2002, you recognized that the application of science and technology would be fundamental to the success of the new Department of Homeland Security's "ability to organize and coordinate the Federal government's ability to prevent, prepare for, and, if necessary respond to and recover from terrorist attacks and natural disasters, while also strengthening the capabilities of state and local governments, first responders and the private sector."

The Act established the position of Under Secretary for Science and Technology and charged the Under Secretary with broad responsibilities to conduct basic and applied research and technology development, testing and evaluation to serve the DHS mission. The history of the Committee since 2002 shows that it has repeatedly returned to the topic of how science and technology can be used to advance the goals of the Department as well as national homeland security priorities.

Similarly, Secretary Napolitano has identified Science and Technology as being among her top priorities. She has noted in Congressional testimony that better science can improve our understanding of and means of detecting and countering emerging threats, and that better technologies can expand DHS capabilities, help protect the interests of private citizens, and improve the management of and response to disasters. Indeed, the Secretary has said that "It is difficult to think of an area of DHS operation where a greater use of cutting-edge technology would not improve capabilities."

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Thus I come before you today, with excitement and gratitude for this opportunity to help reduce the country's vulnerability to terrorist attack and to enhance our capacities to mitigate the consequence of such attacks and other disasters by mobilizing the creative energies and inventiveness that have been an American hallmark since Ben Franklin flew his kite in a lightning storm.

I am a physician by training. I have practiced internal and occupational medicine, and have served in government at the Congressional Office of Technology Assessment and as an Assistant Secretary for Environment Safety and Health at the Department of Energy. For the past decade, I have helped found and have led, managed and been accountable for two university-based think tanks devoted to biosecurity and to the prevention, preparedness and response of man-made and naturally occurring disease epidemics.

Over the course of my career in universities, government and non-governmental organizations, my work has encompassed the study and management of a broad range of "threats", and focused particularly on risks associated with nuclear and biological weapons, radiation, and toxic chemicals, and on what could go wrong in complex, human-built systems. I have had hands-on experience with many of the critical infrastructures and systems that US homeland security policies and practices must protect and render resilient from attack or natural disasters.

I share Secretary Napolitano's belief – which I know this Committee has long championed – that the federal government cannot execute a coordinated, fully functioning homeland security strategy without the skills, expertise and willing collaboration of state, local and tribal governments, and the private sector.

Through my work on biodefense, nuclear safety and other types of technology-related disasters, I have developed an understanding of the homeland security challenges facing state and local officials and first responder communities. I have also worked directly and at length on efforts to effectively engage the private sector in efforts to improve disaster preparedness and response.

As this Committee knows well, the responsibilities of the DHS Directorate of Science and Technology cover a broad spectrum of technical and operational problems. While I do not claim to have deep expertise in all of these areas, I am confident that my background and experience equip me to lead the Directorate and to serve the research and development needs of the Department and of the country.

If confirmed, I will work closely with the Committee to identify and answer the science and technology needs of the Department and its operational components, and to collaborate with colleagues in other federal agencies to serve the strategic homeland security research and development priorities of the country as a whole.

My priorities, if confirmed, would be as follows:

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- **Continue to strengthen relationships between the S&T Directorate and the managers and operators of the Department's operational components, including first responders. I would build on the sound foundation of the Integrated Product Teams (IPT) process to create technological solutions which answer the top needs of the DHS operational components.**
- **Increase the portion of the S&T budget devoted to basic science and innovative research to seek radical, innovative solutions to particularly difficult problems of high importance**
- **Build on the accomplishments of the S&T Directorate to create a longer-term, strategic approach to R&D within the Directorate and across the Department as a whole.**
- **Invest in and encourage the Directorate's engagement with the wider community, including other government agencies, the private sector, universities and additional "communities of interest".**

If confirmed, I would pursue four priorities. First, I will seek to strengthen, standardize and expand the living connections and collaborations between the S&T Directorate and its customers: the DHS operating components – ICE, CBP, the US Coast Guard, NPPD, etc. - and first responders.

The May 2009 Defense Advanced Research Projects Agency Strategic Plan states "Transitioning technology – moving technology from research into use – is a contact sport. It is done by personal contacts between people."

Under the leadership of the former Under Secretary, Admiral Jay Cohen, S&T established the Integrated Project Team (IPT) process to create these essential connections. If confirmed, I will work to expand and deepen the relationships between S&T and the Department's Operating Components and first responders, and to integrate a disciplined process of technology development into the Department's acquisition process.

To realize the Secretary's goal of using cutting-edge technology to improve DHS operations it is essential to create vibrant connections between the actual "users" of technologies and R&D professionals charged with developing, prototyping and overseeing the testing of possible technology solutions. Detailed understanding of the operational problems to be solved allows scientists and engineers to focus their know-how and imagination on the proper target. Ongoing, up-close involvement with the development and evaluation of new technologies enables operators and future users of the technologies to believe in and actively support their operational development and eventual deployment.

An enhanced IPT process for setting research and development priorities which clearly identifies operational requirements and incorporates disciplined, independent testing and evaluation of new technology, can also substantially enhance the effectiveness and efficiency of the Department's major acquisition projects and contribute to realizing the Secretary's vision of "one DHS".

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My extensive experience creating and working in multi-disciplinary teams of technical and scientific professionals, both at the Department of Energy and at the Center for Biosecurity will be useful in forging dynamic connections between S&T and the rest of the Department, connections which are key to successful technology transition.

Secondly, if confirmed, I would consider investing a greater portion of the budget in longer-term, innovative projects which, if successful, could change the playing field or provide solutions to difficult, high-priority problems.

The Defense Science Research Agency (DARPA) has become renowned for its success in mining fundamental research and leading-edge discovery projects for "high payoff" ideas which DARPA then transitions into new - sometimes incremental, sometimes revolutionary - military capabilities.

While I believe that DHS' operational needs continue to demand significant investments in near-term technology development, I am persuaded that the S&T enterprise would benefit from additional investments in fundamental scientific discovery, as well as from a more active management approach that would set meaningful project milestones and then sustain, cancel or rethink projects based on whether milestones are achieved.

Third, if confirmed, I will work with this Committee and with my colleagues in DHS to further develop a strategic, five year approach to R&D, both within the Directorate and across the Department. I believe the ongoing Quadrennial Homeland Security Review (QHSR), which the Secretary has underway, will provide an essential foundation for such a strategy, and I hope to become actively engaged in the QHSR, if confirmed.

I recognize that this Committee has expressed great interest in the development of a strategic approach to homeland security research and development that would encompass investments by the Departments of Defense and Health and Human Services as well as DHS. I agree that such a strategy could be of value to the nation. If confirmed I will also endeavor to persuade my colleagues in other federal agencies to collaborate in establishing a more strategic plan for R&D work associated with major problems of common interest. I believe my past experience leading interagency efforts as well as the Center for Biosecurity in working collaboratively with many diverse stakeholders will serve me well in such efforts. I want to assure the Committee that, should I be confirmed as Under Secretary, I will continue the ongoing efforts among these three agencies to facilitate sharing of technologies of common interest and to avoid duplication and waste.

Fourthly, if confirmed I would seek to focus more of the Directorate's R&D resources on understanding how we might make the American people and our communities more resilient to disasters, whether natural or man-made.

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This Committee has been especially vigilant in making sure the people on the front lines of responding to disaster have the tools they need to protect us. The S&T Directorate has made significant commitments to serving the needs of traditional first responders, including the establishment of the Tech Solutions program and an IPT dedicated to first responder needs. To create the vision of "a fully functioning homeland security strategy that is deserving of the respect of American citizens" which the Secretary articulated in her confirmation testimony before this Committee, a vision I know the Committee shares, and indeed inaugurated, we must actively engage all levels of government, the great companies, universities and non-governmental organizations of private sector – and the American people themselves.

We can use science and technology to assist the American people – as individuals, as employers, as volunteers or community members – to help prevent and better prepare for the unexpected and to foster a more rapid recovery from calamity. The social sciences have much to teach about how we might mitigate the psychosocial impacts of grave events, how we could better construct public-private sector collaborations or improve recovery from disaster.

Before closing, I would like to thank the family, friends, colleagues and teachers, foremost among whom were my parents, for all they have done to enrich my life and expand my understanding of what is possible.

Members of the Committee, the consequences of new technologies are famously unpredictable. I sit here today in part because of the surprise launch of the Soviet satellite, Sputnik, in 1957 and the subsequent investments the US made in science education. Those investments brought teachers, science fairs, and advanced placement science courses to my small, public high school in Massachusetts and essentially launched me into college and medical school.

In the end, Sputnik catalyzed the US triumphs in space and a new era of achievement in American science and technology. I believe it is possible to use science, technology and American ingenuity to better understand, prevent, and if necessary, respond to terrorist attacks and natural disasters. I would be honored to be a part of this effort.

I am deeply honored to appear before you today in consideration of serving as Under Secretary of the Department of Homeland Security. I regard public service as one of the great privileges of democracy, and if confirmed I am committed to working with the leadership and members of this Committee to serve the interests of the United States and its people. I am happy to answer any questions you might have.

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BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names used.)

   - Tara Jeanne O'Toole

2. **Position to which nominated:**

   - Under Secretary for Science and Technology, Department of Homeland Security

3. **Date of nomination:**

   - May 6, 2009

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

   - Home: REDACTED
   - Work: Center for Biosecurity of the University of Pittsburgh Medical Center, 621 East Pratt St., Pier IV Bldg., Suite 210, Baltimore, MD, 21202.

5. **Date and place of birth:**

   - May 3, 1951; Newton, Massachusetts.

6. **Marital status:** (Include maiden name of wife or husband's name.)

   - Single; have lived with my partner, Elizabeth Solomon, for 24 years.

7. **Names and ages of children:**

   - No children

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

   - Vassar College, Poughkeepsie, NY; 1969-74; BA (1974)
   - George Washington Univ. School of Medicine, Washington, DC; 1977-81; MD (1981)
   - Johns Hopkins Univ. School of Public Health, Baltimore, MD; 1987-89; MPH (1988)

9. **Employment record:** List all jobs held since college, and any relevant or significant jobs held prior to that time, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary.)

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- Research Technician, Dept. of Chemotherapy, Sloan-Kettering Institute for Cancer Research; NY, NY; September 1974-July 1977
- Resident, Dept. of Internal Medicine; Yale-New Haven Hospital, New Haven, CT. July 1981-July 1984
- Internist, North Central Baltimore Community Health Corp., Baltimore, MD; July 1984-July 1985 (no longer in business)
- Emergency Room Physician, Paul Emergency Physicians Group, P.A. 3956 Cloverhill Rd., Baltimore, MD 21218; June 1985-June 1986 (part-time)
- Emergency Room Physician, Core Physicians, P.P., 2303 Belair Rd., Fallston, MD, 21407; June 1985-September 1985 (part-time)
- Internist, Constant Care Community Health Center 1501 Division St. Baltimore MD 21217 (no longer in business) September 1985-June 1986
- Internist, Baltimore Medical Services, Inc., 2127 St. Paul St., Baltimore, MD 21218 (no longer in business) June 1986-October 1987
- Occupational Medicine Fellow, Johns Hopkins University School of Public Health, Johns Hopkins Hospital, Baltimore, MD, July 1988-July 1989
- Consultant, Analyst, Senior Analyst and Project Director, Congressional Office of Technology Assessment, Washington, DC; August 1989-October 1993 (OTA no longer extant)
- Assistant Secretary of Energy for Environment, Safety and Health, Forrestal Building, Pennsylvania Avenue, Washington, DC; October 1993-October 1997
- Consultant to federal government and private sector on issues related to occupational safety, environmental health and organizational change.
    - *1998* clients included Kaiser-Hill Co., Kaiser Permanente Health Systems of CA, These projects were part-time.
    - *1999-2000* – while working at the Johns Hopkins Center for Civilian Biodefense Studies, I did occasional, part-time consulting projects on biodefense for the Center for Naval Analysis, Science Applications International Corp., Booz Allen Hamilton.
- Deputy Director (1998-2001) and Director (2001-03), The Johns Hopkins Center for Civilian Biodefense Strategies, Johns Hopkins Univ. School of Public Health; Faculty member, Johns Hopkins Univ School of Public Health; 615 Wolfe St., Baltimore, MD
- Director and CEO, Center for Biosecurity of University of Pittsburg Medical Center, October 2003-present; 601 E. Pratt St., Pier IV Bldg, Suite 210, Baltimore, MD 21202; Professor of Medicine, Univ. of Pittsburgh Medical Center, October 2003-present

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with federal, State, or local governments, other than those listed above.

While at Johns Hopkins Center for Civilian Biodefense Strategies and while Director of Center for Biosecurity of UPMC I have, in the normal course of my work, participated in government advisory panels including:

- Governor's Emergency Management Advisory Committee, State of Maryland, 2008-present

- National Biosurveillance Advisory Subcommittee to the Centers for Disease Control and Prevention – August 2008-present
- Institute of Medicine, Board on Health Sciences Policy, Forum on Medical and Public Health Preparedness for Catastrophic Events, Mass Casualty Working Group 2008-present
- National Biodefense Analysis and Countermeasures Centers, Science and Technology Advisory Committee, Dept. of Homeland Security, 2008-present
- Member of Biological Emergency Advisory Team, Dept. of Homeland Security- 2007-present
- National Academy of Sciences, Committee on Technical and Privacy Dimensions of Information for Terrorism Prevention and Other National Goals; 2006
- Member, Biochem 20/20, US Dept. of Defense, Defense Intelligence Agency; 2003-present
- National Academy of Sciences, Biological Weapons Working Group; 2002-04
- Defense Science Board, US Dept. of Defense, Task Force on Defense Against Terrorist Use of Bioweapons, 2001-03
- Defense Science Board, US Dept of Defense, Summer Study on Technologies for Biodefense – 2000-01
- Senior Advisory Committee, Anti-bioterrorism Options Study, Dept of Health and Human Services 2000
- Steering Committee, Weapons of Mass Destruction Response, Maryland Dept of Health and Mental Hygiene 1999-2000

11. **Business relationships:** List all positions currently or formerly 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.
    - Consultant to the Office of the Director of National Intelligence, Bioscience Experts Group; 2007-present
    - UPMC/Defense Advanced Research Projects Agency Cooperative Agreement No. HR0011-07-2-003: "Ensuring Biologics Manufacturing Capacity for DOD"; Technical Steering Committee August 2007-present; Interim Project Director April 21, 2008-July 31, 2008
    - Member, Board of Directors, International Networked System for Total Early Disease Detection (non-profit), 2006-present
    - CEO, Director, Center for Biosecurity of the University of Pittsburgh Medical Center, Nov. 2003-present
    - Chair, Board of Directors, Federation of American Scientists, 2002-06
    - Consultant to Kaiser-Hill, Corporation, Kaiser Permanente Health System 1998
    - Consultant to Center for Naval Analysis, SAIC, Booz Allen Hamilton, Washington, DC. 1998, 1999

12. **Memberships:** List all memberships, affiliations, or and offices currently or formerly held in professional, business, fraternal, scholarly, civic, public, charitable or other organizations.

Current Professional Associations

- Council on Foreign Relations: 2007-present
- Bioscience Experts Group, Office of the Director of National Intelligence: 2007-present
- Biochem 20/20, Defense Intelligence Agency, US Dept. of Defense: 2005-present
- Federation of American Scientists: 2002-present (Chair of Board 2002-6)
- American Public Health Association: 1989-present
- American Association for the Advancement of Science: 1980-present

Former Professional Associations

- Association of Occupational and Environmental Health Clinics
- Society for Occupational and Environmental Health
- American College of Occupational and Environmental Medicine
- Society for Research and Education in Primary Care Medicine
- American College of Physicians
- American Medical Women's Association
- Physicians for Social Responsibility
- Physicians for Reproductive Health
- Physicians for National Health Care Plan

Current Social, Charitable Associations

- Habitat for Humanity of Cape Cod
- Heifer International
- Doctors without Borders
- World Wildlife Fund
- The Washington Humane Society
- Society of Prevention for Cruelty to Animals
- The Elephant Sanctuary
- Friends of the National Arboretum
- Maryland Food Bank
- American Civil Liberties Union
- American Civil Liberties Union Foundation

Former Social, Charitable Associations

- Baltimore Women's Housing Coalition
- Women in International Security
- Natural Resources Defense Council
- Sierra Club
- Northeast Feminist Scholars

13. **Political affiliations and activities:**

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(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

- None

(b) List all memberships and offices held in and services rendered to any political party or election committee during the last 10 years.

- Member, Democratic National Committee: 2004, 2008

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more during the past 5 years.

- Judy Feder via Judy Feder for Congress $250 (6/27/06)
- John Kerry via John Kerry for President Inc. $1000 (4/09/04)
- DNC Services Corp/Democratic National Committee
  - $500 (10/08/04)
  - $1000 (10/14/04)
  - $500 (10/27/04)
  - $1000 (8/06/04)
  - $500 (6/20/08)
- Wesley Clark via Clark for President Inc. $1000 (01/20/04)
- Murtha for Congress Committee
  - $250 (3/17/04)
  - $500 (9/30/04)
  - $1000 (5/26/05)
- Barack Obama for America
  - $ 2300 (9/14/08)
- Hillary Clinton/Friends of Hillary
  - $1000 (05/26/05)
- Emily's List
  - $100 (01/08)

14. **Honors and awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

- Delta Omega Honorary Society in the Public Health Alpha Chapter (2002)
- Secretary's Gold Award, US Dept of Energy (1997)
- Vice President's Golden Hammer Award for Reinventing Government (1995, 1996, 1997)
- Oil Chemical and Atomic Energy Workers Council Award (1993)
- Johns Hopkins University, Bloomberg School of Public Health Fellowship in Occupational and Environmental Medicine (1987-1989)

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- Commencement Speaker, George Washington Univ. School of Medicine (1981)
- National Health Service Corps medical school scholarship (1978, 1979, 1980)
- Sprague Chemistry Fellowship, Vassar College (1976)
- Mary Nourse Pemberton Award for Pre-medical Studies, Vassar College (1975)
- Vassar College Scholarships (1969, 1971, 1972, 1973)

15. **Published writings:** Provide the Committee with two copies of any books, articles, reports, or other published materials which you have written.

PUBLISHED WRITINGS - Peer-Reviewed Articles

- Franco C, Toner E, Waldhorn R, Inglesby TV, O'Toole T. *The National Disaster Medical System: Past, Present, and Suggestions for the Future.* Biosec Bioterr. 2007;5(4):319-325.
- Hitchcock PJ, Chamberlain A, Van Wagoner M, Inglesby TV, O'Toole T. *Challenges to Global Surveillance and Response to Infectious Disease Outbreaks of International Importance.* Biosecur Bioterror 2007;5(3):206-227.
- Maldin B, Lam C, Franco C, Press D, Waldhorn R, Toner E, O'Toole T, Inglesby TV. *Regional Approaches to Hospital Preparedness.* Biosec Bioterr. 2007;5(1)43-53.
- Lam C, Waldhorn R, Toner E, Inglesby TV, O'Toole T, "*The Prospect of Using Alternative Medical Care Facilities in an Influenza Pandemic,*" Biosecur and Bioterror. 2006;4(4)384-390.
- Inglesby TV, Nuzzo JB, O'Toole T, Henderson DA. *Disease Mitigation Measures in the Control of Pandemic Flu.* Biosecur Bioterror 2006;4(4)366-375.
- Franco C, Toner E, Waldhorn R, Maldin B, O'Toole T, Inglesby TV. *Systemic Collapse: Medical Care in the Aftermath of Hurricane Katrina.* Biosecur Bioterror. 2006;4(2)135-146.
- Toner E, Waldhorn R, Maldin B, Borio L, Nuzzo JB, Lam C, Franco C, Henderson DA, Inglesby TV, O'Toole T. *Hospital Preparedness for Pandemic Influenza.* Biosecur Bioterror. 2006;4(2)207-217.
- Hitchcock PJ, Mair M, Inglesby TV, Gross J, Henderson DA, O'Toole T, Ahern-Seronde J, Bahnfleth WP, Brennan T, Burroughs HEB, Davidson C, Delp W, Ensor DS, Gomory R, Olsiewski P, Samet JM, Smith WM, Streifel AJ, White RH, Woods JE. *Improving Performance of HVAC Systems to Reduce Exposure to Aerosolized Infectious Agents in Buildings; Recommendations to Reduce Risks Posed by Biological Attacks.* Biosecur Bioterr. 2006;4(1)41-54.
- Rubinson L, Nuzzo JB, Talmor DS, O'Toole T, Kramer BR, Inglesby TV, *Working Group on Emergency Mass Critical Care. Augmentation of hospital critical care capacity after bioterrorist attacks or epidemics: Recommendations of the Working Group on Emergency Mass Critical Care.* Crit Care Med.; October 2005;33(10):2393-403.
- Gilfillan L, Smith BT, Inglesby TV, Kodukula K, Schuler A, Lister M, O'Toole T. *Taking the Measure of Countermeasures: Leaders' Views on the Nation's Capacity to Develop Biodefense Countermeasures.* Biosecur Bioterr. 2004;2(4):320-327.
- Schuler A, Fitzgerald J, Inglesby TV, O'Toole T. *Executive Government Positions of Influence in Biodefense: The Bio-Plum Book.* Biosecur Bioterr. 2004;2(4):328-341.

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- Schoch-Spana M, O'Toole T, Inglesby TV, Lien O, *Working Group on Governance Dilemmas in Bioterrorism Response. Leading during Bioattacks and Epidemics with the Public's Trust and Help.* Biosecur Bioterr. 2004;2(1):25-40.
- Smith B, Inglesby TV, O'Toole T. *Biodefense R&D: Anticipating Future Threats, Establishing a Strategic Environment.* Biosecur Bioterr. September 2003;1(3):193-202.
- O'Toole T, Inglesby TV. *Battling Infectious Diseases.* Washington Times. July 9, 2003, p A21.
- Gursky E, Inglesby TV, O'Toole T. *Anthrax 2001: Observations on the Medical and Public Health Response.* Biosecur Bioterr. 2003;1(2):97-110.
- Kwik G, Fitzgerald J, Inglesby TV, O'Toole T. *Biosecurity: Responsible Stewardship of Bioscience in an Age of Catastrophic Terrorism.* Biosecur Bioterr. 2003;1(1):27-35
- Borio L, Inglesby TV, O'Toole T, et. al. *Hemorrhagic Fever Viruses as Biological Weapons: Medical and Public Health Management.* JAMA. May 8, 2002;287(18):2391-2405.
- Inglesby TV, O'Toole T, Henderson DA, Bartlett J, Ascher M, et.al. *Anthrax as a Biological Weapon. Updated Recommendations for Management.* JAMA. May 1, 2002;287(17):2236-2252.
- O'Toole T, Mair M, Inglesby TV. *Shining Light on Dark Winter.* Clin Infect Dis. April 1, 2002;34:972-983.
- Barbera J, Macintyre A, Gostin L, Inglesby TV, O'Toole T, DeAtley C, Tonat K, Layton M. *Large-Scale Quarantine Following Biological Terrorism in the United States: Scientific Examination, Logistic and Legal Limits, and Possible Consequences.* JAMA. December 5, 2001;286(21):2711-2717.
- Borio L, Dennis F, Venkat M, Carlos C, Michael P, Mary R, Syed A, Constance D, Jacqueline A, Jack T, David F, O'Toole T, et.al. *Death Due to Bioterrorism – Related Inhalational Anthrax: Report of 2 Patients.* JAMA. November 28, 2001;286(20):2554-2559.
- Dennis D, Inglesby TV, Henderson DA, Bartlett JB, Ascher MS, Eitzen E, Fine A, Friedlander A, Hauer J, Layton M, Lillibridge S, Osterholm M, O'Toole T, et.al. *Tularemia as a Biological Weapon: Medical and Public Health Management, Consensus Statement of the Working Group on Civilian Biodefense.* JAMA. June 6, 2001; 285(21):2763-2773.
- O'Toole T, Inglesby TV. *Epidemic Response Scenario: Decision-Making in a Time of Plague.* Public Health Rep. 2001. Supplement 2;116:92-103.
- O'Toole T, Henderson DA. *A clearly present danger: confronting the threat of bioterrorism.* Harvard International Forum. 2001;23:49-53.
- O'Toole T. *Emerging Illness and Bioterrorism: Implications for Public Health. J Urban Health.* June 2001; 78(2).
- Arnon SA, Schecter R, Inglesby TV, Henderson DA, Bartlett JB, Ascher MS, Eitzen E, Fine A, Hauer J, Layton M, Lillibridge S, Osterholm M, O'Toole T, et.al. *Botulinum Toxin as a Biological Weapon: Medical and Public Health Management, Consensus Statement of the Working Group on Civilian Biodefense.* JAMA. Feb 28, 2001; 285(8):1059-1070.
- Inglesby TV, Grossman R, O'Toole T. *A Plague on Your City: Observations from TOPOFF.* Clin Infect Dis. Feb 1, 2001;(32)436-445.
- Inglesby TV, Henderson DA, O'Toole T, Dennis D. *Safety Precautions to Limit Exposure to Plague-Infected Patients.* JAMA. 2000 Oct 4; 284(13):1648-9.
- O'Toole T, Inglesby TV. *Response to Facing the Biological Weapons Threat.* Lancet. 2001 Feb 10; 357(9254):482.

- Inglesby TV, O'Toole T, Henderson DA. *Preventing the Use of Biological Weapons: Improving Response Should Prevention Fail.* Clin Infect Dis. June 2000;30(6):926-929.
- Inglesby TV, Henderson DA, Bartlett JG, Ascher MS, Eitzen E, Friedlander AM, Hauer J, Koerner J, Layton M, McDade J, Osterholm M, O'Toole T, et.al. *Plague as a Biological Weapon: Medical and Public Health Management, Consensus Statement of the Working Group on Civilian Biodefense.* JAMA. May 3, 2000; 283(17):2281-2290.
- O'Toole T. *Smallpox: An Attack Scenario.* Emerg Infect Dis. Jul-Aug 1999;5(4).
- Henderson DA, Inglesby TV, Bartlett JG, Ascher MS, Eitzen E, Jahrling P, Hauer J, Layton M, McDade J, Osterholm M, O'Toole T, et.al. *Smallpox as a Biological Weapon: Medical and Public Health Management, Consensus Statement of the Working Group on Civilian Biodefense.* JAMA. June 9, 1999;281(22):2127-2137.
- Inglesby TV, Henderson DA, Bartlett JG, Ascher MS, Eitzen E, Friedlander AM. Hauer J, McDade J, Osterholm M, O'Toole T, et.al. *Anthrax as a Biological Weapon: Medical and Public Health Management Consensus Statement of the Working Group on Civilian Biodefense.* JAMA. May 12, 1999;281(18):1734-1735.
- Rothman N, Ford DP, Correa-Cillansenor A, Poirer, M, Hansen, J, O'Toole, T, Strickland P. *Association of PHH-DNA Adducts in Peripheral White Blood Cells with Dietary Exposure to PAHs.* Environ Health Perspectives, 1992.
- Rothman, N, Ford, DP, Basser, M, Hansen, J, O'Toole, T, Tockman M, Strickland P, *Pulmonary Function and Respiratory Symptoms in Wildland Firefighters.* J. of Occ. Medicine. Nov 1991

Books, Editorials and Book Reviews

- Daschle, Tom, O'Toole, T. *21st Century Biodefense, A Proposal for Consideration by the Institute for Public Policy Research*, Commission on National Security for the 21st Century
- Maldin-Morgenthau B, Toner E, Waldhorn R, Nuzzo JB, Franco C, Press D, O'Toole T, Inglesby TV. *Roundtable: promoting partnerships for regional healthcare preparedness and response.* Biosecur Bioterror. 2007;5(2):180-5.
- Gronvall GK, Smith BT, Matheny J, Mair M, Chamberlain A, Deitch S, Borio L, Inglesby TV, O'Toole *T.Biomedical Advanced Research and Development Authority (BARDA) roundtable.* Biosecur Bioterror. 2007;5(2):174-9.
- Maldin-Morgenthau B, Toner E, Wilkinson D, Horwitz B, Antons K, Inglesby TV, O'Toole T. *Roundtable discussion: corporate pandemic preparedness.* Biosecur Bioterror. 2007;5(2):168-73.
- Gronvall GK, Fitzgerald J, Chamberlain A, Inglesby TV, O'Toole T. *High-Containment Biodefense Research Laboratories: Meeting Report and Center Recommendations.* Biosecur Bioterr. 2007;5(1)75-85.
- Nuzzo JB, Henderson DA, O'Toole T, Inglesby TV. *Comments from the Center for Biosecurity of UPMC on Proposed Revisions to Federal Quarantine Rules.* Biosecur Bioterr. 2006;4(2):204-206.
- Maldin B, Inglesby TV, Nuzzo JB, Lien O, Gronvall GK, Toner E, O'Toole T. *Bulls, Bears, and Birds: Preparing the Financial Industry for an Avian Influenza Pandemic.* Biosecur Bioterror. 2005;3(4):363-7.
- Smith BT, Inglesby TV, Brimmer E, Borio L, Franco C, Gronvall GK, Kramer B, Maldin B, Nuzzo JB, Schuler A, Stern S, Henderson DA, Larsen RJ, Hamilton DS, O'Toole T.

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Navigating the Storm: Report and Recommendations from the Atlantic Storm Exercise. Biosecur Bioterr. 2005;3(3):256-67

- Rubinson L, O'Toole T. *Critical Care During Epidemics.* Crit Care. 2005;Aug;9(4):311-3.
- O'Toole T, Inglesby TV. *Toward Biosecurity.* Biosecur Bioterr. 2003;1(1):1-3.
- Henderson DA, Inglesby TV, O'Toole T. 2002. *"Bioterrorism: Guidelines for Medical and Public Health Management."* JAMA & Archives Journals. July 2002; BP10:170-01 (Book Review).
- O'Toole T, Inglesby TV, Bartlett J, Mair M. 2002. *Bioterrorism and Public Health.* eMedguides.com. (An Internet Resource Guide).
- Inglesby TV, O'Toole T. 2001. *Medical Aspects of Biological Terrorism. Medical Knowledge and Self-Assessment Program* (MKSAP), American College of Physicians. 12th Edition.
- O'Toole T, Inglesby TV. 2001. *Facing the Biological Weapons Threat.* Lancet. Feb. 10; (357)9254 (Editorial).
- O'Toole T, 2000. *The Woman Who Knew Too Much.* Bulletin of the Atomic Scientist. Jul-Aug (Book Review).

16. **Speeches:**

(a) Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated. Provide copies of any testimony to Congress, or to any other legislative or administrative body.

I do not have copies of any speeches. I usually talk from notes. The titles and venues of speeches given since 1998 are listed below.

(b) Provide a list of all speeches and testimony you have delivered in the past 10 years, except for those the text of which you are providing to the Committee. Please provide a short description of the speech or testimony, its date of delivery, and the audience to whom you delivered it.

SPEECHES

- Invited Participant: "Emerging Threats and the Mission of Public Health" Director's Seminar. Centers for Disease Control and Prevention, Coordinating Office for Terrorism Preparedness and Emergency Response. Atlanta, GA. February 4, 2009. Audience: CDC officials

- Keynote Speaker: "Important Considerations for Hospital Preparedness for BT and Major ID Emergencies." Training Conference of Major Infectious Disease Emergencies and Bioterrorism Preparedness. Hong Kong. November 21, 2008. Audience: medical and public health professionals

- Keynote Speaker: "The Challenge of Bioterrorism, Present and Future." Training Conference of Major Infectious Disease Emergencies and Bioterrorism Preparedness. Hong Kong. November 20, 2008. Audience: medical and public health professionals

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- Keynote Speaker: "Thoughts on Biosurveillance." Institute of Medicine/National Research Council Committee on Effectiveness of National Biosurveillance Systems: BioWatch and the Public Health System. Washington, D.C. November 3, 2008.

- Panel Participant: "Bioterrorism Preparedness: How Much Safer Are We?" Council on Foreign Relations, New York, NY. October 16, 2008.

- Keynote Speaker: "Building Biosecurity Capacity." University of California, San Diego, and Carnegie Corporation of New York. Washington, D.C. May 29, 2008. Audience: Carnegie grant recipients

- Invited Participant: "The Biological Weapons Threat: A Growing Menace." 2008 Weapons of Mass Destruction Center Symposium, WMD Proliferation and Use: Have We Been Effective, Lucky, or Overly Concerned?, National Defense University. Washington, D.C. May 7, 2008. Audience: military and government officials, policy makers, academics

- Invited Participant: Study Group on Presidential Science and Technology Advisory Assets. Center for the Study of the Presidency. Washington, D.C. March 26, 2008. Audience: study group members and CSP staff.

- Panel Moderator: "Federal, State and Local Perspectives on National Preparedness for Public-Private Coordination in the Distribution of Medical Countermeasures". Institute of Medicine Forum on Medical and Public Health Preparedness for Catastrophic Events. Washington, D.C. January 22, 2008.

- Invited Participant: "Preventing and Responding to Catastrophic WMD Terrorism". National Defense University Center for the Study of Weapons of Mass Destruction's Biological Attribution Workshop. Washington, D.C. December 18, 2007. Audience: military and government officials, policy makers and academics

- Panel Participant: "What Should Be the Use and Purpose of American Power in the 21st Century?". 50th Anniversary Celebration of The Fund for Peace, Washington, D.C. December 3, 2007. Audience: policy makers, invited members of public

- Panel Participant: "Academia/Science Panel". U.S. Health and Human Services, Public Health Emergency Medical Countermeasures (PHEMC) Enterprise Stakeholders Workshop, Washington, D.C. July 31, 2007.

- Keynote Speaker: "Science and Technology: Informing U.S. Policy and Inspiring Future Generations." Women in International Security and The Committee on Women in Science and Engineering. Washington, D.C. June 21, 2007.

- Invited Participant: "Discussion of Public Health and Medical Preparedness." The Biodefense Directorate of the Homeland Security Council. The White House, Washington, D.C. March 15, 2007.

- Invited Participant: Synthetic Genomics Policy Workshop: Risks and Benefits for Science and Society. Center for Strategic and International Studies. Washington, D.C. December 4, 2006.

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- Invited Participant: National Academy of Sciences' Committee on Biodefense Analysis and Countermeasures. Washington, D.C. November 16-17, 2006.
- Invited Speaker: "Pandemics: Challenges We Can Expect." Pandemic Influenza Preparedness Symposium. Anne Arundel County Department of Health and Annapolis and Anne Arundel County Chamber of Commerce. Annapolis, MD. November 14, 2006.
- Panel Participant: An Interim Report "Preparing for Pandemic Flu: A Call to Action." Financial Services Roundtable. Washington, D.C. November 1, 2006. Audience: executives from Financial industry
- Panel Participant: "Academia and Science." U.S. Health and Human Services, BioShield Stakeholders Workshop, Arlington, VA. September 25-26, 2006.
- Invited Participant: Synthetic Genomics Policy Workshop: Risks and Benefits for Science and Society. Center for Strategic and International Studies. Washington, D.C. May 31-June 1, 2006.
- Panel Participant: "The Next Katrina: Achievable Goals and Objectives to Help Prepare America for the Next Domestic Emergency." Senate Democratic Homeland Security Summit: Securing the Homeland, Protecting America. Washington, D.C. May 25, 2006.
- Welcome and Keynote Introduction and Panel Moderator: "What If Hospitals Cannot Take Everyone In? The Problem of Meeting Immense Medical Needs." Disease, Disaster, & Democracy Summit. Washington, D.C. May 23, 2006. Audience: medical professionals, Congressional staff, academics
- Invited Participant: 2006 Symposium, The Future Nuclear Landscape: New Realities, New Responses. Center for the Study of Weapons of Mass Destruction. National Defense University. Washington, D.C. May 17-18, 2006. Audience: military and government officials, policy-makers, academics.
- Panel Participant: "Not If, But When: The Economic Impact of the Coming Flu Pandemic." Milken Institute, Beverly Hills, CA. April 24, 2006. Audience: invited members of the public
- Invited Participant: "Critical Issue on Pandemic Flu Preparedness and Response." U.S. Senate Democratic Steering and Outreach Committee. Washington, D.C. April 6, 2006. Audience: Members of Congress and staff
- Panel Participant: "Technology & Policy in an Age of Terrorism." Vassar College. Washington, D.C. February 16, 2006. Audience: Vassar alumnae and guests
- Panel Participant: "The Risks and Potential Health Impact of an Avian Flu Pandemic." CHT Leadership Conference: Business, the Economy & the Avian Flu. Washington, D.C. December 8, 2005. Audience: business executive and public

- Invited Participant: "The Challenge of Biological Terrorism: When to Cry Wolf, What to Cry, and How to Cry It." Woodrow Wilson International Center for Scholars, Washington, D.C. December 6, 2005. Audience: academics, students, policy makers

- Roundtable Participant on the Potential for a Global Pandemic and Its Possible Impact on the Economy. United States Chamber of Commerce. Washington, D.C. November 2, 2005. Audience: business executives

- "Biosecurity." Director's Luncheon at Belfer Center for Science and International Affairs. Kennedy School of Government, Harvard University. Boston, MA October 28, 2005. Audience: Kennedy School faculty and students

- Roundtable Participant on the pending National Biodefense Act of 2005. Dr. Robert Kadlec, Staff Director of Senate Bioterrorism and Public Health Preparedness Subcommittee. The George Washington University Hospital. Washington, D.C. October 13, 2005.

- Panel Participant: "Shield New York Against Nuclear/Biological Terrorism: A Call to Action." John Jay College of Criminal Justice. New York, NY. September 30, 2005. Audience: NYC public safety officials, students and faculty

- Invited Participant: Synthetic Genomics Policy Workshop: Risks and Benefits for Science and Society. Massachusetts Institute of Technology. Cambridge, MA. September 26-27, 2005. Audience: scientists, students

- Invited Participant: Advancing National Strategies and Enabling Results (ANSER) Meeting to establish written report to Senate Subcommittee on Bioterrorism and Public Health, Committee on Health, Education, Labor, and Pensions. Washington, D.C. August 8, 2005.

- Roundtable Participant: "When Terror Strikes – Preparing an Effective and Immediate Public Health Response." US Senate Committee on Health, Education, Labor and Pensions, Subcommittee on Bioterrorism and Public Health Preparedness. Washington, D.C. July 14, 2005.

- Panel Moderator: "Preparedness and Response: Where are we? Where do we need to go? How do we get there?" Biosecurity Conference. Library of Congress, Washington, D.C. June 9, 2005.

- Panel Participant: "Bioshield II: Biosecurity, Public Health and the Role of Industry." The Center for American Progress. Washington, D.C. May 12, 2005.

- "Atlantic Storm" Briefing to Board of Directors of Nuclear Threat Initiative, Washington, D.C. April 5, 2005.

- Introduction and Closing Remarks. International Conference on Biosafety and Biorisks. Co-sponsored by the Center for Biosecurity and the World Health Organization. Lyon, France. March 2-3, 2005. Audience: international public health professionals and government officials

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- "Defining the Problem: Bio-Risks and Terrorist Threats." 1st Interpol Global Conference on Bioterrorism. Lyon, France. March 1, 2005. Audience: Interpol and French government officials
- "Biological Threats and Biodefense – Where Are We Now? Where Do We Need to Be?" ORC Occupational Safety and Health Group and ORC Occupational Safety and Health Physicians Group. Washington, D.C. February 2, 2005. Audience: physicians
- "Biological Threats to Societies." World Economic Forum. Davos, Switzerland. January 27, 2005.
- Panel Participant: "Prepping for the Next Global Health Panic." World Economic Forum. Davos, Switzerland. January 27, 2005.
- Panel Moderator: "Weapons of Mass Destruction." World Economic Forum. Davos, Switzerland. January 26, 2005.
- "Issues in Bioterrorism and Epidemic Response." Update on Internal Medicine 2004/PCIM Western Region Meeting. Pittsburgh, PA. November 18-19, 2004.
- BioShield Scenario Workshop: Anthrax. National Defense University. Ft. Lesly J. McNair, Washington, D.C. September 21, 2004. Audience: military and government officials
- SMART TechTrends 2004 Conference. Keynote Speaker. Pittsburgh, PA. August 3-6, 2004. Audience: business executives and technology firms
- "Bioterrorism as a Strategic Opportunity for Health Care." Dorsey Hughes Symposium. Beaver Creek, CO. July 29-31, 2004. Audience: health policy experts

CONGRESSIONAL TESTIMONY:

- Committee on Homeland Security & Governmental Affairs, US Senate, "Six Years After Anthrax: Are We Better Prepared to Respond to Bio-Terrorism?", October 23, 2007.
- Committee on Appropriations, Subcommittee on Homeland Security, U.S. House of Representatives, "Bioterrorism Preparedness and the Role of the DHS Chief Medical Officer", March 29, 2007.
- Committee on Energy & Commerce, U.S. House of Representatives, "BioShield Reauthorization Issues", April 6, 2006.
- Subcommittee on Bioterrorism and Public Health Preparedness, U.S. Senate, Roundtable on "Public Health Preparedness in the 21st Century", March 28, 2006.
- Committee on Homeland Security, Subcommittee on Emergency Preparedness, Science and Technology, US House of Representatives, "Protecting the Homeland: Fighting Pandemic Flu from the Front Lines", February 8, 2006.

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- Committee on Energy and Commerce Subcommittee on Oversight and Investigations, US House of Representatives, "Creating the Department of Homeland Security: Consideration of the Administration's Proposal", June 25, 2002.
- Committee on the Budget, U.S. House of Representatives, "Department of Health and Human Services Budget priorities for FY 2003", February 28, 2002.
- Government Affairs Subcommittee on International Security, Proliferation and Federal Services, US Senate, "Terrorism Through the Mail: Protecting Postal Workers and the Public (Part II)", October 31, 2001.
- Government Affairs Subcommittee on International Security, Proliferation and Federal Services, US Senate, "FEMA's Role in Managing Bioterrorist Attacks and the Impact of Public Health Concerns on Bioterrorism Preparedness", July 23, 2001.
- Committee on Government Reform, Subcommittee on National Security, Veterans Affairs, and International Relations, US House of Representatives, "Terrorism preparedness: Medical First Response", September 22, 1999.
- Committee on Appropriations, Subcommittee on Energy and Water, US House of Representatives, "Fiscal Year 1996 Budget Request for the Office of Environment, Safety and Health", March 8, 1995.
- Committee on Science, Subcommittee on Energy and Environment, US House of Representatives, "Fiscal Year 1996 Budget Request for Office of Environment, Safety and Health", February 14, 1995.
- Committee on Commerce, Subcommittee on Commerce, Trade and Hazardous Materials and Subcommittee on Health and Environment, US House of Representatives, "Regulatory Risk Assessment", February 2, 1995.
- Committee on Governmental Affairs, US Senate, "Story of Cold War Human Radiation Experiments", December 1, 1994.
- Committee on Science, Space and Technology, Subcommittee on Energy, US House of Representatives, "DOE Health and Safety Strategy", September 22, 1994.
- Committee on Science, Space and Technology, "Environment, Safety and Health Challenges Facing the DOE and the Progress Made in Addressing Them", US House of Representatives, August 9, 1994.
- Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, US House of Representatives, "Worker Exposure Data for Radiation Experiments", March 17, 1994.
- Committee on Science, Space, and Technology, US House of Representatives, "Human Radiation Research Programs", February 10, 1994.
- Committee on Labor and Human Resources, US Senate, Fernald School, "Human Subject Research: Radiation Experiments", January 13, 1994.
- Committee on Science, Space, and Technology, Subcommittee on Energy, U.S. House of Representatives, "Overview of Environment, Safety and Health Programs", October 21, 1993.
- Committee on Energy and Commerce, Subcommittee on Energy and Power, U.S. House of Representatives, "Worker Exposure Data and Safety and Health Initiatives in the Department of Energy", July 22, 1993.

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- Committee on Armed Services, Subcommittee on Strategic Forces and Nuclear Deterrence, U.S. Senate, "Cleanup of the DOE Nuclear Weapons Complex", May 17, 1991.
- Committee on Armed Services, Department of Energy Nuclear Facilities Panel, U.S. House of Representatives, "Nuclear Safety Issues Related to Cleanup of the DOE Nuclear Weapons Complex", April 11, 1991.
- Committee on Science, Space, and Technology, Subcommittee on Environment, US House of Representatives, "Health and Safety Issues Related to Cleanup of the DOE Nuclear Weapons Complex", March 7, 1991.

17. **Selection:**

(a) Do you know why you were chosen for this nomination by the President?

According to the statement released on my nomination by Secretary Napolitano, the President and the Secretary value my expertise on environmental protection and biosecurity, and believe that it will bring critical experience in health, safety and technology to the Department of Homeland Security (DHS). Additionally, I am publicly known for my work on biodefense and on nuclear safety issues, and am familiar with many of the issues confronting the Department of Homeland Security.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

I have previous federal government experience, including service as a presidential appointee. I have successfully managed a large organization and have created new organizations of scientific and technically trained professionals working in multidisciplinary teams. I have a record of designing and executing scientific and technical analyses of difficult policy problems and successfully using such analyses to drive program implementation. My tenure as Assistant Secretary at DOE produced several major accomplishments in the face of significant budget cuts. The Center for Biosecurity of UPMC, which I now lead, and its previous incarnation at Johns Hopkins, has a reputation for analytical excellence and for producing practical and constructive policy suggestions on difficult problems related to bioterrorism and disaster preparededness.

I spent a decade studying issues related to bioterrorism, nuclear safety, and disaster preparedness and response, and have considerable working knowledge of the relevant government policies and programs in the Department of Homeland Security (DHS) and other agencies. I am also familiar with the homeland security challenges confronting state and local government officials, who are key DHS stakeholders. I am familiar with the Congressional committees of jurisdiction and with some of their concerns. I have also worked directly and at length on efforts to effectively engage elements of the private sector and members of the public in efforts to improve disaster preparedness and response. I am an accomplished public speaker and regularly deal with the national media.

I am committed to the premise of using science and technology to better understand, and to better manage, the problems that confront the nation, particularly in the area of homeland

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and national security. Science and technology can often greatly improve our understanding of the problems we face and the available options for resolving them. Scientific and technological innovation has always been central to the story of America and is essential to American – and global – security and prosperity in the 21st century. But innovation requires investment and perseverance, and wielding the powerful new technologies which are now within our reach inevitably entails some risks and imposes new responsibilities. While technology may deliver new options and solutions, technology is not the answer to every problem. Moreover, to be truly useful, new technologies must be integrated into a comprehensive understanding of users' needs and resources, and the costs of maintaining new technologies must be part of our planning and development processes.

I believe I can be useful to President Obama, Secretary Napolitano and the nation in helping to make the Department of Homeland and its people more efficient, effective, and emblematic of American ingenuity and practicality. I regard public service as an privilege and a duty. It would be an honor to serve the country as a member of President Obama's Administration.

B. EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

   - Yes

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

   - No

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization, or to start employment with any other entity?

   - None

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   - No

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

   - Yes

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6. Have you ever been asked by an employer to leave a job or otherwise left a job on a non-voluntary basis? If so, please explain.

- Yes. In July 1985, I was asked by the North Central Baltimore Community Health Center in Baltimore, MD to leave my job as a primary care internist. This was during a significant reorganization and consolidation of community health centers in Baltimore. I was subsequently rehired in September 1985 by the newly renamed Constant Care Community Health Center working in the same clinic. During this entire period, from July 1984 to fall of 1988, I was serving in the National Health Service Corps in order to repay medical school tuition support.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe any business relationship, dealing or financial transaction which you have had during the last 10 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.

- In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's designated agency ethics official 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's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

2. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

- Since 1998, I have served as Director of two university affiliated policy centers – the Johns Hopkins Center for Civilian Biodefense Strategies and the Center for Biosecurity of UPMC. My work at both of these institutions has been dedicated to understanding and improving policies, practices and programs associated with the threat of bioterrorism and destabilizing infectious diseases, and to improving preparation and response to large-scale epidemics and other catastrophes, such as detonation of an improvised nuclear device. In the manner of many academic and think-tank organizations focused on policy issues and related government activities, my colleagues and I did seek to educate Congress, their staff and members of the executive branch about issues, policies, programs and legislation relevant to our interests and expertise. Neither of these Centers carried out lobbying activities.

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- In the course of my work, I have briefed members of Congress and their staff and given Congressional testimony pertaining to my own and my colleagues understanding and analyses of issues related to biodefense and disaster preparedness and response policies, programs and related legislation. Texts of Congressional testimony attached.

- ELECTRONIC VERSIONS of texts available at www.upmc-biosecurity.org

- In the course of my work at Johns Hopkins and at UPMC, I have also discussed issues within the responsibility of the Centers with members of the Executive Branch, state and local government officials, academics, think tank scholars, foreign government officials and members of the media. I have served on a number of advisory committees to US agencies and to Congress which were intended to inform and influence various policies and programs. My colleagues and I have also carried out activities, such as the tabletop exercises *Dark Winter* and *Atlantic Storm,* which were designed to engage former US government officials and former government leaders of other countries in thinking about current biodefense policies and capacities. In 2005, we conducted a private version of the *Atlantic Storm* exercise for members of the House Homeland Security Committee at the request of the Committee Chairman.

- In recent years, I have written and given Congressional testimony on topics such as how to best provide medical treatment in mass casualty situations such as bioterror attacks, pandemics and detonation of improvised nuclear devices; how to improve the federal government's capacity to develop, produce and stockpile medicines and vaccines needed to counter biological threat agents and emerging infectious diseases such as pandemic influenza; how to improve biosurveillance; how to encourage citizen engagement in disaster response and recovery, etc. The range and types of interaction I have had with government are reflected in the listing of publications.

- More detailed review of the work of the Center for Biosecurity of UPMC available at www.upmc-biosecurity.org.

3. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

   - Yes

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

   - No

2. Have you ever been investigated, arrested, charged or convicted (including pleas of guilty or *nolo contendere*) by any federal, State, or other law enforcement authority for violation of any federal, State, county or municipal law, other than a minor traffic offense? If so, provide details.

   - No

3. Have you or any business of which you are or were an officer, director or owner ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

   - No

4. For responses to question 3, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

   - None

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

   - In 1993, when I was nominated to be Assistant Secretary of Energy, two potential issues were raised. After both matters were fully investigated, I was voted out the Energy and Natural Resources Committee with only two votes against me, and I was subsequently confirmed.

     1. From 1981 to 1986, I was a member of an academic reading group called the "Northeast Feminist Scholars." This group had once been known as "Marxist Feminist Group 1." In 1993, the White House Counsel's Office investigated the issue and determined that my membership in this group did not pose any problem.

     2. In 1991, I made a modest contribution to the Central American Health Network, a group that operates medical clinics in Central America. During my 1993 confirmation process, some members of Congress were concerned by this donation. It was subsequently explained that my donation was offered in response to a solicitation from a former Johns Hopkins classmate who became health minister in Nicaragua. Furthermore, the donation was made after the Sandanistas left power. The FBI investigated the matter and determined that my contribution posed no impediment to confirmation.

E. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

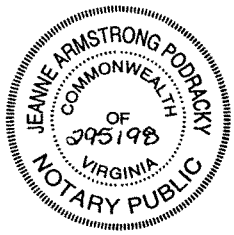
AFFIDAVIT

Tara J. O'Toole 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.

Tara J. O'Toole

Subscribed and sworn before me this 14 day of May, 2009

Jeanne Armstrong Podracky
commission expires 30 April 2012 Notary Public



U.S. Senate Committee on Homeland Security and Governmental Affairs

Pre-hearing Questionnaire

For the Nomination of Tara O'Toole, to be

Under Secretary at the Department of Homeland Security

I. Nomination Process and Conflicts of Interest

1. Why do you believe the President nominated you to serve as Under Secretary for Science and Technology Directorate ("S&T" or "the Directorate")?

According to the statement released on my nomination by Secretary Napolitano, the President and the Secretary value my expertise on environmental protection and biosecurity, and believe that it will bring critical experience in health, safety and technology to the Department of Homeland Security (DHS).

I have successfully managed a large organization and have created new organizations of scientific and technically trained professionals working in multidisciplinary teams. I have a record of designing and executing scientific and technical analyses of difficult policy problems and successfully using such analyses to drive program implementation. My tenure as Assistant Secretary at DOE produced several major accomplishments in the face of significant budget cuts. The Center for Biosecurity of UPMC, which I now lead, and its previous incarnation at Johns Hopkins, has a reputation for analytical excellence, and for producing practical and constructive policy suggestions on difficult problems related to bioterrorism and disaster preparedness and response.

I spent a decade studying issues related to bioterrorism, nuclear safety, and other types of technology-related and natural disasters, and have considerable working knowledge of the relevant government policies and programs in the Department of Homeland Security (DHS) and other agencies. I am also familiar with the homeland security challenges confronting state and local government officials, who are key DHS stakeholders. I am familiar with the Congressional committees of jurisdiction and with some of their concerns. I have also worked directly and at length on efforts to effectively engage elements of the private sector and members of the public in efforts to improve disaster preparedness and response. I am an accomplished public speaker and regularly deal with the national media.

I am committed to the premise of using science and technology to better understand, and to better manage, the problems that confront the nation, particularly in the area of homeland and national security. Science and technology can often greatly improve our understanding of the problems we face and the available options for resolving them. Scientific and technological innovation has always been central to the story of America and is essential to American – and global – security and prosperity in the 21st century. But innovation requires investment and perseverance, and wielding the powerful new technologies which are now within our reach inevitably entails some risks and imposes

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new responsibilities. While technology may deliver new options and solutions, technology is not the answer to every problem. Moreover, to be truly useful, new technologies must be integrated into a comprehensive understanding of users' needs and resources, and the costs of maintaining new technologies must be part of our planning and development processes.

I believe I can be useful to President Obama, Secretary Napolitano and to the nation in helping to make the Department of Homeland and its people more efficient, effective, and emblematic of American ingenuity and practicality. I would be honored to serve President Obama, Secretary Napolitano and the American people as Undersecretary of Science and Technology in the Department of Homeland Security.

2. **Were any conditions, express or implied, attached to your nomination? If so, please explain.**

No.

3. **Title III of the Homeland Security Act of 2002 established the Department of Homeland Security ("DHS" or "the Department") Directorate of Science and Technology. While silent on the mission of the Directorate, the authorities and organizations authorized by the provisions in Title III describe the elements of a multi-faceted S&T agency. Section 302 sets out the "Responsibilities and Authorities" of the S&T Under Secretary. Why do you believe you are qualified to carry out these responsibilities?**

The responsibilities of the Directorate of Science and Technology as set forth in Section 302 of Title III of the Homeland Security Act (the Act) pose rigorous, wide-ranging challenges. I believe my training, expertise and experience have prepared me to undertake these important responsibilities.

My medical background and career in academia, government and non-governmental organizations have provided me with an in-depth understanding of many of the most challenging homeland security threats and vulnerabilities, as well as significant experience analyzing and solving complex technical problems. Over the course of my career in universities, government and non-governmental organizations, my work has encompassed a broad range of "threats", and focused particularly on risks associated with advanced technologies, including nuclear and biological weapons and toxic chemicals, and what could go wrong in complex, human-built systems.

As a physician trained in internal and occupational medicine, I have a working knowledge of a wide range of physical, chemical and radiological hazards and have had hands-on experience dealing with many of the "critical infrastructures" that US homeland security policies and technologies must protect and render resilient. I have, for example, worked in large-scale chemical manufacturing operations, and environments involving explosive, chemical and radiological hazards.

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I have served as a senior analyst in the Congressional Office of Technology Assessment (OTA) and as an Assistant Secretary in the Department of Energy (DOE). At OTA I was part of a team which conducted the first comprehensive analysis of the risks, research priorities and technology needs associated with the clean up and decontamination of the US nuclear weapons sites, where historical practices had resulted in huge volumes of chemical and radioactive wastes and extensive environmental pollution.

At DOE, I served as the Secretary's chief advisor on matters related to environment, safety and health – a capacity similar to the Undersecretary for S&T's advisory role on matters related to science and technology R&D in DHS. One of my accomplishments at DOE was the design and execution of "vulnerability assessments" which provided a comprehensive analysis of the hazards posed by the fissile materials and toxic chemicals which had been stranded in place or improperly stored at nuclear weapons facilities following the cessation of weapons production at the end of the Cold War. These assessments resulted in of hundreds of millions of dollars being shifted to address these heretofore poorly understood, but high-priority problems. I also established DOE's first enforceable nuclear safety standards, and instituted an "integrated safety management system" at the national laboratories and nuclear facilities which established a standards-based approach to environment, safety and health which improved protections while enhancing efficiency.

I have led and executed multi-million dollar interagency projects, such as the inter-governmental effort on Cold War Human Radiation Experiments. I lead one of the first US intergovernmental delegations to Russia to study the environmental and health impacts of Soviet nuclear weapons production, and oversaw and remodeled the Radiation Effects Research Foundation, the invaluable research effort that was begun in Japan following the atomic bombing of Nagasaki and Hiroshima.

Since 1999, I have helped found and lead two university-based think-tanks, whose missions were to improve understanding of the threats of bioterrorism and naturally occurring epidemics, and to strengthen US capacity to prevent and, should prevention fail, to mitigate the consequences of such events and other mass casualty disasters. Over the past decade I have developed a detailed understanding of the bioterrorism threat and the components of biodefense. I have studied the rising power and reach of bioscience and biotechnologies, and have for several years been a member of scientific groups advising the Defense Intelligence Agency and the Office of the Director of National Intelligence. I have a working knowledge of the problems faced by federal, state and local government officials and first responders as they strive to prepare for and respond to large-scale catastrophes, and am familiar with the federal policies and programs surrounding disaster preparedness and response. Work at the Center for Biosecurity of UPMC has also focused on the important goal of finding practical means of improving the resilience of communities and individuals struck by disaster.

The S&T Directorate is the principal source of analysis concerning the technical problems confronting the Secretary and the agency's operational components and is the chief engine of scientific and technological solutions to the many challenges confronting homeland security missions. The Directorate also acts as "an honest broker", helping DHS operational components to clarify important capability gaps, and managing the

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development of science and technology that truly answers these needs. The S&T mission is vitally important to the Department of Homeland Security and to the nation. I believe my technical knowledge, my expertise in solving complex problems and in leading organizations of scientists and professionals, and my past experience at the highest levels of government has prepared me to take on the challenging responsibilities of Undersecretary of the Science and Technology Directorate. I am honored to have been nominated by the President and selected by the Secretary to be considered for this position. If confirmed by the Senate, I will do my very best to support the President and the secretary in serving and protecting our nation, its people and our liberties.

4. **Have you made any commitments with respect to the policies and principles you will attempt to implement as Under Secretary for S&T? If so, what are they, and to whom were the commitments made?**

No.

5. **If confirmed, are there any issues from which you may have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain what procedures and/or criteria you will use to carry out such a recusal or disqualification.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's Designated Agency Ethics Official 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 and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

My recusal will follow the guidelines of the Director, U.S. Office of Government Ethics, especially, the Director's memo for DAEOs, DO-04-012, of June 1, 2004, and the advice of the Department's Designated Agency Ethics Official.

6. **Have you ever been asked by an employer to leave a job or otherwise left a job on a non-voluntary basis? If so, please explain.**

Yes. In July 1985, I was asked by the North Central Baltimore Community Health Center in Baltimore, MD to leave my job as a primary care internist. This was during a significant reorganization and consolidation of community health centers in Baltimore. I was subsequently rehired in September by the newly renamed Constant Care Community Health Center working in the same clinic. During this period, from July 1984 to fall of 1988, I was serving in the National Health Service Corps in order to repay medical school tuition support.

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II. Roles and Responsibilities of the Under Secretary for Science and Technology

7. **Section 302 (2) of the Homeland Security Act of 2002 (the Act) requires the development of a "national policy and strategic plan for, identifying priorities, goals, objectives and policies for, and coordinating the Federal Government's civilian efforts to identify and develop countermeasures to chemical, biological, radiological, nuclear, and other emerging terrorist threats, including the development of comprehensive, research-based definable goals for such efforts and development of annual measurable objectives and specific targets to accomplish and evaluate the goals for such efforts." In 2005, and again in 2007, the S&T Directorate and former S&T Under Secretaries, working in coordination with the Office of Science and Technology Policy (OSTP) and other departments, completed drafts of plans that complied with Section 302 (2) but were unable to obtain concurrence from other departments. Recently, DHS notified the Committee that a third effort is underway to develop a National Strategic Plan for Homeland Security Research and Development (R&D). Do you believe such a government-wide planning document is still needed and what opportunities do you see for improving coordination of R&D investments in homeland security technologies and countermeasures across the government?**

I believe there could be considerable value in developing a National Strategic Plan for Homeland Security R&D. A government-wide strategy could illuminate the country's top R&D priorities for homeland security missions, enhance interagency cooperation and collaboration, reduce unintended duplicative efforts and increase both the efficiency of government investments in R&D and the impacts of successful technologies.

My impression thus far is that DHS S&T is cooperating well with DOD and HHS to ensure that the three agencies are aware of, and attempting to leverage, the others' homeland security S&T activities. DHS S&T published a 2007 report, updated in 2008, laying out the roles and responsibilities of federal agencies as well as the initiatives underway to counter threats to homeland security. I am hopeful that the Quadrennial Homeland Security Review (QHSR) now underway will clarify DHS' five year priorities and help to further sharpen the S&T Directorate's own strategic goals.

It would be desirable to expand previous interagency efforts and to achieve a government- wide strategy that establishes departmental and national homeland security R&D priorities and responsibilities, including longer term (e.g. five year) goals and measures of progress. As you know and in accordance with Section 302(2) of the Homeland Security Act, although the S&T Directorate is responsible for coordinating a national policy and a national strategic plan for coordinating the Government's civilian efforts to identify and develop countermeasures to terrorist threats, both DOD and HHS have much larger homeland security R&D budgets and command significant homeland security missions which are distinct from those of DHS. Moreover, the S&T Directorate does not establish technology needs and priorities within the DHS operating components.

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I believe that a robust interagency planning process to delineate top national homeland security goals and identify agency responsibilities and progress would be a worthwhile endeavor. If confirmed I commit to working with my DHS and interagency partners, with the Office of Science and Technology Policy and with this Committee to move forward toward's a government-wide strategic plan for R&D investments in homeland security missions.

8. **Before the creation of DHS, there was virtually no coordination of R&D investments by federal civilian agencies. Title III made the S&T Under Secretary responsible for "conducting basic and applied research, development, demonstration, testing, and evaluation activities that are relevant to any or all elements of the Department. However, the Directorate's previous Under Secretary issued a DHS R&D coordination document that focused mainly on projects within the S&T Directorate to the exclusion of other R&D entities across the Department. In 2007, the Directorate produced a Strategic Plan and Five Year R&D Plan (updated in 2008) that provided a roadmap of investment, again by the Directorate. How do you view the role of the Directorate in coordinating R&D investments across DHS and, in a time of fiscal crisis, what options do you see for reducing duplication or waste of R&D spending and improving the outcome of such investments?**

As I read the Homeland Security Act of 2002, it is the responsibility of the Under Secretary for Science and Technology to coordinate and integrate all research, development, demonstration, testing, and evaluation activities of the Department.

It is my understanding that the means for coordinating R&D across the many components of DHS has been a "bottoms up" approach known as the Capstone Integrated Product Team process. The Integrated Product Team (IPT) approach begins with DHS operating components determining and ranking their missions top "capability gaps". S&T then selects and evaluates possible technologies to address these gaps. The S&T Directorate plays an important role in assisting the DHS operational components' efforts to develop precise operational requirements and evolve cost-effective acquisition cultures. S&T, along with senior DHS leaders examine and adjust the range and mix of S&T investments in the entire agency R&D portfolio through the Technology Oversight Group (TOG).

My understanding is that the IPT process has made considerable progress in ensuring that technology development is devoted to meeting specific, high priority objectives of the DHS operating components, thereby addressing the range of missions across the agency. The IPT process and Technology Oversight Group review should also work to preclude duplicative R&D efforts in DHS. If confirmed, I would aggressively pursue continued interagency cooperation to eliminate duplicative efforts across the federal government.

It is my understanding that the Directorate's Five Year R&D Plan, which is updated annually, highlights the S&T Directorate's activities and plans for each portion of the research and development portfolio for the next five years. Each section provides a description of the responsible Division, its research thrusts, programs, and key

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milestones. I am told that the initial plan in 2007 was developed partially in response to Congressional direction in the FY2007 DHS Appropriations Act, but I believe this kind of multi-year view of R&D activities is essential to ensuring that the outcomes of the investments are rational and understandable.

As I review the S&T Strategic Plan developed in 2007, it strikes me as mostly a description of the processes that will be used to develop the S&T investment portfolio. While there is a strategic element to that, true strategy must flow from Department level priorities. I am hopeful that the Quadrennial Homeland Security Review (QHSR) now underway will lay out a DHS-wide, multi-year strategic plan that should provide a foundation upon which to build a more comprehensive and long term S&T strategy for DHS and should establish the basis for the S&T Directorate's more long-term, strategic goals.

I believe that the S&T Directorate has a responsibility to take into account technology needs that are important to overall homeland security goals, but which may not necessarily be a top, core mission of the individual DHS operating components. S&T should also initiate and support efforts to produce new science and new technologies that could dramatically change the playing field. Investments in longer-term, innovative solutions that could radically transform the way we prevent, prepare for or respond to terrorism and to natural disasters, as well as more in-depth knowledge of the threats we face could potentially yield enormous savings. There are always risks associated with ambitious attempts at innovation, but I believe these risks can be responsibly managed.

9. **The S&T Directorate is responsible for conducting R&D focused on chemical and biological threats and for other homeland security missions, such as cyber security, infrastructure protection, the detection of improvised explosives, and protecting border, maritime, aviation and transit security. Your experience and professional credentials indicate a strong background in biodefense, medical countermeasures, and public health preparedness. Not surprisingly, your published work and prior testimony stresses the importance of the bioterrorist threat. However, if confirmed as Under Secretary of S&T, you will be responsible for managing a multi-faceted portfolio of R&D investments and be required to make complex decisions about proposed investments in competing or parallel lines of R&D. Please describe the values and analytical process you would use to ensure that the full range of homeland security missions and threats are adequately addressed.**

Throughout my career I have studied and managed a wide spectrum of risks and threats associated with natural disasters and high technology. I am by no means an expert in all the fields or missions encompassed by DHS, but I do have hands-on familiarity with a broad range of industries, technologies and hazards and have considerable experience managing and assessing risk in many contexts. I also have extensive experience leading multi-disciplinary teams of scientists and professionals and formulating practical solutions to complex technical problems.

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The starting point for decisions about how to invest limited S&T funds must be a clear and in-depth understanding of the problems one is trying to solve or mitigate and their relative importance and urgency to the nation's homeland security goals, the DHS mission and to the goals of the DHS operating components and customers, including first responders and the American public. This understanding should encompass a thorough comprehension of the operational realities, including cost constraints, that any "solution" must accommodate.

I have been told that the current process for determining and ranking the technology needs of DHS's internal customers is embodied in the Integrated Product Team (IPT) process, which allows both direct input from the operating components as well as incorporating oversight and direction from DHS leadership. This bottoms-up approach to identifying DHS R&D needs will, I expect, be augmented by the findings of the QHSR, which will identify the goals and needs of the Department as a whole. I would hope that in the future a national homeland security R&D strategy, agreed upon through an interagency process, would similarly identify top level R&D goals for the country. These processes should, taken as a whole, provide a functional road map for near and long-term R&D strategy for homeland security missions.

I have no magic formula for adjudicating the many variables that must be considered in determining which of many worthy S&T projects to fund. There will always be more potential projects and possibly fruitful research directions than we can afford to pursue. The technical hurdles inherent in a given project, the importance of the solution or tool that a successful project would deliver, the availability of appropriate talent, the need to build a community of expertise and interest around high priority or especially difficult issues, the costs, benefits and risks of different investments, the nature of commercial interests in a project, the potential short and long-term payoffs from a project - all must be integrated into S&T investment decisions.

If confirmed, I am committed to devising a longer term strategy for S&T investment decisions that would reflect departmental S&T needs, as well as operational component needs. I believe that it is important that the Directorate's funding decisions be viewed as transparent and fair. I also think it is vitally important to engage the private sector more fully in developing homeland security technologies and to create robust "communities of interest" in universities focused on priority homeland security needs that will require high levels of innovation. I would welcome this Committee's advice and engagement in creating a robust and productive R&D strategy.

Establishing and meeting the full range of homeland security missions and technology needs should be driven by intelligence and analytically rigorous risk-based approaches, combined with informed judgments about the scientific and technological opportunities and obstacles, and the availability of funding and customer support for the development.

10. What is the largest procurement project that you have overseen?

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As Assistant Secretary of Energy I was responsible for annual budgets of approximately $300M. In my capacity as Assistant Secretary for Environment Safety and Health I managed the White House sponsored investigation into Cold War era human radiation experiments, an interagency process that cost approximately $30M. I also managed the Radiation Research Effects Foundation which studied the survivors of the Japanese atomic bombings and had an annual budget of approximately $20M.

11. What is the largest research and development project that you have overseen?

During my service as Assistant Secretary of Energy I initiated, organized and delivered a multi-million dollar, multi-year assessment of the vulnerabilities associated with fissile materials, highly enriched uranium and toxic chemicals across the nuclear weapons complex. These analyses resulted in immediate and major changes in DOE priorities, including the shift of several hundred millions of dollars from environmental cleanup activities to stabilization of fissile materials. I also managed research contracts worth about $20M dollars with the US Centers for Disease Control. Over the past ten years I have created, executed and overseen research in a university setting which totaled about $35 million.

12. Please describe the positions you held for which you had the most significant management responsibilities. How many people did you manage in each of those positions?

As Assistant Secretary of Energy for Environment Safety and Health I was the Secretary's principal advisor on matters related to human health and safety and environmental protection at the Departments nuclear weapons sites, national laboratories and other facilities. I directly managed an ESH workforce of approximately 300 people and had oversight responsibility for the safety and health of the entire DOE workforce of approximately 100,000 federal officials and contractors.

In this position I developed the first strategic management and safety plan for dealing with the highly enriched uranium, plutonium, spent fuel and radioactive waste left in place when nuclear weapons production ceased in the early 1990s. I also lead a successful effort to significantly revise the safety standards management system at DOE, which greatly improved efficiency and safety, and instituted the first DOE regulations governing radiation hazards. During my tenure, a Proposed Rule for Beryllium Operations was published, overcoming more than seven years of gridlock between OSHA, industry and labor. I ran the multi-million dollar, multi-agency task force mandated by the President which oversaw the government's investigations into human radiation experiments conducted during the Cold War, and led US delegation to Russia to establish the first US/Russian cooperative effort to study radiation exposure and environmental effects associated with the Russian nuclear weapons complex.

Subsequent to DOE, I initiated and served as Director of two academic think tanks devoted to biosecurity, one at the Johns Hopkins Schools of Medicine and Public Health

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and one affiliated with the University of Pittsburgh Medical Center. I was a Professor of Public Health and a Professor of Medicine and Public Health, respectively, on the faculty of these institutions. Since 2003, I have been CEO of The Center for Biosecurity of UPMC, an independent, non-profit organization affiliated with the University of Pittsburgh Medical Center. The Center currently employs 35 people, about half of whom are professionals and technical analysts, and has an annual budget of approximately $5.5 million.

III. Policy Questions

Biosecurity

13. Given your strong background and expertise in biodefense policy, how do you intend to ensure that other homeland security threats receive appropriate attention in the directorate's planning and prioritization? What resources will you draw upon to inform your decision-making regarding R&D topics outside your own personal expertise, such as maritime threats or behavioral sciences?

My background in biodefense, science, government, and the private sector, and my experience with managing multidisciplinary teams of professionals and technical experts has provided me the management experience, scientific knowledge, and policy expertise to lead the S&T directorate in developing technology to protect our nation against the diversity and complexity of the threats we face and in setting priorities to optimally invest scarce S&T resources to meet those threats.

Although in recent years my work has been dedicated to matters related to biosecurity, my career has included the study and management of a wide spectrum of risks, threats and technologies. I am by no means an expert in all the technical fields or missions encompassed by DHS, or by the S&T Directorate, but I do have hands-on familiarity with a broad range of industries, technologies and hazards, and have considerable experience assessing and managing risks in many contexts.

There are many resources I intend to rely on to inform and prioritize our R&D effort, should I be confirmed. My experience in the biodefense arena has highlighted the importance of connecting with the broader expert and user communities to truly understand the issues, develop policy, and implement solutions across the Federal, state, local, tribal, first responder, and private sectors. As I understand it, the Capstone Integrated Product Team (IPT) process has connected S&T to DHS "customers" to ensure that S&T understands their operations and threats and can deliver the technical solutions they need. As part of the Capstone IPT process, I would sit at the table with the DHS operational component leadership to ensure we are meeting their priorities across the diverse DHS mission space. I believe that the under Secretary of S&T, by working with DHS leadership to ensure S&T responsiveness to our customers' priorities, has an opportunity to contribute greatly to the maturation of the Secretary's "One DHS" culture.

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If confirmed, I expect to interact extensively with highly qualified experts from the full range of homeland security disciplines within the S&T Directorate and to take advantage of the depth of expertise in specific fields available in the University Centers of Excellence supported by the Directorate. I am also committed to seeking consultation and advice from people and organizations outside government such as, for example, members of the Homeland Security Science and Technology Advisory Committee, and the National Academy of Sciences.

14. The S&T Directorate has historically made larger investments in near-term development than in basic research. How does this history comport with your views, and what would be your objective in balancing S&T funding between basic R&D and developmental activities? In particular, how do you believe this balance should be struck in biodefense? What areas, if any, require greater investments in basic research versus advanced development?

I believe the Directorate's past emphasis on near-term technologies has been appropriate given the many immediate needs of DHS, the resources available, and the capacities of the Directorate in its early years.

Over the next few years, an increase in investments in longer-term research and technologies would be desirable, particularly in the context of a national commitment to achieving progress in high-priority and/or very difficult problem areas. Such a longer term vision is essential to generate the basic research needed to support next generation technologies.

As a practical matter, sustaining continued investment in basic research or longer term technology development requires agreement by the Congress and Administration that such investments are essential to national goals. Confidence in the fairness and technical competency of the decision process behind such investments will also be essential to attract engagement of the private sector and top university talent.

If confirmed, I would examine the current balance of basic research and more transitional work in biodefense and in other fields, as well as opportunities to shift investments towards a potentially more fruitful mix of work.

15. In testimony before this Committee in October 2007, at a hearing examining progress made in strengthening the nation's biodefense efforts, you said, "Creating a homeland defense that secures the country against devastating bioattacks will be the work of a generation. If we do it correctly, we will create the capacity to eliminate bioweapons as agents of mass lethality and take a major national security threat off the table." If confirmed, what will be your top priorities in advancing the nation's biodefense capabilities in your role as Under Secretary of Science and Technology?

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Effective mitigation of the consequences of a bioattack will require the development of many new operational capacities and technologies at national, state and local levels. Not all of these missions are within the purview of DHS or the S&T Directorate. If confirmed, I would seek an in-depth understanding of current projects and priorities before making major shifts in R&D investments.

One response capacity that I do think S&T can and should address involves "bioforensics" - the ability to assign attribution for bioattacks. This function is critical to the country's ability to assign responsibility for covert attacks and is thus essential to effective deterrence of bioterror attacks.

Other biodefense needs to which I believe the S&T Directorate could contribute include enhancement of situational awareness during bioterror events and other large scale catastrophes. I am interested in the refinement of the Bioterrorism Risk Assessment, and am particularly eager to help forge a broader, pragmatic interagency approach to and consensus around the Bioterrorism Risk Assessment process and results. I am also interested in considering additional investments in "human factors" research into how the nation might enhance community resilience in the face of biothreats and other disasters.

16. In the same testimony before this Committee, you expressed skepticism regarding efforts by DHS to develop the National Biosurveillance Integration System (NBIS). You urged DHS instead to initiate a strategic examination of the current state of 'biosurveillance' capability and proposed that the interagency community and key stakeholders need to develop a 5-year strategy for biosurveillance development. Recently, as a member of the Centers for Disease Control and Prevention National Biosurveillance Advisory Subcommittee, you have examined our national biosurveillance infrastructure and policies.

a. What is your present understanding of the nation's current biothreat situational awareness capabilities?

My experience with the National Biosurveillance Advisory Subcommittee (NBAS) caused me to significantly revise my previous skepticism about the usefulness of the National Biosurveillance Integration Center (NBIC), as I will describe. My understanding is that the National Biosurveillance Integration System (NBIS) is the information technology tool which is just one component of the larger NBIC program within the DHS Office of Health Affairs.

As I learned from my experience on the National Biosurveillance Advisory Subcommittee, at the Federal, State, and local levels, there are several hundred separate "biosurveillance" systems. Most were created for discrete purposes, but some may be duplicative in effort, and most are not interoperable or designed to provide situational awareness during major biological events. It is my understanding that there is no national biosurveillance strategy, no plans to integrate biosurveillance needs into emerging systems of electronic medical records, and no overall

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understanding of what types of surveillance are most useful. There are in fact surprisingly few studies of what types of information would be or have been proven useful during public health emergencies or other kinds of disasters. There are also few reliable estimates of the current costs of operating existing surveillance systems at the federal or state level.

As I understand the National Biosurveillance Integration Center (NBIC), it is meant to track and integrate data from 12 Federal Departments and numerous sub-agencies, state and local authorities and private sector entities in order to identify looming issues of potential national significance. During emergencies, NBIC would provide federal agencies with situational awareness via a "common operating picture" that would synthesize multiple data streams. I have been told that pursuant to the Implementing Recommendations of the 9/11 Commission Act of 2007, the NBIC was established, and is operated by the DHS Office of Health Affairs (OHA).

I believe it is essential that national leaders have access to the type of information that NBIC is designed to collect and interpret and that NBIC could serve a critical role in a comprehensive strategy to achieve situational awareness during bioevents and other events of national significance. As I understand the current situation, in spite of earnest efforts, NBIC has not successfully engaged the participation of senior level detailees from other agencies. Such participation from senior subject matter experts is essential to NBIC' success. Moreover, there are fewer reliable sources of information available about biothreats than was originally recognized – many of the primary sources of data needed to understand biothreats have not yet been built, which reflects the health care sector's limited investments in electronic record systems and the lack of digital links between health care delivery institutions such as hospitals and public health agencies. I understand that the S&T Directorate is working with OHA to develop new ways of visualizing and interpreting complex data schemes. If confirmed, I will assist the Assistant Secretary of Health Affairs in any way I can to gain interagency support for NBIC, and to help develop scientifically reliable sources of data for NBIC.

b. What do you see as S&T's role in developing actionable situational awareness partnerships and technologies?

The S&T Directorate's main mission is to serve as technology provider to the DHS components. Currently, the DHS Office of Health Affairs has operational responsibility for NBIC and they determine the system requirements. S&T demonstrates prototype technologies and capabilities that meet the Office of Health Affairs (OHA's) requirements and transitions them to OHA operations.

If I am confirmed, I would be interested in exploring interest in partnering with OHA and others to convene or participate in an interagency process to forge a more strategic vision of how state and national leadership would achieve situational awareness during large-scale emergencies.

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c. **What recommendations do you have for further development of the DHS NBIS system?**

During my service with the National Biosurveillance Advisory Subcommittee, I became intrigued and impressed by the potential of the NBIC system. To proceed, the NBIC mission has to be clarified and embraced by the federal government and by state, local and tribal authorities. NBIC would be greatly strengthened by – and probably cannot succeed without - strong participation from senior officials from other agencies, and by DHS officials' gaining experience in other departments. Ultimately, most of the information needed to make informed decisions arises from state and local government and from private institutions (e.g. hospitals). Establishing agreements to share reliable data streams from the local or state to the regional and federal level should be a top priority.

17. **In testimony before this Committee in October 2007, at a hearing examining progress made in strengthening the nation's biodefense efforts, you stated with regards to the DHS BioWatch detection project that "it would be highly desirable to have a near real time understanding of critical facts and operational realities during public health emergencies or other biological crises...I am skeptical however, that a significant expansion or technological upgrade of the BioWatch program is warranted at this time." Since then, DHS has pursued an aggressive timeline of procurement, testing, and deployment of BioWatch 3.0 with the goal of detecting a biological attack within just a few hours, while also alleviating some cost and the burden on local public health agencies.**

a. **What are your present views regarding the merits and feasibility of the BioWatch program, and, with the passage of time, have your views of the investment changed?**

I believe that BioWatch technologies have an important role to play in the overall effort to rapidly detect and maintain situational awareness regarding bioterror attacks. My concerns relating to BioWatch center on the absence of a national strategic plan for biosurveillance and for achieving situational awareness during events of national significance and the need to understand how BioWatch sensors would be incorporated into such a plan. I would also like to better understand how BioWatch technologies are integrated into local response operations and how the costs of deploying advanced generations of BioWatch technologies should be considered in light of the need for other surveillance investments. I believe the country needs to formulate both a near and long-term plan for biosurveillance, of which BioWatch should be a component, once BioWatch's role, operational requirements and costs are understood.

b. **What do you think the future of the BioWatch program should include?**

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If confirmed, I will explore in greater detail OHA's current plans for advanced generations of BioWatch technologies or on the full scope of S&T's surveillance efforts.

From my current perspective, the BioWatch program would be well served by, for example, empirically demonstrating the currently deployed sensors' ability to capture aerosol releases, particularly in urban areas. Test demonstrations, such as those the Pentagon has run against their indoor sensor systems would be highly instructive, although I recognize releasing even benign substances in highly populated environments requires careful planning and oversight. Such demonstrations might reveal, for example, the need for more sensors and/or the placement of sensors in different locations.

I believe the country needs to formulate both a comprehensive long-term plan for achieving situational awareness and biosurveillance. BioWatch should be a component of such a plan, once BioWatch's operational capacities, requirements and costs are understood. Consideration should be given to the benefits and costs of deploying an advanced generations BioWatch in light of the need for other surveillance investments, and to whether indefinite federal funding for expanding BioWatch operations is feasible.

c. Based on your present knowledge, what do you see as the operational advantages, if any, of deploying a third generation of BioWatch technology?

My understanding is that the concept of Gen-3 technology is that it will integrate detection and communication capabilities in order to allow for much faster reporting of Biowatch actionable results. This decrease in reporting lags is highly advantageous since the whole point of the program is to deliver early warning of a bioattack in order to trigger rapid distribution of prophylactic medicines before illness becomes apparent.

I would want to monitor closely whether the system reports false positives, and whether the cost is sustainable or the most effective investment in surveillance also needs to be addressed.

My main concerns relating to BioWatch stem from the failure to fully integrate this technology into an overall "concept of operations"; the need for more data indicating the likelihood that aerosol releases in urban areas will be captured with the current array of sensors; the failure to consider alternate or additional means of achieving early detection of epidemics (whether natural or deliberate); and the need to consider investments in means of attaining situational awareness beyond initial detection of bioattacks. These concerns still pertain to the new generations of BioWatch technology.

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A BioWatch system that achieved the goal of rapid and reliable aerosol detection could be of great value and deploying even early versions of such technology in high risk target areas is prudent. But these technologies must be incorporated into larger operational systems, and the full operational and financial commitment associated with their deployment, along with the opportunity costs, should be clearly understood.

18. In the past, you have questioned the Department's R&D focus on developing biosurveillance technologies and championed alternative investments. On March 27, 2007, for example, you testified that "national investments in rapid diagnostic tests, electronic health records, and digital links between hospitals and public health agencies will yield more benefits than will additional investments in environmental sensors or syndromic surveillance technologies."

a. What role do you believe DHS should play in developing or implementing alternative approaches to conducting biosurveillance?

I am certainly not an advocate of abandoning BioWatch systems or investments in biosurveillance technology – indeed, I think the country needs to greatly increase investments in biosurveillance. I have always pushed for a more comprehensive, systems-based approach to designing and building the capacity to detect and maintain situational awareness of bioevents and other catastrophes. There is a pressing need for a national biosurveillance strategy, to guide a long term investment in this critical homeland security need.

The creation of a strategic approach to biosurveillance exceeds the purview of the DHS S&T Directorate, but might be among the top priorities of a government- wide Homeland Security Research and Development Strategy. Addressing the country's biosurveillance needs, including the appropriate deployment and development of BioWatch technologies would require a robust interagency process and would probably require Congressional support, such as might come from this Committee, given its long history of commitment to homeland security priorities.

There are many technology needs and development opportunities within the biosurveillance arena. For example, the development of electronic health records affords an opportunity to build important digital links between hospitals and public health agencies – an element of biosurveillance that could greatly improve situational awareness during disease outbreaks. More pertinent to DHS S&T missions is the need for decision-making support and visualization technologies that allow leaders to rapidly make sense of incoming data streams and assemble common and actionable interpretations.

b. Please describe the process you would likely employ in making a decision to change the balance of R&D investments in alternative biosurveillance technologies and what factors you would consider in deciding to reduce support for technologies S&T has a history of developing and deploying?

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Many federal, state, local and private sector entities have equity in systems intended to perform biosurveillance tasks and to achieve situational awareness during disasters. If confirmed, I would seek, first of all, to understand the surveillance needs of DHS entities, particularly within OHA's NBIC program, and to determine if S&T investments could be helpful in making NBIC meet its mission. I would also seek to raise awareness of the importance of situational awareness among DHS leaders and within interagency working groups on homeland security R&D, and to encourage OSTP to establish interagency efforts focused on surveillance strategy.

c. **While these are complex issues, your comments underscore the Directorate's pivotal, if sometimes problematic, role of choosing among competing paths for new R&D spending. Aside from the particulars of biosurveillance, please describe how you would make these difficult choices.**

The Directorate's primary role is to provide science and technology capability for the Department of Homeland Security. I understand that the Department has established a robust process that identifies technology requirements identified by the DHS operational components and prioritizes S&T investments. Completion of the 2009 Quadrennial Homeland Security Review, in which I hope to actively participate if confirmed, will establish program priorities across the Homeland Security domain. The QHSR will become a major driver in Department and Directorate investment decisions. Similarly, a national homeland security R&D strategy could help direct investments towards high priority projects and provide the justification needed to fund high risk/ high payoff projects.

I have no magic formula for adjudicating the many variables that must be considered in determining which of many worthy S&T projects to fund. There will always be more potential projects and possibly fruitful research directions than we can afford to pursue. The technical hurdles inherent in a given project, the importance of the solution or tool that a successful project would deliver, the availability of appropriate talent, the need to build a community of expertise and interest around high priority or especially difficult issues, the costs, benefits and risks of different investments, the nature of commercial interests in a project, the potential short and long-term payoffs from a project - all must be integrated into S&T investment decisions.

If confirmed, I would emphasize the need to actively manage S&T investments so that projects are cycled through to successful completion or cancellation more rapidly, thereby freeing resources for additional projects. I would also seek to gradually increase the amount of S&T funds invested in longer term and innovative projects that could potentially yield important breakthroughs to high priority challenges. It is my hope and intent that R&D decisions within S&T will be made based on strong system engineering principles so that the end result will have significant value to the user and improve our overall homeland security stance.

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S&T coordination with other DHS components

19. You have been quoted in a leading scientific journal article as saying, "The notion that we can somehow prevent a bioattack by locking up pathogens in research laboratories is ridiculous"[1] regarding the FBI's identification of a U.S. Army researcher as the perpetrator of the 2001 anthrax attacks. If confirmed as the Under Secretary of S&T, you will be charged with assuring that research done at DHS facilities such as the National Biodefense Analysis and Countermeasure Center (NBACC) and at non-Federal research facilities carrying out DHS work complies with Select Agent Program regulations and is done in a secure manner.

a. Do you believe that the Select Agent Program enhances our protections against misuse of dangerous pathogens?

I do believe that a strong biosafety culture and rigorous adherence to best practices in lab safety is essential, particularly when dealing with disease causing pathogens. As an occupational health physician, I have advocated the need for more formal and more robust biosafety practices since the early 1990s, and strongly support required training in biosafety and biosecurity for all bioscience researchers as well as certification programs which include direct, hands-on mentoring for those who work in BSL3 and BSL4 facilities. I co-authored one of the first articles on the need for "responsible stewardship" in bioscience research in 2003 and the Center for Biosecurity initiated a workshop on security and safety in high-containment laboratories in 2006.

I agree with the WMD Commission that it would be worthwhile to examine the benefits, costs and alternatives to the Select Agent Program as it is now instituted. While it is imperative that Select Agent research proceed under appropriate safety and security procedures, there are disturbing anecdotal reports of this program inhibiting the legitimate exchange of biological samples among laboratories, and of talented scientists abandoning or shunning biodefense work because of the financial costs, legal risks and professional opprobrium associated with Select Agent research.

I am convinced that it is possible to rigorously ensure that research on Select Agents is done safely and securely without discouraging top scientists from engaging in biodefense work, but am concerned that a overly prescriptive, or impractical approach could retard progress in biodefense and possibly harm US bioscience research and US economic competitiveness in the critical field of bioscience and biotechnology.

It is my belief that efforts to ensure security at laboratories working with Select Agents, while essential, would, even if completely successful, be insufficient to prevent the development and use of biological weapons and of covert bioterror attacks. The materials and know-how required to build and disseminate a bioweapon are affordable, widely available and becoming more so. All of the Select Agents

[1] *Nature* 454, 672 (7 August 2008) | doi:10.1038/454672a; Published online 6 August 2008. Death renews biosecurity debate

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except smallpox are available in the wild, and, like many pathogens, can be obtained from sick animals, hospitals and purchased from hundreds of tissue culture firms overseas. The number of viruses which can be synthesized from scratch grows daily and more and more people around the globe have access to the necessary technologies, which are essential to legitimate research.

The breadth of "dual-use" knowledge and equipment in biological science R&D, and the difficulty of distinguishing legitimate bioscience from malignant applications makes it especially difficult to detect, interdict or prevent bioweapons development. Any moderately developed nation has the capability to create and disseminate a biological weapon within a matter of weeks or months, an effort which would be almost impossible to detect. These realities, as well as the great appeal bioweapons present to those who wish to do great harm to large numbers of civilians, drive me to the conviction that a strong focus on actions to improve the US capacity to mitigate the possible consequences of bioattacks should be the top priority of US biosecurity strategy. I strongly support efforts to prevent the development and use of biological weapons, including enhancements to laboratory safety and security and the encouragement of a "culture of security" among bioscientists. I would, however, place a greater emphasis and urgency on biodefense – that is, on efforts improve US capacities to respond to bioattacks because I believe this is the area most in need of immediate attention, and the area in which the greatest gains could be achieved in the near term.

I have long been deeply appreciative of this Committee's interest in and commitment to US biosecurity, and if confirmed I would welcome opportunities to work with the Committee to advance country's ability to both prevent and respond to bioattacks and natural epidemics.

b. If confirmed how would you ensure that DHS facilities, and non-Federal facilities carrying out DHS work, comply with the Secure Agent Program regulations?

If confirmed, I would utilize S&T's Regulatory Compliance Office (RCO) to ensure compliance with all relevant statutory and regulatory authorities for S&T funded research efforts. The RCO will provide oversight for DHS-funded research activities that involve Biological Select Agents and Toxins (BSAT), and for the implementation and use of appropriate biosafety and biosecurity measures for S&T funded research performed at DHS facilities (Plum Island and the National Biodefense Analysis and Countermeasures Center (NBACC)) as well as non-Federal facilities that carry out DHS work.

20. The Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism identified the threat of biological weapons terrorism as one of our greatest vulnerabilities. One of the Commission's central recommendations was

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that the federal government do more to secure dangerous pathogens, including through stronger government oversight of high-containment laboratories. What is your assessment of the recommendations of the WMD Commission? Which of the Commission's recommendations are among your highest priorities to implement, if confirmed?

Overall, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism has done an excellent job in identifying our nation's major vulnerabilities and making recommendations to strengthen our position against the biological and nuclear threat. With regards to the specific recommendation above, I support improved government oversight of high-containment laboratories and research and understand that several governmental groups, including the National Science Advisory Board for Biodefense, the Trans-Federal Task Force on Optimizing Biosafety and Biocontainment Oversight, and the Executive Order Biosecurity Working Group, are addressing these matters.

The Commission's report is an important warning of the dangers of nuclear and biological terrorism. I agree with the Commission's central assertion that bioterror attacks represent a particularly urgent threat that needs greater attention from the federal government. I have spent the last decade leading organizations dedicated to raising awareness of this threat and to improving our understanding of how such attacks might be prevented or mitigated.

I agree with the intent and direction of all the Commission's recommendations regarding the bioterror threat including recommendations to: conduct a review of existing US programs to secure dangerous pathogens in laboratories; to enhance US bioforensics capabilities; promote a robust culture of security awareness in life sciences research; and to enhance the nation's capabilities for rapid response to bioattacks.

I favor a comprehensive review of the domestic US program to secure "dangerous pathogens", and support the Commission's recommendation to "explore ways of implementing the Select Agent Program so that it continues to prevent the misuse of dangerous pathogens without hampering vital domestic research and international collaboration" [p28].

I have long encouraged fostering a culture of security awareness in bioscience research. The journal which I co-edit, *Biosecurity and Bioterrorism*, was one of the first peer-reviewed journals to require a security review of submitted articles. In 2003, I co-authored one of the earliest publications calling attention to the problem of "dual-use" bioscience research. I also encouraged the Federation of American Scientists' development of college curricula materials for biosecurity awareness when I chaired the board of that organization.

The Commission's mandate was to focus on *prevention* of WMD attacks and this priority is reflected in the ordering of its recommendations. Among the top prevention priorities cited by the Commission is the need to develop greater capacity to assign attribution for

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covert bioattacks. I agree with this finding and if confirmed I will strongly promote research and development in "bioforensics", which is a priority interest within the S&T Directorate and is clearly essential to effective deterrence. I will also promote the development of a Federal strategy to strengthen our capabilities in this arena.

If confirmed, I will pursue S&T participation in efforts to improve the nation's capacity to respond to and mitigate biological attacks, and will support work related to mitigation of nuclear attacks should the Secretary or DHS operating components request S&T assistance. I also agree with the Commission that it is vitally important to forge international efforts to prevent and mitigate biological and nuclear attacks with our close allies and I will pursue and support activities to that end.

This Committee has had a long history of interest and engagement in biodefense issues. I believe it is of great importance to the country that the findings and recommendations of the WMD Commission, particularly in the biodefense area, be appropriately recognized and pursued in the highest levels of government. I congratulate the Committee on its long standing commitment to these matters and, if confirmed, look forward to working with the Committee continue the work ahead to prevent bioattacks, if possible, and to build an adequate biodefense, should one be needed.

21. Section 1104 (b) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) directed the Department to "develop a departmental technology assessment process to determine and certify the technology readiness levels of chemical, biological, radiological, and nuclear detection technologies before the full deployment of such technologies within the United States." In your view, what role should the Directorate play in such a process?

It is my understanding that the role of the S&T Directorate's Testing and Evaluation (T&E) division is to support major acquisition decisions -- including the full deployment of chemical, biological, radiological, and nuclear detection technologies – as is documented in the Department's Acquisition policy. My briefings indicate that S&T is working closely with the DHS operational components to further develop and implement a robust department-wide Test and Evaluation (T&E) process. Current activities by T&E include participating in T&E working groups, approving Test and Evaluation Master Plans, approving Operational Test Plans, participating in Operational Test Readiness Reviews, observing testing, and writing an independent assessment of the programs Operational Test and Evaluation to support acquisition decisions. If confirmed, I will ensure this process is fully implemented to support the Acquisition Review Board process.

22. One of the S&T Under Secretary's primary functions is to determine the optimal balance for the Directorate's R&D investments, selecting among projects proposed by the Chemical and Biological Divisions, the Explosives Divisions, the Command, Control, and Interoperability Divisions, the Borders and Maritime Security Division, the Infrastructure and Geophysical Division, and the Human Factors Divisions. If

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confirmed, on what basis would you determine this balance and how do you anticipate the balance changing over the next five years?

The threats to our homeland security are broad, the missions diverse, and the technology needs are great. I believe there is a need to ensure an appropriate balance across all six of the S&T divisions, as well as to review the strategic balance of investments within the entire portfolio. As you are aware, through the Technology Oversight Group (TOG), there is a mechanism in place for DHS leadership to review the S&T investment across the S&T portfolio to ensure the right strategic balance. The TOG is chaired by the Deputy Secretary, consists of the Under Secretary for National Programs Protection Directorate, and the Under Secretary for Management, and is attended by the operational component heads who each have a vested interest in the S&T investment.

While I have some initial opinions, I believe the QHSR will provide important insight into DHS mission priorities, identify the principal strategic outcomes desired, and thereby assist S&T in identifying critical areas for R&D investment. I intend to participate in the QHSR so I have an understanding of its content, and once it is approved and I have an opportunity to work directly with DHS S&T customers, including first responders and the American public, I will present my best recommendations of the proper balance of the S&T investment to the leadership of DHS.

23. The Domestic Nuclear Detection Office (DNDO) and S&T operate nearly identical organizations for managing R&D investments at the National Laboratories and academic institutions. DNDO manages R&D to counter nuclear and radiological threats; the S&T Directorate manages R&D investments focused on all other Weapons of Mass Destruction (WMD) threats and for other homeland security missions. DNDO and S&T coordinate their planning; however, as evidenced by S&T's work on an integrated chemical, biological, radiological, and nuclear detection sensor, operating separate R&D organizations creates the risk of duplication and may undermine coordination with the National Laboratories. What is your initial assessment of near-term steps that DHS could take to improve the Department's capacity to ensure that "domestic chemical, biological, radiological, and nuclear detection equipment and technologies are integrated, as appropriate, with other border security systems and detection technologies?

Because of the significantly different sensor technologies involved in detecting chemical, biological, and radiological/nuclear threats, I think there is very little risk in unwitting duplication of efforts between DNDO and S&T. It is important, however, to ensure the integration of these sensors, when appropriate, as directed in the *Implementing Recommendations of the 9/11 Commission Act of 2007*.

The specific project mentioned, the Integrated CBRNE Detection Demonstration Project, is a good example at the individual project level of effective coordination among DHS S&T, DNDO, other DHS components. The project is creating an architecture that integrates reporting from disparate chemical, biological, radiological and explosive detection/collection systems using accepted communications protocols and standards to

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promote enhanced situational awareness across broad threat domains. Over forty Federal, state, local, and city agencies participated in an initial pilot in Los Angeles. The S&T Directorate, DNDO, CBP, and USCG were among the DHS entities collaborating in the effort.

I am informed that the Department has recently undertaken a CBRNE Capabilities Review Process to examine the current alignment of CBRNE capabilities across DHS components and to identify options to align these capabilities for optimum effectiveness and efficiency. If confirmed, I will work closely with the Director of DNDO, the Assistant Secretary for Health Affairs and other stakeholders as necessary to promote better alignment of R&D investments consistent with the needs of DHS and other agency customers.

Cyber Security

24. For years, there have been significant vulnerabilities in our cyber networks. These vulnerabilities have led to massive identity theft, monetary loss, and leaks of classified information, and have had an effect on all levels of government and throughout industry. Additionally, cyber threats to Supervisory Control and Data Acquisition (SCADA) systems – which control industrial processes – have the potential to cause devastating impacts on critical infrastructure, including the electric grid and the water supply.

a. Please discuss your familiarity and experience with cyber security issues.

I am not a cyber security expert. I do, however, have broad familiarity with a number of cyber security issues as a consequence of Defense Science Board activities and recent service on the National Academy of Sciences Committee on Technical and Privacy Dimensions of Information for Terrorism Prevention and Other National Goals, which was chaired by former Defense Secretary William Perry and former MIT President Chuck Vest. The members of this committee included some of the top cyber experts in the country, including leading scientists from universities and the private sector as well as members of the intelligence community. This 18 month experience provided me with a bootstrap education in many cyber security matters.

The ongoing challenge of protecting digital information from unauthorized access has become an important duty of anyone who runs an organization. As the CEO of the Center for Biosecurity, an independent, non-profit organization that shares many electronic data systems with a major academic medical center - known as one of the "most wired" hospital complexes in the country - I have had responsibility for ensuring that the Center's data systems adhere to UPMC's stringent corporate standards. I am convinced that as information technologies evolve and become incorporated into more and more systems and activities, it is critical that security concerns become an integral component of project design, development and operations.

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In matters of cyber security pertinent to the S&T Directorate, I would rely on the advice and analysis of experts in the field, including professionals in the S&T Directorate, other government experts and outside advisors such as members of the Homeland Security Science and Technology Advisory Committee and technical experts. Cyber security is such a dynamic field that it will undoubtedly be necessarily to assemble a wide ranging group of expert advisors from universities and the private sector.

b. What do you see as the role of Under Secretary of S&T in this area?

The Under Secretary of S&T should provide leadership, guidance, coordination, and oversight of S&T efforts in developing and delivering innovative cyber solutions to homeland security problems confronting the DHS operational components. The National Protection and Programs Directorate, which bears the operational responsibility for defending critical infrastructures, and the United States Secret Service, which has essential cyber law enforcement activities, are already working with S&T to develop new cyber capabilities. I believe S&T should also have a role in the Department's participation in developing a national strategy for cyber security.

c. What do you see as the biggest challenges facing S&T relating to cyber security?

Protecting our country's networks and assets from a cyber attack requires, firstly, a tight, iterative R&D process which can rapidly develop and deliver practical solutions to current and near term needs. Creating such fast-paced cycles of technology research, development, and transfer is an enormous challenge, but one we must meet to ensure we are equipped to detect and react to cyber attacks.

Several specific technical areas I believe present significant challenges. These include: improving quick and practical ways to fix software errors and vulnerabilities; educating software developers on secure development techniques; developing new technologies to monitor and detect malware and botnets; and providing technically advanced and cost-effective cyber forensic solutions to support criminal investigations into all forms of cyber crime.

25. Given the different roles and responsibilities within the area of cyber security, how should S&T best engage industry, government, and academia with all three groups to ensure that it helps develop the tools necessary to protect the national information infrastructure?

There are several ways that DHS S&T should be engaging industry, academia, and government partners. First, DHS S&T solicits new ideas through a Broad Agency Announcement (BAA) process that is open to all three groups. The BAA topics come from internal DHS customers and critical infrastructure providers in the public and

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private sector, which ensures that results from these research activities will be germane to the needs of protecting the national information infrastructure. Second, I understand that S&T leads intergovernmental working groups that are focused on coordinating research agendas across multiple agencies. This enables inter-agency collaboration and eliminates duplication of effort. Finally, I understand that S&T is developing cyber security research infrastructure, such as test beds and data repositories, which are used by all three groups to produce new solutions for the global infrastructure. If confirmed, I would work with the Under Secretary of NPPD to evaluate the effectiveness of these processes by reviewing the results they have delivered and make changes if necessary.

Transportation Security

26. **Historically, DHS has adopted a different approach to rail and mass transit security than it has adopted for aviation security, in large part because of the obvious operational role the Transportation Security Administration (TSA) has in protecting the aviation sector. While TSA may periodically surge law enforcement assets to local communities to protect transit systems, the agency generally has a more regulatory role when it comes to rail and mass transit security. One area where DHS can do more to protect local transit systems is in fostering or certifying security technologies that local operators could then purchase and deploy. What do you consider the highest priority gaps in mass transit protection, and what do you think S&T can do to address these gaps expeditiously?**

The mass transit security challenge is in many ways much more complicated than the aviation security challenge because of the need to secure not only the terminals, but the routes of the various modes of mass transportation. To accomplish this, we need to pursue a layered, risk-based strategy, using a range of approaches and technologies.

According to the 2008 Critical Infrastructure Annual Report, the highest priority gaps in mass transit involve the protection of passengers and infrastructure from improvised explosive devices and chemical, biological, radiological and nuclear devices. Some of the technologies under development for mass transit protection include methods detecting threats and threatening behavior of individuals in the context of high-volume transit, and development of technologies that can mitigate the effects of, improve the response to, and expedite the recovery from attacks should they occur. It is my understanding that S&T has a number of programs designed to do these things, and if confirmed I will ensure that efforts are focused on the highest impact areas.

27. **As part of its University Programs office, S&T funds several Centers of Excellence, whose purpose is to bring together experts and researchers to conduct research and education into particular homeland security portfolios. In response to a concern that DHS was not doing enough to improve the security of surface transportation,**

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Congress mandated the creation of a National Transportation Security Center of Excellence and authorized $18 million annually for the Center to conduct research and development and education activities in transportation security. The FY2010 budget request proposes cutting the Center's budget nearly by half, from almost $6.1 million in FY2009 to approximately $3.2 million in FY2010. Given the Secretary's recent commitment to prioritize surface transportation and the Department's proposed investment in mass transit research and development, how will you ensure that the Center's budget is sufficient?

It is my understanding that the NTSCOE was funded at an appropriated base level of $4 million in FY 2008 and $4.2 million in FY 2009. I also was advised that available FY 2010 funds for the Centers of Excellence (COEs) will be distributed equally among the 11 COEs. As a result, each of the COEs will receive about $3.2 million in base program funds, based on the 2010 budget request. I understand that S&T's intent is to supplement the NTSCOE's base 2010 budget by working with the COEs' customers to identify additional funds for high priority projects. These clients include internal DHS S&T Divisions and DHS components such as the Transportation Security Administration and the Office of Infrastructure Protection. This approach is consistent with the way the S&T Office of University Programs funds the other Centers of Excellence

28. **The S&T Directorate has funded promising research and development into the use of advanced composite materials. These materials can be employed to ensure the integrity of cargo shipments into our nation's ports as well as to improve airline security through the use of air cargo composite containers. It is a priority that the Borders & Maritime Division within the S&T Directorate be adequately funded to support the advancement of composite material manufacturing technologies, including the limited production of composite cargo containers integrated with security features that can be tested and validated for commercial and government use. If confirmed, will you continue to support funding for this program?**

If confirmed, I will certainly look more closely at this program. I am open to continued development efforts with respect to the Hybrid and Air Cargo Composite Container. My understanding is that these composites will allow security sensors to be imbedded that could detect intrusions; eventually it may be possible to imbed sensors to detect contraband. The composites are stronger than steel, 10-15 percent lighter than current shipping containers – which allows shippers to load more goods per container within weight limits - and are easier to repair, all of which decreases life-cycle costs.

I understand that S&T Borders & Maritime Division is funding the construction of one full-size International Standards Organization (ISO) Hybrid Composite Container prototype for maritime cargo and will conduct limited testing in FY 10. Likewise, an air cargo composite container prototype will be demonstrated to CBP and TSA in FY '10.

If confirmed, I will review the technology transition strategy for this program and consult with the Commissioner of CBP and the TSA Administrator to determine if this strategy meets their needs.

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29. TSA has been working with S&T on a program to determine how much threat material, stored in various places within a commercial aircraft, could take down an airplane. The Department could then use this information to develop an updated standard for explosives detection equipment used at airports. It is currently using a standard based on (and modified as additional data has become available) data from the Lockerbie bombing, more than 20 years ago. To date, the Department has accumulated data from testing on one, older airframe. S&T has strongly suggested DHS acquire data from tests and modeling on additional airframes in order to accumulate more comprehensive data.

a. Do you agree that DHS should pursue a more aggressive study?

At this point I have a limited understanding of this program, but if confirmed I will look into the need for a more aggressive study of this complex problem.

b. DHS received $1 billion for new explosive detection equipment for airports, as part of the stimulus bill passed earlier this year. The equipment purchased with stimulus funding will have improved capabilities over existing equipment, but it will still be measured against the explosives detection standard developed almost two decades ago. Do you believe the development of a modern standard should be a priority for the Department?

S&T does not set requirements for equipment or make acquisition decisions. It is my understanding that the Directorate is working with the Transportation Security Administration (TSA) to help provide data and resources to assist them in the process of developing these requirements and making these decisions.

In general, if confirmed as Under Secretary for S&T, I would consider it my responsibility to provide DHS leadership with the best possible technical advice upon which to base acquisition and policy decisions. Such advice is necessarily constrained by the limitations of available knowledge. If confirmed, I would consider one of my responsibilities to be improving the quality of technical advice where needed through the evolution of modeling and simulation, and test and evaluation capabilities.

Interoperable Communications

30. The development and fielding of interoperable communications technologies has been a national priority since the tragedy of 9/11. To date, a great deal of work has been done to develop new technologies, develop national standards, and provide funding and technical assistance to state and local officials to enhance

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interoperability. Do you believe that the challenges that exist to solving the interoperable communications problem are (a) largely technological in nature, (b) due to problems caused by the lack of effective governance structures, or (c) the result of the lack of sufficient, predictable funding mechanisms, or a combination of the above?

I believe existing challenges to interoperability include a combination of all three issues identified above. Interoperability is not solely, or even mostly, a technology problem that can be solved with the right equipment or the right communications system, although both are important. Interoperability is a complex, multi-dimensional issue in which the human element plays a large role. No matter how good a technology is, no matter how impressive the systems produced are, the emergency responders and their leaders in state and local agencies must support interoperability across agency, disciplinary and jurisdictional boundaries and be willing to build and exercise standard operating procedures and governance charters.

I believe a predictable funding mechanism would greatly assist efforts to achieve interoperability. It is my understanding that one of the ways the Federal government can influence the adoption of interoperable technologies is through grant guidance. Although Federal grants are a small portion of funding spent on interoperable communications, this guidance helps coordinate how funding from all sources is allocated to maximize the effectiveness of all interoperable communications projects. Thus, it is important that S&T continue working with the NPPD Office of Emergency Communications (OEC) and FEMA to provide guidance for Federal grant programs that fund interoperable emergency communications.

31. **The Office for Interoperability and Compatibility (OIC) develops standards and technologies to enhance interoperable wireless communications. Other offices within the Department, primarily the Office of Emergency Communications and the Federal Emergency Management Agency's (FEMA) disaster emergency communications division, play important roles in developing long-term strategies to address interoperability, helping coordinate planning at different levels of government, and helping re-establish communications following disasters.**

    a. **What will you do to ensure that there is strong coordination between OIC and these offices, while also maintaining a practitioner-driven approach to research and development for interoperability?**

    It is my understanding that FEMA and the Office of Emergency Communication co-lead the Interoperability Capstone IPT. If confirmed, I will evaluate the effectiveness of that IPT and work closely with the FEMA Administrator and the Under Secretary for NPPD to ensure their interoperability technical needs are being met by S&T OIC.

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b. How best can S&T work with the Office of Emergency Communications, FEMA, and DHS's Office of Policy to develop a unified approach to interoperable communications challenges?

It is my understanding that a mechanism is in place through the Capstone IPT process to identify high priority interoperability technology needs. I believe S&T should continue to work with OEC, FEMA, and the Office of Policy through this mechanism to ensure that we are effectively meeting the interoperability needs at all levels of government. If confirmed, I will work the Under Secretary of NPPD and the FEMA Administrator to make changes if necessary.

32. Based on your experience and understanding, how effective have the Project 25 standards been at promoting common approaches and baseline capability development for interoperable communications solutions across the nation?

Based on what I have learned, Project 25 standards are having a positive effect on improving interoperable communications. Project 25 standards allow emergency responders to purchase radios and systems from different manufacturers and enable that equipment to work together. I understand that the S&T Office for Interoperability and Compatibility has established a Project 25 Compliance Assessment Program to ensure equipment complies with Project 25 standards and operates as expected. This program recently recognized the first group of laboratories capable of testing Project 25-compliant products.

SBInet

33. Given the serious problems encountered in the Department's development of the SBInet program, do you believe current initiatives to deploy virtual technologies at the border should be re-assessed?

a. In an updated operational requirements document last November for the deployment of the first 50 miles of SBInet, the threshold requirement for both detection and identification of persons and items of interest was lowered to 70%. Do you think this new threshold is appropriate? What do you believe would be an appropriate detection threshold for the program when it is fully implemented?

See the response to 33b for a comprehensive response to both questions

b. Should the system be improved before it is deployed along the border?

S&T does not set requirements for equipment or make acquisitions decisions. It is my understanding that the Directorate is working with CBP on test and evaluation and technical performance details in order to ensure we field the best possible system.

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As I noted in Q29 above, if confirmed as Under Secretary for S&T, I would consider it my responsibility to provide DHS leadership with the best possible technical advice upon which to base acquisition and policy decisions. In addition to my Test & Evaluation oversight role, I would highlight to the SBInet program manager the existence of the Systems Engineering and Development Institute, one of the DHS FFRDCs, which has expertise in designing complex technology and operations systems.

Federally Funded Research and Development Centers

34. In March 2009, S&T announced the establishment of two new Federally Funded Research and Development Centers (FFRDCs): the Homeland Security Studies and Analysis Institute (HSSAI) and the Homeland Security Systems Engineering and Development Institute (HSSEDI). What do you see as the role of these Centers with respect to the Department's science and technology mission?

The new Federally Funded Research and Development Centers (FFRDCs) have important roles with respect to DHS Science & Technology, and to the DHS mission as a whole. The Homeland Security Studies & Analysis Institute (HSSAI) performs risk studies, organizational assessments, organizational analysis, and policy analysis to determine baseline capabilities and develop capability gaps that can be met through policy changes, revised concepts of operations, new technology insertions, or combinations of all three. Analysis of this kind is vital to making capability priority decisions across DHS, and in turn helps prioritize the components' high priority technology needs which drive S&T investments.

The Homeland Security Systems Engineering and Development Institute (SEDI) predominantly supports DHS acquisition programs. SEDI will provide DHS with program level concept evolution, development integration, and best practices in lifecycle systems engineering and acquisition management to reduce risks and schedule performance and cost. If confirmed, I will ensure that S&T utilizes SEDI when appropriate to ensure that the selection of technologies to be developed for transition to operating components includes an evaluation of lifecycle value.

35. A predecessor to these two FFRDCs, the Homeland Security Institute (HSI), has made only a handful of its reports available to the general public on its website since its inception. This is largely due to the fact that internal DHS sponsors of HSI studies were required to approve the release of any given report. Do you believe that these two new FFRDCs should be given greater latitude to release their unclassified reports on their websites? If so, under what conditions?

I believe that the release of FFRDC reports to the general public or to other government agencies should be encouraged to promote technical exchanges of ideas and provide common knowledge. It is my understanding that the FFRDCs have greater than normal access to sensitive government data and proprietary contractor data. Thus, reports must

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be carefully scrutinized by the task sponsors before general release to the public in order to protect data and sources in accordance with the law. As I understand it, the current procedure in accordance with the FFRDC contracts also allows for review by the FFRDC Program Office, and review for standard DHS public release. If confirmed, I will ensure that material deemed appropriate upon the review will be made public.

36. The Homeland Security Science and Technology Advisory Committee (HSSTAC) was established in Sec. 311 of the Homeland Security Act of 2002; the Act specifies that the HSSTAC is intended to "make recommendations with respect to the Under Secretary for Science and Technology, including identifying research areas of potential importance to the security of the Nation."

a. What do you see as the role of the HSSTAC? What issues should it address in the next 2-3 years?

It is my understanding that the Homeland Security Science and Technology Advisory Committee (HSSTAC), established with a termination date in Section 311 of the Homeland Security Act of 2002, has proven its value to S&T and to DHS and was therefore re-chartered as a discretionary Advisory Committee of the Department of Homeland Security. The new charter became effective on January 19, 2009. Under the new charter, the mission of the HSSTAC is to be a source of independent scientific and technical planning advice for the Under Secretary for Science and Technology, meeting quarterly as a Committee and holding more frequent meetings of its working panels or sub-committees as deemed necessary.

If confirmed, I will welcome outside input and assessment of the S&T Directorate's work, and will encourage consideration of a wide range of viewpoints, including those of HSSTAC members. I am not at this point prepared to identify the specific issues the HSSTAC might address in the next 2-3 years.

b. The Act specifies that the HSSTAC shall meet "at least quarterly." Will you commit to ensuring that the HSSTAC meets with this degree of regularity?

Yes.

37. In June 2008, the Essential Technology Task Force of the Homeland Security Advisory Council released a report (available on the DHS website) that examined the ways that the Department identifies, acquires, and deploys technology and made recommendations about how to improve these processes. The report recommends that "DHS S&T should continue its participation in or more fully engage existing intergovernmental technology organizations" such as the Technical Support Working Group (TSWG), the Intergovernmental Technology Board, and NATO's Program of Work on Defense against Terrorism. Do you support the report's

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recommendation? If so, what steps will you take to strengthen S&T's relationship with these organizations?

The Homeland Security Act of 2002, Section 302(13), specifies one of the responsibilities and authorities of the Under Secretary for Science and Technology as "coordinating with other appropriate executive agencies in developing and carrying out the science and technology agenda of the Department to reduce duplication and identify unmet needs." If confirmed I will aggressively exercise my authority in this area.

My understanding is that several interagency and intergovernmental coordination vehicles already exist between DHS S&T and our government partners. If confirmed, I will work to leverage existing relationships, and to develop new ones, in order to maximize coordination and eliminate unproductive Research, Development, Test and Evaluation redundancy and duplication of effort.

I also look forward to working with the Committee in this area. Congressional interest in improving government efficiency in the spending of precious science and technology dollars provides needed leadership regarding interagency and intergovernmental S&T partnering and coordination.

38. The success of the S&T Directorate's activities is not only in the development of new technological solutions but also in the transition of these solutions to the private sector. The previous S&T Under Secretary established several mechanisms for transition of technologies, including regular stakeholder meetings and a Commercialization Office.

a. In your view, what are the critical activities that the S&T Directorate must perform well in order to foster necessary technology transfers from the S&T Directorate to the private sector?

S&T transitions technology to DHS components and first responders, both of which rely on the private sector to manufacture these products. If confirmed I will ensure that S&T continues to work closely with internal DHS customers to assist the operational components' acquisition executives through the Capstone IPT process.

Because of the diversity and segmentation of the markets involved, transitioning technologies to the first responder community is more complicated. It is my understanding that the S&T Directorate has developed and implemented innovative public-private partnerships through the Commercialization Office to identify and transition innovative technologies to our customers. The S&T Commercialization Office was created in 2008 to work with the private sector to identify, evaluate and commercialize technology for rapid development and deployment for operational use by the Directorate's customers with a particular emphasis on transitioning those products which might be expected to appeal to a large market, such as the first responder community. If confirmed, I intend to review the Commercialization Office efforts, and work to find other innovative mechanisms through which the private

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sector can become even more involved in meeting our homeland security technology challenges.

b. What actions do you plan to take to further involve and integrate the views and requirements of local and state first responders into the Directorate's decision to establish R&D priorities or make new investments?

As I understand it, the S&T Directorate involves first responders in a number of ways to integrate their views and requirements in Directorate R&D projects. The TechSolutions program, for example, was established to provide technologies that address mission capability gaps identified directly by the emergency response community. First responder priorities are also represented in the Integrated Project Team (IPT) for Incident Management and in the IPT dedicated to Interoperability and Preparation and Response. I understand that the newly introduced First Responder Integrated Product Team includes representatives from the first responder community. If confirmed, I will review current and proposed processes used to establish first responder R&D priorities. I will also look at how investments are made to deliver needed technology to our first responders. I am committed to DHS S&T playing a leadership role in the delivery of needed technology to our Federal, State, local, tribal and territorial first responders

39. The S&T Directorate engages research and development by academia though the DHS University Centers of Excellence. How well are these Centers aligned with the Department's research needs? What changes, if any, to the current relationship between the S&T Directorate and the Centers would likely lead to improvements in the Centers' performance?

I understand that 9 of the 11 Centers of Excellence (COEs) are specifically aligned to the 6 S&T Divisions. The aligned divisions are responsible for identifying the highest priority research questions for their COEs, evaluating proposals, negotiating work plans, and regularly connecting the COEs to the homeland security enterprise to help ensure effective research outcomes. The other two COEs are cross-cutting, with research and education projects that affect several or all divisions. I also understand that the S&T Research Council and the Office of University Programs, both led by the Director of Research, serve a coordinating function to identify remaining knowledge gaps and potential areas of overlap that cut across divisions and COEs. If confirmed, I will take advantage of the existing process to identify possible changes to improve the relationship between the COEs and S&T. I would also be interested in the views of the Committee and those of the COEs, on how to improve the Centers contributions to S&T's R&D efforts.

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IV. Relations with Congress

40. Do you agree, without reservation, to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

Yes.

41. Do you agree, without reservation, to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed?

Yes.

V. Assistance

42. Are these answers your own? Have you consulted with DHS or any interested parties? If so, please indicate which entities.

Replying to this questionnaire with an appropriate level of detail to answer the questions fully and thoughtfully required consultation with certain DHS personnel in regard to matters about which I did not have specific knowledge. Intending to be fully responsive to the Committee in the available time, I have engaged in the normal pre-confirmation discussions with the White House and DHS headquarters staff. These discussions added breadth and depth to my knowledge regarding the background, status, and general plans of the Department such as are relevant to the position to which I have been nominated. However, and in every instance, the answers provided in this response are my own, based on my best understanding and analysis of the information which I have been provided.

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I, Tara J. O'Toole, being duly sworn, hereby state that I have read the foregoing Pre-Hearing Questionnaire and that the information provided in the answers therein are, to the best of my knowledge, current, accurate, and complete.

Tara J. O'Toole

Subscribed and sworn before me this 5th day of June, 2009.

Notary Public

Jared Vincent Ferris
Notary Public, District of Columbia
My Commission Expires 12-14-2009

JARED VINCENT FERRIS NOTARY PUBLIC DISTRICT OF COLUMBIA

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Senator Joseph I. Lieberman
Questions for the Record
Pre-Hearing Questions for Tara O'Toole,
Under Secretary of Science and Technology, Department of Homeland Security
May 28, 2009

1. **Under the "Support Anti-Terrorism by Fostering Effective Technologies Act," or SAFETY Act (P.L. 107-296, Subtitle G), the Secretary may designate "qualified antiterrorism technologies" to qualify for legal liability protections. The Act is administered by S&T. In the SAFETY Act, a Qualified Anti-Terrorism Technology is defined as follows: "For purposes of this subtitle, the term 'qualified anti-terrorism technology' means any product, equipment, service (including support services), device, or technology (including information technology) designed, developed, modified, or procured for the specific purpose of preventing, detecting, identifying, or deterring acts of terrorism or limiting the harm such acts might otherwise cause, that is designated as such by the Secretary."**

   a. **It is clear from this definition that the original purpose of the SAFETY Act was for products, equipment, services, devices or technologies with a specific purpose related to terrorism. Some people contend, based on a review of SAFETY Act designations to date, that the Department is applying the SAFETY Act more broadly than the law allows by granting liability protections to companies providing services with broad purposes (video surveillance systems, for example). Do you believe that the Act has been implemented in a manner consistent with its original purpose?**

If confirmed, I will carefully review the functioning of the S&T Directorate's Office of Safety Act Implementation and consult with the Office of the General Counsel about any changes in the administration of the Act that are warranted. As always, I would welcome Congress and this Committee's perspective on the implementation of this issue.

I have not had the opportunity to review the results of the Act since its inception but I understand that over 200 QATTs have been covered to date. My impression is that the statute is serving its intended purpose. As I understand the Act, an application seeking SAFETY Act coverage must demonstrate that the product or service provides a significant anti-terrorism capability. The product or service need not be exclusively designed for its anti-terrorism applications, and may be employed effectively for more than one purpose, but SAFETY Act eligibility requires that the product or service have a sufficiently strong linkage to or impact on countering terrorism.

My understanding is that it is important to note that a SAFETY Act designation or certification would only apply to the anti-terrorism employment of the product or service and would only apply in the event of harm caused by an act of terrorism. SAFETY Act liability protections would not apply to instances involving the performance of the product or service in other mission areas, such as in countering criminal, but non-terrorist activity or identifying and correcting safety hazards.

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b. In December, the Department designated and certified the National Football League's "NFL Best Practices for Stadium Security" as an "approved product" under the SAFETY Act. The SAFETY Act website states "The Technology is a set of guidelines for stadium security management designed to deter and defend against terrorist attacks at sports stadiums. It includes standards for non-game day operations, game day operations, and threat assessments and emergency plans. The Technology also includes the hiring, vetting, and training of personnel used to provide the services." Do you believe that "best practices" should be considered a "technology" or qualify a company for the broad liability protections of the SAFETY Act? Do you believe that hiring practices should be considered a "technology" for purposes of the SAFETY Act?

If confirmed, I will carefully review the functioning of the S&T Directorate's Office of Safety Act Implementation and consult with the Office of the General Counsel about any changes in the administration of the Act that are warranted. As always, I welcome Congress and this Committee's perspective on the implementation of this issue.

It is my understanding of the SAFETY Act statute that "best practices" may qualify as a technology eligible for SAFETY Act protection. Best practices, standards, and guidelines that have significant anti-terrorism applications and which have been evaluated and found to be effective in preventing, detecting, identifying or deterring acts of terrorism or limiting the harm such acts might otherwise cause, fit within the definition of a "Qualified Anti-Terrorism Technology" set forth in the legislation and are therefore eligible for consideration. The NFL's Certification for Best Practices for Stadium Security reflects the Department's efforts to encourage the private sector to make substantial investments in the development and implementation of standards and best practices that will translate into effective anti-terrorism capabilities.

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Senator Carl Levin
Questions for the Record
Pre-Hearing Questions for Tara O'Toole,
Nominee for Under Secretary of Science and Technology, Department of Homeland Security

1. **In an exercise called "Dark Winter," you used a secondary transmission rate of 10:1. In an Army War College Report titled, *Assessing the Biological Weapons and Bioterrorism Threat,* the author, Milton Leitenberg, states that the transmission rate that you used exaggerated the smallpox transmission rate by 3 times the historical average. He also states, "Such inflated transmission rates, of course, make it next to impossible for the game players to do very much to contain the outbreak, and assure a disastrous outcome irrespective of whatever control measures the players may attempt to carry out." Please provide the basis by which you determined a 10:1 transmission rate and if you believe that this assumption is still appropriate?**

It is not possible to predict with exact certainty how smallpox would spread in the United States if an attack occurred today. The transmission rate for any contagious disease is highly context dependent and much has changed in the 29 years since smallpox has been eradicated. The empirical data, analysis and assumptions underlying the Dark Winter scenario have been published in the peer reviewed literature and are available on the internet and are explained in detail below. Mr. Leitenberg never refers to these analyses in his many critiques. I absolutely stand by our assessment that, under an attack scenario such as that portrayed in Dark Winter, a 1:10 transmission rate for the first to second generation smallpox cases is entirely plausible.

My colleagues and are not alone in this assessment. For example, in 2001, an analysis published in the journal, *Nature*, predicted that the rate of transmission of smallpox in contemporary industrialized societies would be 4–6 new infections per infected person and potentially as high as 10–12 new infections per infected person prior to the recognition of smallpox cases and the application of appropriate infection-control measures.[1]

The Dark Winter exercise, held in June 2001, was intended to increase leaders' awareness of the potentially devastating consequences of a bioterror attack on civilian populations and what must be done to mitigate such consequences. The exercise posited a 1:10 transmission rate; that is, each person initially infected with smallpox in the attack was assumed to infect 10 second-generation cases. This transmission rate was based on:

- Analysis of available scientific information regarding the smallpox virus
- Relevant empirical data from past smallpox outbreaks, and

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[1] Gani R, Leach S. Transmission potential of smallpox in contemporary populations. Nature 2001; 414:748-51.

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- discussions with some of the world's leading experts on smallpox and biological weapons.[2]

The transmission rate was largely based on an analysis of 34 instances of smallpox importations into Europe between 1958 and 1973. We determined that 6 of those importations most closely paralleled the context of the *Dark Winter* exercise. In those 6 importations, the diagnosis of initial smallpox cases was slow and infected people had considerable interaction with other people before appropriate infection-control measures were implemented.

The number of second-generation cases in those 6 importations ranged from 10 to 19 cases, with an average of 13.3 secondary cases per initial case (95% CI, 9.3–17.3). Based on that analysis and given the high susceptibility of the US population – as of June 2001, ~42% of the US population had never been vaccinated against smallpox - and the likelihood of delayed diagnosis and public health intervention resulting from a clandestine attack, we used a 1:10 transmission rate for first to second-generation cases in *Dark Winter*.

We believed that using a lower rate of transmission for first to second generation cases within the context of the attack portrayed in the exercise would be inconsistent with what the relevant epidemiological data demonstrate and unreasonably optimistic, potentially resulting in false planning assumptions. A detailed explanation of the Dark Winter analysis follows.

Detailed Description of *Dark Winter* Planning Assumptions

Overview *-Dark Winter* was designed based on an analysis of available scientific information regarding the smallpox virus and historical data from past smallpox outbreaks as well as our discussions with some of the world's leading experts on smallpox and biological weapons.[3] Based on that analysis, we made two key assumptions that significantly affected the epidemic portrayed in Dark Winter: (1) the number of persons infected in the attack (3,000); and (2) the transmission rate for the spread of the smallpox virus from the people initially infected in the attack (first-generation cases) to the next generation of cases (second-generation cases) (1:10).

In regard to the basis on which we determined the transmission rate for smallpox used in Dark Winter, it should be understood from the outset that the transmission rate for any infectious disease is not a static characteristic of a microbe that can be readily determined. Instead, the transmission rate for an infectious disease is a complex, dynamic, fluctuating, phenomenon contingent on the interaction of multiple biological,

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[2] O'Toole T, Mair M, and Inglesby TV. Shining Light on Dark Winter. Clinical Infectious Diseases. 2002;34(7):972-983.

[3] O'Toole T, Mair M, and Inglesby TV. Shining Light on Dark Winter. Clinical Infectious Diseases. 2002;34(7):972-983.

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social, demographic, political, and economic factors. In other words, transmission rate is highly context dependent. Factors that contribute to the transmission rate of an infectious disease include: the number of people infected; the number of people that infected individuals have contact with sufficient to transmit virus and how susceptible those contacts are to infection; the time of year that the outbreak occurs and; the timing of diagnosis of cases and the implementation and efficacy of disease containment measures.

The context for *Dark Winter* was a clandestine attack with the smallpox virus among a highly susceptible population during the time of year when the transmission rate for smallpox is known to be at its seasonal high with delayed diagnosis and implementation of containment measures.

Highly Susceptible Population - Human beings are considered universally susceptible to the smallpox virus unless they have been vaccinated or have been infected previously with an orthopoxvirus. Given that smallpox has been eradicated (the last natural case occurred in Somalia in 1977) and that large-scale vaccination programs have been halted since the 1970s, the global susceptibility to smallpox virus is higher than it has ever been in modern history. At the time of *Dark Winter* (June, 2001), US Census data indicated that ~42% of the US population was aged <30 years and, therefore, had never been vaccinated against smallpox and thus, would be fully susceptible to smallpox infection. As for those who had been vaccinated, their susceptibility to smallpox infection was uncertain, because acquired immunity is known to wane over time. Exactly how long and to what extent smallpox immunity from vaccination endures remains unknown. At the time of *Dark Winter*, the estimate of the level of total population herd immunity to smallpox in the United States was 20%. Thus, we estimated that approximately 228 million US citizens would be expected to be highly susceptible to smallpox infection.

Timing – Historically, the peak transmission season for smallpox virus is during the winter and early spring. This is likely related to the better survivability of orthopoxviruses (such as smallpox) in the aerosolized form when temperature and humidity are low. We chose December for the timing of the attack in Dark Winter presuming that a thinking enemy—whose intent is to inflict as much damage as possible—would choose to attack with the smallpox virus during its peak transmission season so as to attempt to maximize its destructive potential.

Delayed Diagnosis and Intervention – Dark Winter was designed to investigate the challenges that a covert attack with the smallpox virus would present to senior-level decision makers. Under such a scenario, there would be no signs or symptoms when the initial attack occurred. The first recognition that an attack has occurred would likely occur when people infected in the attack begin showing signs of infection (about 12-14 days after exposure to the smallpox virus) and start presenting in emergency departments and doctors' offices. At this point, those people will already be capable of transmitting the smallpox virus to others.

Thus, by the time a covert smallpox attack is discovered, the disease will have begun spreading to second-generation cases. Given that very few doctors practicing medicine

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today have ever seen a case of smallpox, and that there is no widely available, rapid diagnostic test for smallpox, it is likely that the diagnosis of initial smallpox cases would be delayed. For Dark Winter, we posited that by the time initial cases were diagnosed, the country realized that a smallpox attack had occurred, and the epidemiological investigation was able to discern the attack sites and determine who was at risk, the initial cases already would already be transmitting virus to the second-generation cases and there would be little, if anything, that public health authorities would have time to do to prevent the transmission from first to second-generation cases based on its limited ability to gain timely situational awareness. Note too, that at the time of the exercise, the US possessed very limited supplies of smallpox vaccine, and had no means of rapidly manufacturing more.

Transmission Rate – We used a 1:10 ratio for the transmission rate of smallpox from those initially infected to the second-generation cases in the attack simulated in *Dark Winter*. The 1:10 transmission rate was determined based on an analysis of 34 instances of smallpox importations into Europe between 1958 and 1973. These smallpox importations were instances in which a person contracted smallpox in a country where the disease still occurred naturally and then unknowingly brought the virus back to a European country that no longer had endemic smallpox.

Ten of those importations occurred in the summer and fall months when the smallpox transmission rate is at its seasonal low and were not included in further analysis because the attack simulated in *Dark Winter* took place in December when the smallpox transmission rate is at its seasonal high. Most of the remaining 24 smallpox importations that occurred during the seasonal high for smallpox transmission (December–May) were quickly diagnosed and contained, and thus also were not include in further analysis.

Six of the 24 importations that occurred during the seasonal high for smallpox transmission most closely paralleled the context of the *Dark Winter* exercise. In those 6 importations, the diagnosis of initial smallpox cases was slow and infected people had considerable interaction with other people before appropriate infection-control measures were implemented. The number of second-generation cases in those 6 importations ranged from 10 to 19 cases, with an average of 13.3 secondary cases per initial case (95% CI, 9.3–17.3).

Based on these data and given the high susceptibility of the US population to the smallpox virus and the likelihood of delayed diagnosis and public health intervention resulting from a clandestine attack, we decided to use a 1:10 transmission rate for first to second-generation cases in *Dark Winter*.

We believed that using a lower rate of transmission for first to second generation cases within the context of the attack portrayed in *Dark Winter* would be inconsistent with what the relevant epidemiological data support and unreasonably optimistic, potentially resulting in false planning assumptions. These assumptions and analyses were reviewed with leading bioweapons experts, including scientists who had worked on the US offensive bioweapons program.

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The Exercise - The *Dark Winter* exercise was held over an evening and the following day. The scenario ended in the middle of the second generation of cases when participants were told that the transmission rate beyond the first to second-generation cases (i.e., to third and fourth generations of cases) would be highly dependent on the effectiveness of infection control measures such as isolating cases and vaccinating case contacts.

During the exercise, participants repeatedly requested "worst-case" scenario predictions for the spread of disease beyond the second generation of cases to help guide policy decisions. Accordingly, we provided estimates of the projected number of smallpox cases and deaths beyond the second-generation of cases on the assumption that no additional vaccine would become available and that systematic, coordinated case isolation procedures would not be broadly and effectively enacted—in other words, the worst-case scenario. To provide worst-case projections, we determined that the transmission rate would continue to be 1:10, on average. It was strongly emphasized to participants that these numbers were worst-case projections and that these would be substantially diminished by institution of large-scale and successful vaccination programs and disease-containment procedures.

Similar questions were posed to public health officials by political leaders during the emergence of H1N1 influenza. The difficulty of accurately predicting the scope and severity of epidemics is a regular, almost invariable feature of disease outbreaks, whether they are naturally occurring or deliberate. When a thinking enemy is involved, leaders face tremendous challenges in determining, during the early stages of an epidemic, how a bioattack might unfold, what is at stake, and what response measures are feasible and warranted.

In *Dark Winter*, we tried to illustrate the importance of rapid detection of and response to clandestine bioattacks. If an attack is detected quickly, cases are rapidly diagnosed, and appropriate infection control measures are quickly and effectively implemented, it is possible that the transmission rate from first to second-generation smallpox cases would be less than 1:10. While the US is better prepared respond to a smallpox attack than it was when we conducted *Dark Winter*, the nation remains unnecessarily vulnerable to bioattacks and much work remains to be done.

In *Dark Winter* and in *Atlantic Storm*, we tried to impress upon influential leaders the importance of preparation in defending against covert bioattacks. There are still no rapid diagnostic test that could be used to quickly identify smallpox cases – or any other select agent. It is still likely today that the first recognition of a smallpox attack will be the diagnosis of initial cases by astute clinicians. At that point, those initial cases will already be capable of spreading disease. The US still lacks effective surveillance systems that can provide decision-makers with the types of information they will need to effectively manage an outbreak. And while we now have sufficient vaccine to vaccinate our entire population in the event of a smallpox attack, the country still awaits a second generation

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anthrax vaccine, and there is currently no major metropolitan area that is capable of carrying out a rapid mass vaccination campaign.

Present Context – If we were writing the Dark Winter Scenario today, I assess that a 1:10 transmission rate for first to second-generation smallpox cases in a clandestine biological attack is a plausible assumption. A 1:10 transmission rate for a smallpox outbreak prior recognition of an attack and the implementation of public-health interventions may even be on the conservative side, given that the empirical data on which this estimate is based derives from a historical period when there was substantially higher population immunity to smallpox than exists today. Furthermore, modern populations contain far more individuals living with impaired immune systems due to advances in medical therapy. It could also be argued that features of the 21st century that precipitate the emergence and reemergence of naturally occurring infectious diseases – such as the globalization of travel and trade, urban crowding, and deteriorating public health infrastructures - could potentially exacerbate the transmission rate for smallpox or any other contagious disease. In 2003, for example, Severe Acute Respiratory Syndrome (SARS), for example, spread to four continents in 24 hours.

The nation cannot effectively prepare to respond to the threat posed by biological weapons if we are not honest and realistic in our planning assumptions. I believe we accomplished this in both *Dark Winter* and in *Atlantic Storm.*

2. **In another exercise you created called "Atlantic Storm," the Army War College Report said you characterized the assumptions in Atlantic Storm "as scientific as possible." In the Army War College Report, Leitenberg said your assumptions "... were very far from 'scientific,' and were a combination of unrealistic and implausible imaginings." Please comment and provide more information on the basis of the assumptions used in this exercise.**

Mr. Leitenberg's disagreement with our exercise assumptions regarding the method of the smallpox attacks in Atlantic Storm appears to be largely based on his assessment that a non-state actor would not be capable of creating a dry-powder smallpox weapon like the one depicted in Atlantic Storm. I vigorously disagree with Mr. Leitenberg's statement that our assumptions regarding the method of the smallpox attacks were a "*combination of unrealistic and implausible imaginings*". Our assumptions are readily available on the internet (http://www.atlanticstorm.org/materials.html) and speak for themselves.

There are no significant technological barriers preventing the development and use of biological weapons by state or non-state actors. The vast majority of the biodefense community agrees with this assessment. For example, in 2001 the US Defense Science Board, chaired by Nobelist Joshua Lederberg assessed that

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"...major impediments to the development of biological weapons – strain availability, weaponization technology, and delivery technology – have been largely eliminated in the last decade by the rapid global spread of biotechnology."[4]

This report, and many other distinguished analyses, also noted that the threat posed by biological weapons will continue to grow over time as advances in biotechnology continue to make biological weapons increasingly accessible to state and non-state actors while also increasing their potential lethality. In 2004, the National Intelligence Council reported that:

"Major advances in the biological sciences and information technology probably will accelerate the pace of [biological weapon] agent development, increasing the potential for agents that are more difficult to detect or to defend against."[5]

In 2005, the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction warned that

"the terrorist threat will only grow, as biological weapons are rapidly becoming cheaper, easier to produce, and more effective."[6]
The current Director of CIA noted in his confirmation testimony that the bioterror threat is a real and immediate danger. The recently published report by the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism forcefully reinforces this point.

Although we strongly disagree with Mr. Leitenberg's argument that a non-state group could not have created the exact smallpox weapon depicted in *Atlantic Storm,* this critique is irrelevant to the point and substance of the *Atlantic Storm exercise. Atlantic Storm* was designed to investigate the collective challenges that the global community would face in responding to a clandestine biological attack with a contagious disease. These challenges include attaining situational awareness, caring for the sick in the face of limited medical resources, and managing the movement of people across international borders so as to control disease spread without fostering crippling economic disruption, and assigning attribution for the attack. Whether the attack was conducted by a state actor, non-state actor, or a combination thereof had no real bearing on the medical and public health challenges presented by the epidemic portrayed in the exercise. Moreover, a naturally occurring epidemic could present similar challenges, although it is presumed that "thinking actors" would work to increase the adverse consequences of an attack and to thwart the effectiveness of response.

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[4] Defense Science Board. Protecting the Homeland, Defense against Biological Weapons (Volume IV). 2001. Pg. 18.
[5] National Intelligence Council. Mapping the Global Future: Report of the National Intelligence Council's 2020 Project. 2004. Pg. 100
[6] Commission on Intelligence Capabilities of the U.S. Regarding Weapons of Mass Destruction Report to the President of the United States. 2005. Pg. 505.

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Senator Susan Collins
Questions for the Record
Pre-Hearing Questions for Nomination of Tara O'Toole, to be Under Secretary at the Department of Homeland Security
June 1, 2009

1. **Under the "Support Anti-Terrorism by Fostering Effective Technologies Act," or SAFETY Act (P.L. 107-296, Subtitle G), the Secretary may designate "qualified antiterrorism technologies" for legal liability protections. The Act is administered by S&T. In the SAFETY Act, a qualified anti-terrorism technology is defined as follows: "any product, equipment, service (including support services), device, or technology (including information technology) designed, developed, modified, or procured for the specific purpose of preventing, detecting, identifying, or deterring acts of terrorism or limiting the harm such acts might otherwise cause, that is designated as such by the Secretary."**

   a. **What changes, if any, should be undertaken by the SAFETY Act Office to ensure that qualified technologies are both identified and adopted by the private sector?**

      I understand that the S&T Directorate which manages the SAFETY Act program does have institutional expertise on the operation of the SAFETY Act Program. If confirmed, I look forward to reviewing the program with the Director and Deputy Director, as well as the Assistant General Counsel for Science and Technology who I understand has experience with SAFETY ACT implementation, to determine if it is necessary to further strengthen S&T outreach, collaborations with other DHS components, and other government and private sector technology users.

   b. **What are your views on SAFETY Act indemnification?**

      It is my understanding that the SAFETY Act does not provide indemnification, but rather, grants two basic levels of protection to qualified technologies: designation and certification. Protections are generally granted for five years. Designations provide a cap on third-party liability claims a vendor of a Qualified Anti-Terrorism Technology (QATT) would be required to pay out for harm caused in the event of a terrorist act where the performance of the QATT is questioned. Liability is capped at the level of liability insurance the Department requires the vendor to carry. The insurance would provide liquidity for paying claims. Certification, which requires that the QATT meet additional criteria, including a higher level of demonstrated technical efficacy, allows the vendor to assert the Government Contractor Defense – i.e. immunity from suit. The protections under the Act are triggered only when the Secretary of Homeland Security determines, in accordance with the requirements set forth in the Act and attendant regulations, than an act of terrorism has occurred.

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I have not had the opportunity to review the results of the Act since its inception but I was informed that over 200 QATTs have been covered to date. My initial impression is that the statute appears to be serving its intended purpose. If confirmed, I will carefully review the functioning of the S&T Directorate's Office of Safety Act Implementation and consult with the Office of the General Counsel about any changes in the administration of the Act that are warranted. I would welcome Congress and this Committee's perspective and engagement..

c. What bearing should a SAFETY Act designation have on procurement decisions made throughout DHS?

It is my understanding that the Federal Acquisition Regulations (FAR Subpart 50.2) provide that agencies should not mandate SAFETY Act protections for acquisitions. I believe that the rationale is that the decision to apply for these protections should be left to the vendor. However, agencies may encourage vendors to seek SAFETY Act protections for their offered anti-terrorism technologies, even in advance of a solicitation. I look forward to being fully briefed on this issue if I am confirmed.

d. The SAFETY Act was enacted to help encourage both the development and adoption of products, equipment, services, devices and technologies with the purpose of preventing and mitigating acts of terrorism. Since its enactment, many items have received a SAFETY Act certification and many more private and public sector entities have incorporated theses items into their operations. Do you believe that the Act has been implemented in a manner consistent with its original purpose?

Based on my preliminary review, I believe the SAFETY Act has generally been implemented in a manner consistent with its original purpose. It is my understanding that about 285 anti-terrorism products and services have achieved SAFETY Act protection. To make a more definitive determination whether the Act has been implemented in a manner consistent with its original purpose, additional data on the nature and extent of deployments as a result of SAFETY Act protections extended to qualified anti-terrorism technologies would need to be collected and analyzed. I look forward to conducting this review and assessment if I am confirmed.

e. Do you believe any legislative or regulatory changes to the SAFETY Act are needed?

If confirmed, I plan to meet with the Director of the SAFETY Act Office and the Office of the General Counsel to become more briefed, to review the program in detail and to discuss what improvements, if any, might be necessary. I would also be

interested in the views of the Committee on the SAFETY Act. I would be happy to share my views on the need for legislative or regulatory changes at that time.

f. It is clear from the definition of a qualified anti-terrorism technology that the original purpose of the SAFETY Act was for products, equipment, services, devices or technologies with a specific purpose related to terrorism. Do you believe that a product or service that serves multiple purposes, if only one purpose is the prevention of terrorism, can receive a SAFETY Act designation?

As I understand it, an application seeking SAFETY Act coverage for a technology or service must demonstrate that the product or service provides a significant anti-terrorism capability. The product or service does not need to be designed exclusively for its anti-terrorism mission, since it may be employed effectively for more than one mission, but, for SAFETY Act eligibility, its mission space must include a nexus to countering acts of terrorism that must be sufficiently strong. I understand that this is one of the set criteria that are specifically evaluated by the subject matter experts in each SAFETY Act application. It is important to note that a SAFETY Act Designation or Certification would only apply to the anti-terrorism employment of the product or service and would apply only in the event of harm caused by an act of terrorism. Any liability protections would not apply to cases involving the performance of the product or service in other mission areas (such as countering criminal but non-terrorist activity or identifying and correcting safety hazards).

g. The Department has certified best practices, standards, and guidelines as approved products or technologies under the SAFETY Act, including a set of guidelines for stadium security management designed to deter and defend against terrorist attacks at sports stadiums. Do you believe that best practices, standards, and guidelines should be considered a technology or product, the use of which would qualify a company for the liability protections of the SAFETY Act?

If confirmed, I will carefully review the functioning of the S&T Directorate's Office of Safety Act Implementation and consult with the Office of the General Counsel about any changes in the administration of the Act that are warranted. As always, I would welcome Congress and this Committee's perspective on the implementation of this issue.

It is my understanding of the SAFETY Act statute that "best practices" may qualify as a technology eligible for SAFETY Act protection. Best practices, standards, and guidelines that have significant anti-terrorism applications and which have been evaluated and found to be effective in preventing, detecting, identifying or deterring acts of terrorism or limiting the harm such acts might otherwise cause, fit within the definition of a "Qualified Anti-Terrorism Technology" set forth in the legislation and are therefore eligible for consideration. The NFL's Certification for Best Practices for

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Stadium Security reflects the Department's efforts to encourage the private sector to make substantial investments in the development and implementation of standards and best practices that will translate into effective anti-terrorism capabilities.

2. **Given what we know about the incubation period and expected fatality rate of anthrax, the number one biological threat, please explain your stated views that (1) the US government's investment in BioWatch in unwarranted, and (2) that the nation can be protected by better linking doctors, hospitals and public health?"**

I believe that BioWatch technologies have an important role to play in the overall effort to rapidly detect and maintain situational awareness regarding bioterror attacks. My concerns relating to BioWatch center on the absence of a national strategic plan for biosurveillance and for achieving situational awareness during events of national significance and the need to understand how BioWatch sensors would be incorporated into such a plan. I would also like to better understand how BioWatch technologies are integrated into local response operations and how the costs of deploying advanced generations of BioWatch technologies should be considered in light of the need for other surveillance investments. I believe the country needs to formulate both a near and long-term plan for biosurveillance, of which BioWatch should be a component, once BioWatch's role, operational requirements and costs are understood.

3. **Do you intend to extend your jurisdiction into operation programs of the department such as the national Biosurveillance Integration Center and BioWatch?**

When I accepted the nomination for Under Secretary of Science and Technology, I agreed to take on the responsibilities associated with a strong R&D program that focused on developing capabilities primarily for the DHS components. My understanding is that S&T provides technical expertise and the systems analyses, technologies, guidance, and options for concepts of operation in support of the NBIC and BioWatch, however the operations reside in the Office of Health Affairs. It is not my intention to extend S&T's jurisdiction to include these operational programs.

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United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

May 8, 2009

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510-6250

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Tara J. O'Toole, who has been nominated by President Obama for the position of Under Secretary for Science and Technology, Department of Homeland Security.

We have reviewed the report and have also obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Don W. Fox
General Counsel

Enclosures - REDACTED

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Senator Susan M. Collins

Additional Questions for the Record

Nomination Hearing of Tara O'Toole

June 10, 2009

1. In your responses to Senator Lieberman and in your responses to pre-hearing questions, you indicated your willingness to respond to requests for information from the Committee. I would be remiss in my duties as Ranking Member, however, if I did not ask that you treat requests from the Chairman and from me equally. Do you agree to treat requests from the Chairman and from me equally?

   Yes. If confirmed, I look forward to working in a bipartisan manner and cooperating fully with the committee.

2. The role of the S&T Directorate's Testing and Evaluation (T&E) division is to help inform major acquisition decisions. The Department's SBInet program is one of several Level 1 programs, which are more than $1 billion, that require Department Acquisition Review Board approvals. S&T is responsible for approving SBInet Test and Evaluation Master Plans and Operational Test Plans, participating in Operational Test Readiness Reviews, and writing an independent assessment of the program to support any acquisition decisions. DHS has encountered some significant technological problems in the development of the SBInet program. Given the serious problems encountered by the Department in developing this program, do you believe the T&E process is effective?

   I believe that effective T&E is a critically important part of the Department's maturing acquisition process. It is my understanding that until November 2008, when the interim DHS Acquisition Directive 102 was approved, DHS acquisition programs were not required to follow a common DHS acquisition process or Test and Evaluation process. I am told that S&T's Test & Evaluation division and the Director of Operational Test (DOT&E) began working closely with SBI program in March 2008- before the formal requirement was instituted - because the SBInet program management saw value in the independent T&E support. For SBInet, S&T was instrumental in the approval of a Test and Evaluation Master Plan in November 2008 which provided specific measures of effectiveness and performance for the program. I understand that SBInet has recently had a successful review before the Deputy Secretary.

   If confirmed, I will ensure that S&T continues to refine its T&E processes and is appropriately resourced to monitor the T&E program for all major acquisition programs. I will be committed to providing the Deputy Secretary and other Department acquisition executives with an independent assessment of the

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reliability, readiness, and performance of critical technologies in a realistic operational environment prior to them making critical acquisition decisions.

3. You explained in your policy questionnaire responses that the "Science and Technology Directorate plays an important role in assisting the DHS operational components' efforts to develop precise operational requirements." According to the GAO, initially part of the problem with the SBInet program was that the Border Patrol, as the user of the technology, was not sufficiently engaged in the development of requirements of the first phase of SBInet, known as Project 28. How will you ensure that S&T assists the operational components in identifying sound operational requirements before beginning major acquisitions?

   As you have highlighted, one of the most important ways that S&T can assist operating components develop operational requirements and system performance measures is through the early involvement of the T&E division. Had the SBInet program, for example, had adequate T&E oversight from the beginning, I believe specific measures of effectiveness of the program might well have been identified earlier in the program, and some of the technical integration problems the program is working through might have been avoided. If confirmed, I will ensure that T&E is properly involved in all phases of the Department's major acquisition programs.

   It is my understanding that the S&T Commercialization Office has issued a number of products to assist the operating components develop and articulate detailed operational requirements. For example, the S&T publication entitled "Developing Operational Requirements: A Guide to the Cost-Effective and Efficient Communication of Needs" has been provided to each of the operating components of DHS, and I understand that some components are using it.

   Also, S&T manages two Federally Funded Research and Development Centers (FFRDCs) that are dedicated to providing programmatic analytical services to the Department, including systems engineering services to help identify operational requirements.

   If confirmed, I intend to meet personally with the operating component heads to ensure each is aware of the tools that the Commercialization Office has developed and understands the capabilities that the FFRDCs offer. I will also get feedback from them and their staffs on how S&T can best help them in this important task.

4. Shortly after the September 11th attacks, we were faced with the terror of someone using the postal service to attack people with Anthrax. And last year, the FBI made public its case against one of the Army's own biological scientists, Bruce Ivins, as the likely perpetrator of those attacks.

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In the wake of those 2001 attacks, Congress quickly passed legislation that authorized the Select Agent program. We realized that the nation had little in place to regulate and monitor the use of dangerous biological agents in research facilities.

Last year, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism found that a biological attack somewhere in the world was more likely than not to occur by 2013.

Nearly 7 years after we authorized the Select Agent Program, I believe it's time to revisit this program to refine its mission and ensure that the current security threat is being taken into account appropriately. In response to the Committee's pre-hearing questionnaire about biosecurity, you stated "I agree with the WMD Commission that it would be worthwhile to examine the benefits, costs and alternatives to the Select Agent Program as it is now instituted."

What specifically do you believe needs to be re-examined in the Select Agent Program?

We need to ensure that research on Select Agents is done with appropriate security and safely, and in as cost-effective a manner as possible. It would be useful to investigate the costs and benefits of the current regulations as well as the potential impacts of contemplated changes in legislation. If confirmed, I would look forward to working closely with the Committtee on these issues.

I understand that DHS has been participating in various interagency working groups to examine the Select Agent Program and discuss possible improvements to enhance overall biosafety and biosecurity (i.e., pathogens that are not currently regulated under the Select Agency Program). I understand that it is critical to ensure biodefense research is taking place in a safe and secure environment without hindering the advancement of science (i.e., without placing undue burden on researchers).

5. Science and Technology's Office for Interoperability and Compatibility (OIC) develops standards and technologies to enhance interoperable wireless communications. Other offices within DHS, primarily the Office of Emergency Communications, the Office of Policy, and the Federal Emergency Management Agency's (FEMA) Disaster Emergency Communications division, play important roles in developing long-term strategies to address interoperability, coordinating planning at different levels of government, and helping re-establish communications following disasters.

   How best can S&T work with these offices to develop a unified approach to interoperable communications challenges?

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It is my understanding that a mechanism is in place through the Capstone IPT process to identify high priority technology needs, and FEMA and the Office of Emergency Communications co-lead the Interoperability Capstone IPT. I believe S&T should continue to work with OEC, FEMA, and the Office of Policy through this mechanism to ensure that the interoperability needs are being effectively met at all levels of government. If confirmed, I will work with the Under Secretary of NPPD, the FEMA Administrator, and the Assistant Secretary for Policy to ensure that interoperability priorities are being met, and will make changes in the process if necessary.

6. The success of the S&T Directorate's activities is not only in the development of new technological solutions, but also coordinating across the federal government to transition these solutions to its State, local, and private sector partners. In recent years, S&T has devoted a great deal of time and hundreds of millions of dollars in funding to develop effective technologies to prevent bombings caused by improved explosive devices or IEDs. Simultaneously, the Department of Defense - through their Joint IED Defeat Organization, or JIEDDO - has dedicated billions of dollars to preventing IED attacks in Iraq and Afghanistan. Yet, after several years, S&T has struggled to gain full access the counter-IED research and development information gathered by DoD. As a result, DHS has had duplicative government research efforts in an effort to "re-discover" much of the same information, ultimately hindering their effectiveness at transferring appropriate technologies to those who can produce, market, and field them. What changes will you make to ensure that technology transfer and research and development happens more quickly and in a collaborative and transparent fashion?

   It is my understanding that the counter-IED research and development work being done by DHS S&T has been fully coordinated with DOD and other federal efforts. The National Science and Technology Council Committee on Homeland and National Security, which the Under Secretary of S&T co-chairs, established the Domestic IED Subcommittee to serve as a formal mechanism for this coordination. In December 2008, this subcommittee published a report entitled "Research Challenges in Combating Terrorist Use of Explosives in the United States" that outlined the highest research priorities in support of domestic counter-IED operational needs. Organizations that actively participated in the development of the report included JIEDDO, the Technical Support Working Group, the FBI, ATF and numerous DHS stakeholders. It is my understanding that the research program being developed and executed within DHS S&T stems directly from these priorities, and great care is being taken not to unnecessarily duplicate work being done elsewhere in the government.

   If confirmed, I will work with DOD, DOJ and DHS leadership to ensure that the S&T domestic counter-IED investment is focused on the highest priority needs, and takes into account the work already completed within other government entities.

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7. The S&T Directorate, working with the Office of Health Affairs, is currently developing the Generation 3 Biowatch sensors that will allow for greater automation, shorter warning time, cheaper operation, improved sensitivity, and cover a greater percentage of the population. In the next two years, these Generation 3 sensors should be going through testing and evaluation and prototype field testing.

   In testimony before this Committee in October 2007, you testified that while "it would be highly desirable to have a near real time understanding of critical facts and operational realities during public health emergencies or other biological crises. . , [you were] skeptical . . . that a significant expansion or technological upgrade of the BioWatch program is warranted at this time." When pressed on this point, you suggested that even if a BioWatch sensor correctly alerted officials to an agent being released, public health officials would not trust or react to such information until they actually witness individuals manifesting symptoms consistent with such an agent, and at that point, the benefit of an early detection system would be lost.

   We have spent millions of dollars on this program over the years, given your past statements, what role do you envision BioWatch playing in advancing our nation's security against a biological attack?

   I believe that Biowatch technologies do have an important role to play in detecting aerosol bioattacks, particularly in high-risk target areas and during special events. I am concerned that Biowatch Actionable Results, by themselves, may not be sufficient to prompt local officials to take the momentous step of beginning rapid distribution of medical countermeasures– in other words, the rapid response that BioWatch is intended to catalyze may not happen in practice.

   The US continues to lack a biosurveillance strategy for detection and response to bioattacks. The National Biosurveillance Integration Center (NBIC) housed at DHS and run by the Office of Health Affairs (OHA) is working towards developing enhanced biosurveillance capability to rapidly identify, characterize, localize, and track a biological event of national concern by integrating and analyzing data relating to human health, animal, plant, food, and environmental monitoring systems (both national and international) and disseminate alerts and other information to other Federal Agencies, State, local, and tribal governments, to enhance their ability to respond. Optimizing US response to bioattacks will require further empirical validation that there are sufficient Biowatch sensors in the proper locations to provide reasonable assurance that an aerosol release would have a high probability of being captured by the BioWatch sensors. Further, the detection of a release of a bioagent must be integrated into a well thought out, exercised concept of operations that facilitates a rapid decision making process and initiation of response actions. In addition, BioWatch must be joined by a broader surveillance capacity that would allow decision-makers to attain sufficient situational awareness once an attack has been detected, to make informed decisions and to manage the response.

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Senator Tom Coburn
Additional Questions for the Record
Nomination Hearing of Tara O'Toole
June 10, 2009

1. **Who are the Center for Biosecurity's donors? Are you able to provide the Committee with a list of those donors over the last six year? If not, please state why.**

The Center for Biosecurity does not have any "donors" in the sense of supporters who provide money for unspecified purposes. The Center for Biosecurity is supported financially by the following categories of sources:

- UPMC, upon formation of the Center in 2003 provided an endowment which was subsequently converted to an agreement that UPMC would provide the Center with annual financial support of approximately $5M to maintain base operating expenses, primarily rent and salaries.
- Grants from philanthropic foundations (e.g. the Sloan Foundation, Blum-Kovler Foundation, etc.) and in some cases from US government agencies which are linked to expectations that the Center will perform particular projects, achieve stated outcomes, etc.
- Contracts from government agencies which are contingent upon the Center performing agreed upon tasks and supplying stated deliverables.

Details of these sources of support are attached.

2. **The University of Pittsburgh Medical Center (UPMC) appears to be among Representative John Murtha's biggest political donors. Please tell the Committee what, if any, role you had in coordinating or participating in those fundraising efforts.**

I had no role in any fundraising activities for Congressman Murtha by UPMC. As reported in my Committee Questionnaire I made personal contributions to Mr. Murtha of $250 (3/17/04); $500 (9/30/04); $1000 5/26/05)

3. **UPMC has received a substantial number of earmarks requested by Representative Murtha. Please explain if you personally had a role in making any of these requests. If so, what was the justification for making these requests and what benefit these requests have provided to the Department of Defense?**

I have never personally requested Mr. Murtha to provide funding for any activity of the Center for Biosecurity. To the best of my knowledge, Congressman Murtha has not sought or obtained an earmark for the Center for Biosecurity.

I met Mr. Murtha in December 2003, at a dinner in Pittsburgh held in honor of the Center coming to UPMC from Johns Hopkins. I gave a talk on US biosecurity needs at this dinner which was attended by Mr. Murtha, the Adjutant General of the Pennsylvania National

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Guard and other local dignitaries. Mr. Murtha asked that I come brief him in Washington about biodefense needs.

In the course of briefing Mr. Murtha in early 2004 on US biodefense needs, I noted the need for improved situational awareness during mass casualty events such as a bioterror attack. For example, there is a need to build real-time communication links among hospitals in a region and between hospitals and other first response communities, such as the National Guard and regional Emergency Operations Centers (EOCs). I suggested that the country should pursue several "model projects" demonstrating how this might be accomplished and then use the successful models to pattern such communications across the country.

This general idea was subsequently translated into a UPMC request for appropriations to Congressman Murtha, called the Strategic Biodefense Initiative (SBI). Neither I, nor any employee of the Center for Biosecurity designed, managed or oversaw the SBI project, which was run out of UPMC in Pittsburgh. The Center's involvement in this project was limited to comments made during a presentation of the project's concept early in its development and subsequent review and publication of the project in the journal, *Biosecurity and Bioterrorism*, which the Center edits. The Center for Biosecurity received no money from the appropriation for this project and did not charge UPMC for the review and comments noted above. No staff from the Center for Biosecurity was involved in managing or executing the project.

4. **It has been reported that UPMC hired a lobbying firm named Erwin Technical Associates (ETA) that has ties to Representative Murtha, and which has also been hired by a company named Pharmathene. EVA is run by Jim Erwin, who is reportedly a partner in Four Seasons Ventures. Four Seasons is an investor in Pharmathene. Please provide a detailed explanation of your relationship, if any, with ETA, Four Seasons, and Pharmathene.**

- Ervin Technical Associates (ETA) was hired by the Center for Biosecurity to provide "advisory services" from March 16 2005 until March 16 2007. ETA's services consisted of answering questions, disseminating materials, making appointments, attending meetings and providing advice to the Center in the area of Biosecurity. ETA, Inc. had a separate contractual relationship with corporate UPMC.
- I have no business, contractual or financial interest in, or relationship with, Four Seasons Ventures or Pharmathene.
- Pharmathene is one of more than a dozen biopharmaceutical and biotechnology companies which belong to the Alliance for Biosecurity, a group initiated by the Center for Biosecurity in 2006. The Alliance
  "*works to promote a stronger, more effective partnership between government and the BioPharma industry to better develop critically needed medical countermeasures. The Alliance also seeks to usher in a new era in the prevention and treatment of severe infectious diseases that present global security challenges. This new era will be characterized by the capacity to rapidly develop, produce, and stockpile medical countermeasures for the country. The Center for Biosecurity and BioPharma members of the Alliance are striving to create a long-term national security vision for*

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achieving and sustaining defenses against a range of current and future biothreats." [Alliance for Biosecurity, "Background Document, 2006]

The Center for Biosecurity receives no money from any member of the Alliance and funds all costs associated with running the Alliance out of our philanthropic funds. No biotech or pharmaceutical firm provides the Center with financial support of any kind.

5. **It has come to my attention that Representative Murtha requested funding for UPMC to study whether there is enough U.S. capacity to warrant building a government owned, contractor run surge capacity for biologic medical countermeasures. Please explain your role in this effort. Please describe the project, its goals, what was the basis for the proposal, as well as the outcome of the project.**

I do not know whether Mr. Murtha requested funding for any such study. I had no role in any request to Mr. Murtha for funding for such a study or indeed for any funding for the Center. I am aware of one study, conducted by UPMC – not the Center for Biosecurity - for DARPA, which appears to relate to the subject of your question. That study, and my role in it, is described more fully in my response to question 10.

6. **How did UPMC compete for the DARPA project? Are you able to provide the Committee with a copy of that proposal? If not, why not?**

The UPMC/DARPA study was not initiated by the Center for Biosecurity and I was not involved in negotiations between DARPA and the UPMC team. My personal role was as a member of the Technical Advisory Committee to the study. In that capacity I provided general technical and scientific advice to the study and reviewed the final report. I do not have a copy of the DARPA project proposal.

7. **What role do you see for the U.S. Government in researching and developing biodefense countermeasures?**

There is no commercial market for biodefense countermeasures. Hence the cost of research, development, manufacture and stockpiling for such drugs and vaccines will have to be borne by government. The high cost, high-risk nature of pharmaceutical development and the need for potentially a large number of different countermeasures against a range of potential bioweapons agents, as well as the need for countermeasures against chemical, radiological and nuclear threats, makes it very important that the US government efforts to develop and stockpile such products be as cost-effective as possible.

8. **What are your views on whether the United States should fund development of a second generation anthrax vaccine? Given that Pharmathene is competing for this effort, will you recuse yourself from any role in the decision whether to support this effort?**

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I believe for several reasons that it is highly desirable to develop and stockpile a modern anthrax vaccine which would confer protection in single dose which would have fewer side effects and be more acceptable to the public than the current vaccine.

Many authorities, including the US Government's Biological Threat Assessments, regard an anthrax attack as a high risk, because the anthrax bacterium is widely available in nature, is easy to grow and stable for years under many environmental conditions, and can be made into a respirable aerosol relatively easily. Prior to disbanding its offensive bioweapons program in 1970, the US government produced an aerosolized anthrax weapon. The Soviet Union produced tons of aerosolizable anthrax as part of its offensive bioweapons programs. The US Commission on WMD Intelligence reported that Al Qaeda had built a lab for manufacturing anthrax in Afghanistan. (The lab was dismantled by Coalition Forces before it was used.)

The current anthrax vaccine, which is used to vaccinate US troops, was created decades ago, is reported to cause irritating local reactions and is suspected by some of being implicated in more serious disease, although there is no evidence of causal association with serious disease. The current vaccine requires multiple doses to confer immunity and is made by a single US manufacturer.

I will, of course, adhere to all Executive Branch ethics requirements in consultation with the Department's Designated Agency Ethics Official with respect to conflicts of interest. I will recuse myself from any matter in which I have a conflict of interest or the appearance of a conflict as outlined in my Ethics Agreement which has been submitted to this Committee. With regard to Pharmathene, I have, as noted above, no financial interest in the company and am not aware of any current recusal requirements.

The Under Secretary for S&T in the Dept. of Homeland Security does not have any responsibility for or authority over decisions regarding which medical countermeasures to develop or purchase, other than to oversee the Biological Threat Assessment which provides information about the relative risk of different bioagents. The Biological Threat Assessments inform the decision made by the Secretary as to which agents will be designated Material Threats. Anthrax has already been so designated.

9. What interactions did you have with any involved parties regarding the award of DARPA project, including with the following groups: Members of Congress, Department of Defense, Department of Health and Human Services, Department of Homeland Security, The White House.

As noted above, I did not play a direct role in seeking or obtaining the contract from DARPA. I have no recollection of discussing the contract, prior to its award, with any Member of Congress or staff, or anyone at the White House, in HHS or DHS. I do recall several meetings at the Department of Defense, including some at DARPA, in which the general subject matter of the nation's preparedness for a bioattack was discussed. To the best of my recollection, however, none of these meetings with DOD officials included a discussion of the award of a specific DARPA contract to the Center for Biosecurity.

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10. What were the conclusions of the project? Does DARPA intend to implement any of the recommendations made under the project?

The study concluded that it is feasible to build a single, multi-product facility to manufacture biological medical countermeasures required for US biodefense. The project proposed a Public/Private Partnership as the preferred business structure of such an enterprise, but it does not recommend any specific entities to fulfill that business structure. Manufacturing the biological medical countermeasures delineated by US government requirements would cost substantially less in the proposed, multi-product facility than manufacture in multiple dedicated facilities as is presently planned. A multi-product facility would also provide scientific and technological benefits and would create some capacity for emergency surge production of countermeasures not available in traditional facilities. It is my understanding that DARPA has not released the actual report to the public.

I have no knowledge of what DARPA intends to do with the study. I understand that HHS is considering how best to produce countermeasures and is aware of the DARPA study and I expect will take it into consideration in making any decision with respect to the production of countermeasures. My understanding is that the government is conducting an analysis of alternatives that UPMC is not involved in.

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Senator George V. Voinovich
Additional Questions for the Record
Nomination Hearing of Tara O'Toole
June 10, 2009

1. **Dr. O'Toole, the Science and Technology Directorate currently operates the Regional Technology Integration Initiative to facilitate the transition of technologies and organizational concepts to regional, state, and local jurisdictions. Officials at the Department of Homeland Security have told me that this initiative is successful and is allowing for a variety of tests, such as work being done in Indiana, Kentucky, and Ohio to test Emergency Operations Centers' interconnectivity across state lines. If confirmed, do you intend to continue the Regional Technology Integration Initiative?**

   I consider state, local, tribal and territorial first responders and emergency managers extremely important customers of the S&T Directorate. As I said in my testimony, deepening and strengthening relationships with customers will be one of my top priorities as Under Secretary, if confirmed. Philosophically, any technology developed for state and local users must include them in the process, which is why I am very supportive of programs such as the Regional Technology Integration Initiative (RTII).

   As I understand it, the RTII has represented a true win-win proposition where the state and local Emergency Operations end users get access to nascent S&T technologies immediately *and* S&T receives critical feedback and lessons learned to help finalize development of these technologies. I am not aware of the specific status (goals, progress, funding levels, etc.) of the RTII program, but, if confirmed, I will review it and ensure it has the appropriate resources to successfully meet the goals established for the program.

2. **Do you have any thoughts on how the Initiative should be improved or revised?**

   As I said above, I am not aware of the specific status of the RTII program, but, if confirmed, I will review it and ensure it has the appropriate resources to successfully meet the goals established for the program.

3. **The Science and Technology Directorate operates Centers of Excellence to conduct multidisciplinary research for homeland security solutions. One of those Centers, the Center of Excellence for Maritime, Island and Port Security, is responsible for strengthening maritime domain awareness and safeguarding populations and properties unique to U.S. ports. If confirmed, what work would you have that Center do regarding the security of the Great Lakes and inland water ways?**

   It is my understanding that both the Maritime and Port Security Center of Excellence (COE) and the National Transportation Security COE are conducting research on security

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technologies applicable to the Great Lakes and inland waterways. Within the Maritime and Port Security COE, technologies are being developed for detecting anomalies and with water-based sensors and satellites that can be used along any water border or waterway, including inland waterways and the Great Lakes. At the National Transportation COE, analysis on the potential to conduct emergency response via inland waterways is being performed. The anticipated impact of this project will be to improve emergency preparedness and disaster relief through use of inland waterway transportation. If confirmed, I would direct the COE program managers to ensure that adequate consideration is given to protecting the security of coastal and inland waterways, including the locks that link the Great Lakes and the inland waterways. I think particular focus could be placed on technology to build in security in inland waterway infrastructure as it is upgraded.

4. **Do you think that the requirements with regards to air cargo screening enumerated in H.R 1 will be met by the deadline? What do you think are the most promising technologies that will allow for the screening of palletized and container cargo on wide-bodied passenger aircraft?**

I am not familiar with the Transportation Security Administration's specific plans to meet the air cargo screening requirements of H.R. 1.

As I understand the problem, screening large pallets and containers for explosive threats remains a considerable technical challenge.

The short-term solution will be breaking pallets into individual boxes for screening. I am told S&T is working to develop technologies to lower false alarm rates, but this screening is still time consuming and expensive, partially because threats may be artfully concealed in a range of commodities such as flowers, electronics, paper, and machine parts.

In the long term, I believe that there are promising high energy imaging systems with automated detection technologies currently under development. Additionally, I think chemistry-based trace detection also holds promise for screening large configurations of air cargo. Ultimately, I think a combination of non-contact trace detection and high energy imaging holds the greatest promise for accurate and expeditious screening of palletized and containerized air cargo.

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Protect, Prevent, Live Well

June 3, 2009

The Honorable Joseph Lieberman, Chair
The Honorable Susan Collins, Ranking Member
Committee on Homeland Security and Government Affairs
U.S. Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Lieberman and Senator Collins:

On behalf of the American Public Health Association (APHA), the oldest and most diverse organization of public health professionals and advocates in the world dedicated to promoting and protecting the health of the public and our communities, I write in strong support of the nomination of Dr. Tara O'Toole as Undersecretary for Science and Technology at the Department of Homeland Security (DHS).

Dr. O'Toole is one of the nation's leading experts on biosecurity who brings with her years of experience in public health and occupational and environmental health. As the founder and current CEO and Director of the Center for Biosecurity at the University of Pittsburgh Medical Center, she oversees the Center's efforts to inform policy makers, medical and public health leaders, decision makers in national security and others about the public health and civil issues pertaining to national and global epidemic preparedness and response. Dr O'Toole also served as one of the original members of the Johns Hopkins Center for Civilian Biodefense Strategies and as an assistant secretary for Environment Safety and Health at the Department of Energy. Given her strong background and leadership in public health and emergency preparedness, we believe Dr. O'Toole is eminently qualified to serve as Undersecretary for Science and Technology at DHS and we urge your swift approval of her nomination.

Thank you for considering our support of Dr. O'Toole as you move forward with the confirmation process. Feel free to call me at any time if you would like to further discuss APHA's support for her nomination.

Sincerely,

Georges C. Benjamin, MD, FACP, FACEP (E)
Executive Director

Association Of State And Territorial Health Officials
2231 Crystal Drive, Suite 450 | Arlington, Virginia 22202
(202) 371-9090 | www.astho.org

The Honorable Joseph I. Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins:

On behalf of the Association of State and Territorial Health Officials, we would like to acknowledge wide support for the nomination of Tara O'Toole as Under Secretary for Science & Technology in the Department of Homeland Security.

It is hard to imagine anyone more qualified to fill this role. Dr. O'Toole is a recognized and respected international expert on biological weapons and terrorism and she has been a champion for state and local public health preparedness since the anthrax attacks of 2001. Dr. O'Toole's leadership and insight have been invaluable to public health departments during the development of strategies and plans to meet every emergency, from bioterrorism to an influenza pandemic. She will be a major asset to the Department of Homeland Security.

Sincerely,

Judith A. Monroe, MD
President and
State Health Commissioner,
Indiana State Department of Health

Paul E. Jarris, MD, MBA
Executive Director

BEACON CAPITAL
PARTNERS

June 5, 2009

The Honorable Joseph I Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins,

We are writing a letter of strong support for the confirmation of Tara O'Toole to be Under Secretary of Science and Technology at the Department of Homeland Security. Dr. O'Toole and her colleagues recognized early on the importance of engaging the private sector in preparedness planning. Her center has convened various events focused on emergency preparedness and partnering that have been helpful to our industry. Notably, Dr. O'Toole and her team hosted in 2008, a representative group from the Real Estate Roundtable and Building Owners and Managers Association to network and to discuss a host of preparedness topics and issues that could impact our businesses.

Dr O'Toole has also made sure that our teams have been included in discussions relating to the impact on private business during health emergencies, such as dispensing of medicines following a bioterrorist attack. At the suggestion of her staff, our industry was included in meetings hosted by the Institute of Medicine and federal, state and local public Health agencies that have been studying the challenge of mass distribution of medication. Also her team has supported private businesses needs during health emergencies to assist in our understanding of the impact of these events and also in coordinating communication that is now viewed as a key resource for guidance by our industry.

At the outset of this letter we stated that we strongly support the nomination of Tara O'Toole. We believe the country will be well served by having her to guide the Science and Technology teams. She understands both the needs of business and what will be required from the Department of Homeland Security to improve the nation's resilience. The country will be well served by the experience and vision that Dr. O'Toole will bring to Department of Homeland Security.

Sincerely,

Joseph B. Donovan
Senior Vice President

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General Charles G. Boyd, USAF (Ret)
President and CEO

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June 3, 2009

The Honorable Joseph I. Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins:

I am writing to offer my strong endorsement for the confirmation of Dr. Tara O'Toole as the Under Secretary for Science and Technology in the Department of Homeland Security. Her solid record of professional achievement and public service will serve the nation very well.

During recent years, Dr. O'Toole's expertise in bio-defense and public health has been of particular value to BENS in facilitating public-private collaboration to strengthen resilience to bio-terrorism and other public health disasters. She has become a valuable, trusted partner, and I am confident she will lead DHS S&T with distinction.

Sincerely,

Charles G. Boyd
General, USAF (Ret)
President and CEO

CGB:lsm

FAS

FEDERATION OF AMERICAN SCIENTISTS

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* Nobel Laureate

June 2, 2009

The Honorable Joseph I Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins:

I'm writing to express my enthusiastic support for Dr. Tara O'Toole who has been nominated for Under Secretary for Science and Technology in the Department of Homeland Security. She brings a combination of technical and managerial skills critical for ensuring the success of this important office. She has earned international recognition for her work on biosecurity and on health and safety issues related to the U.S. nuclear weapons complex. As Director of the Center for Biosecurity, an independent, nonprofit organization of the University of Pittsburgh Medical Center (UPMC), she assembled a superb staff that has consistently produced important and timely research. And she is a forceful and effective champion of homeland security policies based on solid technical analysis.

I have had the pleasure of working closely with Dr. O'Toole since she served with great distinction for six years as the Chairman of the FAS Board where she ensured that the organization maintained its reputation for sound technical analysis and openness to many points of views. We are particularly grateful for her help in building a creative, energetic, and highly respected program in biosecurity at FAS. She will serve her country well if confirmed as Under Secretary.

Sincerely,

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June 5, 2009

The Honorable Joseph I. Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins:

I am writing a letter in support of the confirmation of Tara O'Toole to be Under Secretary for the Science and Technology Directorate at the Department of Homeland Security. Dr. O'Toole's tireless advocacy in favor of assisting companies in deploying critical solutions to a range of emergencies, including terrorist threats, has significantly contributed to the preparedness of the nation. Her exhaustive efforts have proven her understanding of the range of threats facing the nation, as well as her possession of the leadership characteristics necessary to lead the Science and Technology Directorate.

I have spoken with many members of the private sector who praised Dr. O'Toole's efforts to ensure that they had a role in discussions related to the impact on private business during health emergencies. Her efforts to support such interactions demonstrate her understanding that the private sector is a key partner in preparedness efforts, and that is a quality that she can put to excellent use at the Department of Homeland Security. I also have a keen appreciation for her strong support of the need to provide incentives to the private sector in order to encourage them to develop new solutions or continue deployment of existing solutions to combat a wide range of security threats. The understanding of the need for such incentives, whether through a program like the SAFETY Act or others, is absolutely essential for any Science and Technology Under Secretary candidate. Her clear and consistent record gives me great faith in her ability to effectively fulfill the mission of the Science and Technology Directorate.

I strongly support Dr. O'Toole's nomination, and the nation will be well served with her leading the Science and Technology Directorate. Her unique understanding of the need to develop partnerships between the public and private sector as well as the need to encourage innovation is critical, and I have every confidence that she will be an excellent addition to the leadership of the Department of Homeland Security.

Respectfully,

Brian E. Finch
(202) 420-4823
finchb@dicksteinshapiro.com

June 3, 2009

The Honorable Joseph I Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins,

I am writing to support the nomination of Dr. Tara O'Toole for the position of Under Secretary for Science and Technology at the Department of Homeland Security.

In thinking about the qualifications for this post I am influenced by some relevant scientific history. It was not too long ago that we saw how fundamental advances in the understanding of atomic nuclei led within three decades to the development of both atomic power and of the atomic bomb. We should be aware that fundamental advances in our understanding of biology and of the role of DNA in forming living things is similarly two edged.

Dr. O'Toole has had direct experience with the possibilities that the new biological knowledge has opened up for better public health, and she is also keenly aware of the destructive possibilities that biological knowledge has also opened up for biological attacks, especially for the possibility of attacks on an unprepared civilian population.

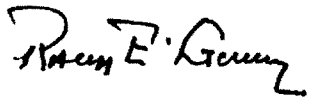
Dr. O'Toole was aware of these possibilities early; she was one of the founders of what later became the Center for Biosecurity of the University of Pittsburgh Medical Center (UPMC). When that organization was founded, well before the events of 9/11, the need for Biosecurity was almost totally unrecognized. As her biography clearly shows, Dr. O'Toole has done a great deal in her present role as CEO of the Center for Biosecurity to advance the necessary awareness of and preparation for Biosecurity threats, and this has not been an easy task.

Dr. O'Toole has had a variety of work experiences that have prepared her well for the post for which she has now been nominated. She had worked in government and outside of it, she has worked both to preserve public health and to understand the new threats to it, both those threats that are naturally occurring and those that are deliberate and manmade. This position in DHS needs someone with her knowledge and experience.

51784.093

I have known Tara O'Toole well and worked with her from the early days of Biosecurity. I am confident that she is well suited to tackle the many difficult issues that DHS faces. I strongly recommend her for this appointment.

Sincerely,



Ralph E. Gomory
Research Scholar, New York University, Leonard N. Stern School of Business
President Emeritus, Alfred P. Sloan Foundation

51784.094

Senator Bob Graham

6843 MAIN STREET
MIAMI LAKES, FL 33014

PHONE: (305) 817-4080
FAX: (305) 817-4064

May 29, 2009

The Honorable Joseph Lieberman, Chairman
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins,

I enthusiastically endorse the nomination of Dr. Tara O'Toole as Under Secretary for Science and Technology in the Department of Homeland Security.

My greatest national security concern is that the very worst people will get their hands on the very worst weapons—nuclear and biological. Dr. O'Toole is superbly qualified to serve in this key position to defend America against these WMD threats. She is internationally renowned for her work in the fields of biological and nuclear security, has demonstrated exemplary executive leadership both in the public and the private sector, and when confirmed, will play a key role in assisting the Administration and Congress implement the Commission's recommendations.

Dr. O'Toole has had a distinguished career in government where she served as the Assistant Secretary of Energy for Environment Safety and Health. She was the principal advisor to the Secretary of Energy on environmental protection and on the health and safety of the approximately 100,000 workers in the U.S. nuclear weapons complex and Department of Energy (DOE) laboratories. She ran the multi-agency, multimillion dollar task force that oversaw the government's investigations into human radiation experiments conducted during the Cold War. And she led the U.S. delegation to Russia to establish the U.S.-Russia cooperative effort to study radiation exposure and environmental hazards of the Russian nuclear weapons complex.

She has also demonstrated visionary leadership as the Director and CEO of The Center for Biosecurity of the University of Pittsburgh Medical Center (UPMC). For more than a decade she has worked to strengthen national security by reducing the risks posed by biological attacks, epidemics, and other destabilizing events and to improve the nation's resilience to man-made and natural disasters. Prior to founding the Center for Biosecurity of UPMC in 2003, Dr. O'Toole was one of the original members of the Johns Hopkins Center for Civilian Biodefense Strategies and served as its Director from 2001 to 2003. Her vision and leadership have led the Center for Biosecurity to a position of prominence in the national discussion about our preparedness for pandemic influenza, bioterrorist attacks, and other public health emergencies.

Dr. O'Toole's scientific and academic credentials are equally impressive. She served as the Chair of the Board of the Federation of American Scientists from 2006-07, and in 2006 she was appointed to the Board of the Google Foundation's International Networked System for Total Early Disease Detection (INSTEDD). She has also served on numerous government and expert advisory committees dealing with biodefense, including panels of the Defense Science Board; the National Academy of Engineering Committee on Combating Terrorism; and the National Academy of Sciences Working Group on Biological Weapons. Dr. O'Toole has published widely in the biodefense field, including articles on the response to anthrax, smallpox, and plague biological attacks; containment of contagious disease epidemics; biodefense research and development strategies; and hospital preparedness. She was a principal author and producer of *Dark Winter*, an influential exercise conducted in June 2001 to alert national leaders to the dangers of bioterrorist attacks. She was also a principal writer and producer of *Atlantic Storm*, an international ministerial-level biosecurity exercise held in January 2005.

Dr. Tara O'Toole will bring knowledgeable, experience, leadership and integrity to the Office of Science and Technology in DHS. I urge the Committee to act swiftly on this nomination.

Bob Graham

51784.096

HOMELAND SECURITY POLICY INSTITUTE

June 5, 2009

The Honorable Joseph I. Lieberman, Chairman
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins,

I write in support of the candidacy of Dr. Tara O'Toole for the position of Under Secretary for Science & Technology in the Department of Homeland Security. I have known Tara for close to a decade and have worked with her in my various capacities at the Center for Strategic & International Studies, inside government, and more recently at The George Washington University. During that time, it has been my experience that Tara has consistently offered incisive analysis of some of the most pressing issues and challenges facing the nation. Her contributions to the fields of medicine, public health and, most especially, the nexus between them and security are not only impressive--they date back to a moment in time when few were seriously studying these issues.

I believe that Tara would bring both intellectual and, based on the success of UPMC's Center for Biosecurity, managerial rigor to the position in question. She also brings to bear a unique skill set, cultivated in a wide range of settings – in medicine, government and academia. Her expertise in the areas of pandemic influenza planning and bio-defense will help focus high-level attention on an important issue that is deserving and might otherwise receive comparatively little. An innovative, committed, and energetic individual, I am confident she will successfully lead the science and technology enterprise for the Department of Homeland Security.

Respectfully yours,

Frank J. Cilluffo
Director,
Homeland Security Policy Institute

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Dan Hanfling, MD, FACEP
Director, Emergency Management and Disaster Medicine

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June 2, 2009

The Honorable Joseph I. Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Lieberman and Senator Collins,

Please accept this letter in support of Dr. Tara O'Toole as you consider her nomination before the Senate to become the Under Secretary for Science and Technology at the Department of Homeland Security. As you know, Dr. O'Toole is a distinguished expert in the field of biodefense and emergency preparedness. She is also a leader who has galvanized organizations and governments, and inspired individuals to give serious thought to the critical security threats that our nation is facing today.

I have had the distinct honor of working alongside Dr. O'Toole in a number of settings, from the very chambers of your committee, where we have testified together on matters of emergency preparedness and response, to the boardroom of the UPMC Center for Biosecurity, where I have participated in a number of small and large meetings exploring some of the critical strategic health and medical planning efforts required to prepare our nation to deal with disaster. Dr. O'Toole has the depth of intellect and experience that is greatly needed in this complex arena. Not only is Dr. O'Toole is focused and results oriented, she is also an excellent teacher, an immensely creative thinker, a superb manager and an excellent colleague. The academic institution she has created in Baltimore is evidence of her tenacity and creativity. And it is just such drive and commitment that is required to help lead the nation as we face these most challenging of issues.

I strongly urge your support of Dr. O'Toole's nomination for this most important position within the Department of Homeland Security. We will all be able to rest just a little more easily knowing that she is helping to lead the nation through these difficult challenges.

If I may provide any additional insights on this superbly qualified candidate, please do not hesitate to give me a call.

Thank you,

Dan Hanfling, MD FACEP

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Center for Transatlantic Relations

June 1, 2009

The Honorable Joseph Lieberman, Chairman
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins,

I am writing to endorse the nomination of Dr. Tara O'Toole as Under Secretary for Science and Technology in the Department of Homeland Security. I have worked closely with Dr. O'Toole on the political, economic and international aspects of biosecurity issues, and have come to value her expertise, her leadership, her vast practical experience, her sense of service and commitment, and her ability to move difficult policy issues forward. I can't think of a better person for the job.

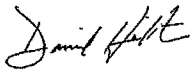
Dr. O'Toole is a distinguished scholar, administrator, and leader on issues related to biosecurity in particular and international security in general. She has also had significant experience, as Assistant Secretary of Energy, with environmental and health issues related to workers in the U.S. nuclear weapons complex. She has administered multi-million dollar budgets and large staff structures. I have always been impressed with the clarity of her thinking and her ability to communicate complex issues to generalist audiences and policymakers from the U.S. and a number of other countries.

Dr. O'Toole and I, together with colleagues from our two centers, were principal authors and producers of *Atlantic Storm*, an international ministerial-level biosecurity exercise held in January 2005. *Atlantic Storm* was the product of a multi-year collaboration between our two centers on international aspects of biosecurity. This collaboration continues today, and has also included biosecurity exercises for Members of the U.S. Congress; "listening tours" with practitioners from other countries; presentations in European capitals; op-eds and articles in various newspapers and journals; and interactive simulations available to students and teachers.

Throughout this time I have come to know Tara O'Toole as a unique leader comfortable in the worlds of science, government policy, domestic and international security.

I am confident that Tara O'Toole will bring considerable authority and insight to the Office of Science and Technology in DHS. In addition to her experience and many professional talents, she has great discernment and judgment -- two skills that are invaluable to this position. I urge the Committee to act swiftly on President Obama's nomination.

Sincerely,



Dr. Daniel S. Hamilton
Richard von Weizsäcker Professor
Director

June 1, 2009

The Honorable Joseph I. Lieberman, Chairman
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
Room 340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Lieberman and Senator Collins:

I am writing you this letter to strongly endorse the nomination and recommend the confirmation of Dr. Tara O'Toole for the position of Undersecretary for Science and Technology at the Department of Homeland Security. I have had the privilege and opportunity to work closely with Dr O'Toole during her tenure as the Director for the University of Pittsburgh Medical Center's Center for Biosecurity. Having most recently served as the Special Assistant for Biodefense Policy at the Homeland Security Council under former President Bush, I had regular and frequent interactions with Tara. She was a strong and forceful voice on issues pertaining to biosecurity. She provided me and my staff advice and support in pursuing ways to strengthen efforts to prepare and respond to natural or deliberate catastrophes. In a partisan world, she conducted herself in a nonpartisan fashion promoting what were the best technically and scientifically supported policies. Our Nation will be well served with her leadership, vision, and commitment. I unhesitatingly give her my highest endorsement.

Dr. Robert P. Kadlec

1750 Pennsylvannia Ave. NW
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Washington DC 20006

NTI

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Former U.S. Senator
Senior Fellow, Bipartisan Policy Center

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USAF (Ret.)
Former Commander in Chief U.S. Strategic Command

HRH Prince El Hassan bin Talal
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U.S. Senator Richard G. Lugar
(R-Indiana)

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Carnegie Endowment for International Peace

Judge Hisashi Owada
International Court of Justice

Dr. William Perry
Stanford University
19th U.S. Secretary of Defense

Dr. Nafis Sadik
Special Adviser to the UN Secretary-General

Professor Amartya Sen
Lamont University Professor and Professor of Economics and Philosophy Harvard University

Rt. Hon. Professor Shirley Williams
House of Lords, UK

Professor Fujia Yang
Fudan University
Chinese Academy of Sciences

June 1, 2009

The Honorable Joseph I. Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
Washington, DC 20510

Dear Senators Lieberman and Collins:

I write to give my strongest endorsement of the nomination of Tara O'Toole to serve as Under Secretary for Science and Technology at the Department of Homeland Security. She brings to this job a unique understanding of the security perils that we face as a nation, a scientific discipline, a strong intellect and the caring of a physician. She will serve the Department and our Country well and will help make us secure.

I have known Tara professionally since our days together in the early 90's at the Department of Energy where I served as Under Secretary and then Deputy Secretary. Tara was charged with the departmental responsibility to look after the Department's health and safety, a formidable challenge which she managed with extraordinary energy and common sense. She is a person of strong character and high principle.

Since our time together at the Department, I have maintained a professional and personal relationship with Tara. Over the last 10 years, we have worked together on the biological threat. She understands very well the nexus between health and security and appreciates the full spectrum of weapons of mass destruction dangers and the role of science and technology in finding our way to a safer world.

I commend her to you without qualification or reservation. She will make us all proud.

Sincerely,

Charles B. Curtis

Nuclear Threat Initiative
1747 Pennsylvania Ave., NW
7th Floor
Washington, DC 20006
t 202.296.4810
f 202.296.4811
www.nti.org

A charitable organization working to reduce the global threat from nuclear, biological and chemical weapons

Ted Turner
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Senior Fellow, Bipartisan Policy Center

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U.S. Strategic Command

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Judge Hisashi Owada
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Dr. William Perry
Stanford University
19th U.S. Secretary of Defense

Dr. Nafis Sadik
Special Adviser to the
UN Secretary-General

Professor Amartya Sen
Lamont University Professor and
Professor of Economics and Philosophy
Harvard University

Rt. Hon. Professor Shirley Williams
House of Lords, UK

Professor Fujia Yang
Fudan University
Chinese Academy of Sciences

June 3, 2009

The Honorable Joseph I. Lieberman, Chairman
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Joe and Susan:

I am writing to express my strong support for the nomination of Dr. Tara O'Toole as Under Secretary for Science and Technology at the Department of Homeland Security.

Tara O'Toole M.D., M.P.H. is the Director and CEO of the Center for Biosecurity (Baltimore) of the University of Pittsburgh Medical Center and Professor of Medicine at the University of Pittsburgh Medical School. She is recognized internationally for her clear demonstration of the threat of large scale lethal epidemics due to bioterrorism and natural causes and for building long-term, collaborative strategies to make our nation stronger and more resilient in the face of these health emergencies. Tara has consistently been committed to policies and practices that would prevent bioterrorist attacks, or destabilizing natural epidemics, and would mitigate the destructive consequences of events.

Tara was one of the original members of the Johns Hopkins Center for Civilian Biodefense Strategies, and the director from 2001-2003, where she brought scientists and public health professionals together to study the bioweapons threat, biodefense strategies, and the responsibilities of government in preparedness. She became well known for her efforts to establish a framework for environmental surveillance systems and information technologies to detect large-scale emergencies.

Nuclear Threat Initiative
1747 Pennsylvania Ave., NW
7th Floor
Washington, DC 20006
202 296 4810
202 296 4811
www.nti.org

A charitable organization working to reduce the global threat
from nuclear, biological and chemical weapons

The Honorable Joseph I. Lieberman
The Honorable Susan M. Collins
June 2, 2009
Page 2

Importantly, she has also paid attention to the medical countermeasures needed to help manage the bioweapons threat. She accomplished this by broadening private, academic, and community involvement. While at Johns Hopkins, Tara was the recipient of a grant award, given by the Nuclear Threat Initiative (NTI) which I co-chair, to build a framework of ongoing collaboration for the governance of bioscience and technologies. She successfully defined longer term strategies that balance investments in detection with collaboration and better cooperation between federal and local agencies and people.

In her role as senior analyst at the Congressional Office of Technology Assessment, Tara directed studies of the health impact of pollution resulting from nuclear weapons production. Prior to that, she practiced general internal medicine in community health centers in Baltimore and has the advantage of a community perspective when trying to finding solutions to health emergencies.

She currently serves with our colleague Dr. Margaret (Peggy) Hamburg, Commissioner of the FDA and former NTI Vice President, as a member of the CDC National Biosurveillance Advisory Subcommittee and has helped create a draft national biosurveillance strategy for the U.S. to protect national security interests.

Her experience, knowledge and professionalism have created well-established relationships within the Department, as well as within and outside the government, which are critical to executing the major responsibilities of Under Secretary for Science and Technology. She is widely respected, and I know she will use her background and managerial experience to get things done.

I strongly recommend her to you, the Committee and the Senate. I hope that you will give her nomination favorable consideration.

Sincerely,

Sam Nunn

June 5, 2009

The Honorable Joseph I. Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Tara O'Toole for Undersecretary of the Department of Homeland Security for Science and Technology

Dear Senator Lieberman:

I am writing a letter to offer my strong support for Tara O'Toole to be confirmed to the position of Undersecretary of the Department of Homeland Security for Science and Technology. Dr. O'Toole has important relevant experience and credentials for this position: She is a widely recognized national leader on issues related to biological threats and biodefense.

From 1993 to 1997 she served as Assistant Secretary of Energy where she had responsibility for safety issues for those working on US nuclear security and defense, and where she managed complicated, highly technical projects within the government. She is an accomplished scientist and physician. On a personal note, I have found her to be extremely able and experienced and extraordinarily dedicated to public service.

I have no doubt that Dr. O'Toole would serve with highest distinction in this position and I strongly recommend that she be confirmed.

With appreciation and best wishes, I am

Sincerely,

Tom Ridge

Tom Ridge
First Secretary, U.S. Department
of Homeland Security
Former Governor of Pennsylvania

1101 16th Street, NW – Suite 308
Washington, D.C. 20036
Tel: 202.833.2008 – Fax: 202.833.2009

PHILIP K. RUSSELL M.D.
11909 Coldstream Drive
Potomac, MD 20854

June 1, 2009

The Honorable Joseph I. Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins,

I wish to add my strong support for the appointment of Dr. Tara O'Toole as Undersecretary of Science and Technology in the Department of Homeland Security. I have known and worked with Dr. O'Toole in several capacities since 1994. The Advisory Committee on Human Radiation Experiments of which I was a member benefited greatly from her leadership as Assistant Secretary in the Department of Energy. The work of Dr. O'Toole and her colleagues at the Center for BioSecurity at the University of Pittsburg Medical Center was of enormous value to me and others as we initiated the biologic defense medical countermeasures program at Health and Human Services in 2001. She has been a major factor in guiding national policy in biodefense through academically solid studies and analyses for several years.

Dr. O'Toole is superbly qualified for the position of Undersecretary of Science and Technology and the country will be well served by her appointment.

Sincerely,

Philip K. Russell, M.D.
Major General (ret) USA
Professor Emeritus, Johns Hopkins School of Public Health

Phone / Fax: 301 299 7313 Email: pkrussell@aol.com

51784.106

BRENT SCOWCROFT

June 3, 2009

The Honorable Joseph I. Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, D. C. 20510

Dear Senators Lieberman and Collins:

I am writing a letter of strong support that Tara O'Toole be confirmed to the position of Undersecretary of the Department of Homeland Security for Science and Technology. She is a nationally and internationally known expert on prevention and response to biological threats. In the Clinton Administration, she had a major position in the Department of Energy overseeing the safety of the thousands of workers in the nuclear weapons complex. She has overseen highly complex scientific projects. She is extremely talented, public-service minded, and highly experienced. She knows the government processes and procedures extremely well. She is exactly the person who should be in this job.

I strongly recommend that Tara be confirmed for this position.

Sincerely,

Brent Scowcroft

900 SEVENTEENTH ST., N.W., SUITE 500 • WASHINGTON, D.C. 20006 • (202) 296-9312 • FAX (202) 296-9395

ARNOLD & PORTER LLP

Jeffrey H. Smith
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202.942.5115
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555 Twelfth Street, NW
Washington, DC 20004-1206

June 5, 2009

The Honorable Joseph I. Lieberman, Chair
The Honorable Susan M. Collins,
Ranking Member
Committee on Homeland Security and
Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Mr. Chairman and Senator Collins:

I was delighted when the President nominated Dr. Tara O'Toole to the position of Under Secretary of Homeland Security for Science and Technology. It has been my privilege to know and work with Dr. O'Toole for over a dozen years and I urge the Committee to vote in favor of her nomination.

I began to work with Tara upon my return to Arnold & Porter after serving as General Counsel of the CIA in 1996. I was asked to assist the center that Tara and Dr. D.A. Henderson had established at Johns Hopkins University on biosecurity, now the Center for Biosecurity at the University of Pittsburgh Medical Center. I have watched, with admiration, as Dr. O'Toole's dedication, superior intelligence and great organizational skills have enabled her to build the center into the nation's leading academic institution focused on the biosecurity threats faced by our nation. She is, as the Committee knows, nationally and internationally recognized as one of the most thoughtful people on these issues.

Dr. O'Toole not only has superb scientific knowledge of biosecurity and public health issues, but also understands the broader national security implications of these challenges. I witnessed Dr. O'Toole as she established and ran two war games focused on this threat, Dark Winter and Atlantic Storm. Both of these dramatically advanced the nation's understanding of the challenges we and our allies face. Over many years and on many issues, I have seen her operate at very senior levels of our government and the

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The Honorable Joseph I. Lieberman
The Honorable Susan M. Collins
June 5, 2009
Page 2

Congress. In all of these matters Dr. O'Toole has exhibited the highest qualities of intellect, judgment and integrity.

In addition to her sterling professional qualifications and accomplishments, Tara is simply a superb human being. She has those qualities of character that make her a natural leader. She inspires people by her warmth, good humor, openness, and driving commitment to making this a safer nation. She "knows her stuff" and has the toughness to speak truth to power. I am confident she will do a superb job in a most demanding position.

I am happy to recommend her most highly to the Committee and the full Senate for early confirmation.

Thank you for your leadership in homeland security and thanks also for your consideration of my views on Dr. O'Toole.

Sincerely,

Jeffrey H. Smith

Senator James M. Talent

June 5, 2009

The Honorable Joseph Lieberman, Chairman
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins,

I am proud to endorse the nomination of Dr. Tara O'Toole to serve as Under Secretary for Science and Technology in the Department of Homeland Security.

Dr. O'Toole has had a distinguished career in government where she served as the Assistant Secretary of Energy for Environment Safety and Health. She was the principal advisor to the Secretary of Energy on environmental protection and on the health and safety of the approximately 100,000 workers in the U.S. nuclear weapons complex and Department of Energy (DOE) laboratories. She ran the multi-agency, multimillion dollar task force that oversaw the government's investigations into human radiation experiments conducted during the Cold War. And she led the U.S. delegation to Russia to establish the U.S.-Russia cooperative effort to study radiation exposure and environmental hazards of the Russian nuclear weapons complex.

She has also demonstrated visionary leadership as the Director and CEO of The Center for Biosecurity of the University of Pittsburgh Medical Center (UPMC). For more than a decade she has worked to strengthen national security by reducing the risks posed by biological attacks, epidemics, and other destabilizing events and to improve the nation's resilience to man-made and natural disasters. Prior to founding the Center for Biosecurity of UPMC in 2003, Dr. O'Toole was one of the original members of the Johns Hopkins Center for Civilian Biodefense Strategies and served as its Director from 2001 to 2003. Her vision and leadership have led the Center for Biosecurity to a position of prominence in the national discussion about our preparedness for pandemic influenza, bioterrorist attacks, and other public health emergencies.

The Honorable Lieberman and Collins
June 5, 2009
Page two

Dr. O'Toole's scientific and academic credentials are equally impressive. She served as the Chair of the Board of the Federation of American Scientists from 2006-07, and in 2006 she was appointed to the Board of the Google Foundation's International Networked System for Total Early Disease Detection (INSTEDD). She has also served on numerous government and expert advisory committees dealing with biodefense, including panels of the Defense Science Board; the National Academy of Engineering Committee on Combating Terrorism; and the National Academy of Sciences Working Group on Biological Weapons. Dr. O'Toole has published widely in the biodefense field, including articles on the response to anthrax, smallpox, and plague biological attacks, containment of contagious disease epidemics, biodefense research and development strategies, and hospital preparedness.

Dr. O'Toole is internationally renowned for her work in the fields of biological and nuclear security, has demonstrated exemplary executive leadership both in the public and the private sector, and when confirmed, will play a key role in assisting the Administration and Congress improve America's nuclear and biological security. I urge the Committee to act swiftly on her nomination.

Sincerely,

Jim Talent

Senator Jim Talent

June 1, 2009

The Honorable Joseph I. Lieberman, Chair
The Honorable Susan M. Collins, Ranking Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Lieberman and Collins:

On behalf of the Trust for America's Health (TFAH), I am writing to enthusiastically endorse the nomination Tara O'Toole, MD, MPH as the Under Secretary for Science and Technology at the U.S. Department of Homeland Security. A renowned and highly recognized international expert on biodefense and public health preparedness, Dr. O'Toole will bring a range and depth of experience to the position. She will be a major asset to the Department in developing responses to biological and other major threats and improving the nation's resilience to them.

In her work as Assistant Secretary of Energy for Environment Safety and Health during the Clinton Administration, Dr. O'Toole helped protect Americans from environmental threats to their health. At the Johns Hopkins Center for Civilian Biodefense Strategies and as one of the founders of the Center for Biosecurity at University of Pittsburgh Medical Center, Dr. O'Toole has displayed leadership and helped define policies to better prepare the nation for health emergencies, from pandemic flu to bioterrorism threats. Her publications in the biodefense field include articles on the response to anthrax, smallpox, and plague biological attacks; containment of contagious disease epidemics; biodefense research and development strategies; and hospital preparedness.

Dr. O'Toole also has served on numerous government and expert advisory committees dealing with biodefense. In 2004, she was elected Chair of the Board of the Federation of American Scientists, and in 2006 she was appointed to the Board of the Google Foundation's International Networked System for Total Early Disease Detection. At the National Academies, Dr. O'Toole served on the Working Group on Biological Weapons Control, and is currently serving on the Committee on Technical and Privacy Dimensions of Information for Terrorism Prevention and Other National Goals. The American people are fortunate people to have someone with Dr. O'Toole's experience, leadership skills, and vision during a time when naturally emerging and intentional health threats are real threats to our homeland.

1730 M Street, NW, Suite 900 Washington, DC 20036 • • (t) 202-223-9870 • • (f) 202-223-9871

I respectfully urge the Committee to act swiftly on this important nomination. It is critically important that the Department of Homeland Security have a strong science-based leader in place as soon as possible to address the multitude of challenges and opportunities faced by the nation.

Sincerely,

Jeffrey Levi, PhD
Executive Director

PREPARED STATEMENT OF SENATOR LIEBERMAN FOR JEFFREY ZIENTS

And now we will consider President Obama's nomination of Jeffrey Zients to be Deputy Director for the Office of Management and Budget.

Since its creation, a common criticism of OMB is that its leadership, no matter what party is in charge, too often has focused on the "B" at the expense of the "M"—on budget as opposed to management. That should not be the case. The two go hand in hand and if a program is not doing well with the "M", it is likely to have problems with the "B" as well and that means the taxpayers are not getting their money's worth.

I'm pleased that President Obama has made the drive toward management excellence a top priority across the government and has stated that the Deputy Director for Management at OMB will also serve as the first "Chief Performance Officer" of the Federal Government.

Mr. Zients will have oversight of four statutory offices with far-reaching mandates: The Office of Information and Regulatory Affairs; the Office of Federal Procurement Policy; the Office of E-Government and Information Technology; and the Office of Federal Financial Management.

I would like to take a moment to outline just a few of the challenges I believe Mr. Zients will face if confirmed.

In the area of performance metrics, the ratings system created by the previous Administration—the Program Assessment Rating Tool (PART)—was viewed skeptically by many as a biased system that generated poor ratings for programs that the Administration wanted to eliminate for ideological reasons.

I hope, Mr. Zients, that you can help create objective performance rating metrics for programs, and one that takes into account that a "one-size-fits-all" approach is inappropriate given the diversity of government programs.

Improving contracting practices is another priority for the President, and rightfully so, as total spending on goods and services has skyrocketed from $189 billion in 1999 to $532 billion in 2008.

Another concern is properly managing the Information Technology investments of the Federal Government—estimated to be over $70 billion in this fiscal year. We must be assured these funds are spent effectively while also meeting the President's goals of using technology to make the government more transparent, participatory, and collaborative.

In a related concern, OMB will continue to play a key role—along with DHS—in protecting our Federal networks against the malicious actors that seek to do us harm. In recent years this has been a real challenge.

And finally, I'd like to mention how important transparency initiatives can be to improving accountability in government programs. President Obama is passionate about this issue as well.

But many current efforts to provide data to the public on Federal spending, including USAspending.gov, have fallen short of original expectations and now the Recovery Accountability and Transparency Board is grappling with how to provide the public comprehensive information on stimulus spending.

I'm optimistic that, with strong leadership, we'll be able to solve these problems so the public can track spending and provide their own oversight if they spot wasteful spending.

Mr. Zients has 20 years of business experience as a CEO, management consultant, and entrepreneur. He has served as CEO and Chairman of The Advisory Board Company and as Chairman of the Corporate Executive Board—two firms that are leading providers of performance benchmarking and best practices across a wide range of industries. He has spent most of his career devising ways to improve governance, organization, management, efficiencies, financial systems of companies, and now we will look to him to bring those best practices to government agencies.

So again, welcome Mr. Zients. I look forward to your statement and your answers to our questions.

PREPARED STATEMENT OF SENATOR COLLINS FOR JEFFREY ZIENTS

For our second panel, the Committee welcomes Jeffrey Zients, President Obama's nominee to serve as the next Deputy Director for Management at the Office of Management and Budget. If confirmed, Mr. Zients will also serve as the government's first Chief Performance Officer.

Although OMB is better known for its budget responsibilities, it has a two-pronged mission. In addition to overseeing the preparation and implementation of the Federal budget, OMB oversees Federal procurement, financial management, information technology, and regulatory policies across the Executive Branch.

The management challenges that OMB faces are extremely important. Effective management can help to ensure that agencies are carrying out their responsibilities in the most cost-effective manner. Good management can save tax dollars and lead to better results. A major OMB responsibility is the oversight of approximately $71 billion in spending on information technology investments. It is unacceptable that Federal agencies have identified approximately 450 IT projects, totaling more than $26 billion for fiscal year 2009, as poorly planned, poorly performing, or both.

Senator Carper and I have introduced a bill, which this Committee reported favorably, that would improve agency performance and oversight of Federal IT projects. I look forward to hearing how Mr. Zients would work to prevent future cost, schedule, and performance problems.

I also look forward to hearing Mr. Zients's views on how OMB can continue to provide effective oversight and implementation of Recovery Act spending.

Mr. Zients comes before the Committee with 20 years of business experience as a CEO, management consultant, and entrepreneur. He will need to call on all this experience if he is to serve effectively as the Deputy Director for OMB and Chief Performance Officer.

PREPARED STATEMENT OF SENATOR BENNET FOR JEFFREY ZIENTS

Mr. Chairman, Senator Collins, thank you for giving me the opportunity to introduce Jeff Zients to serve as the Deputy Director for Management at the OMB. He will also serve as our Nation's first-ever Chief Performance Officer. I'd like to take this opportunity to welcome Jeff and his family to this hearing.

If confirmed, Jeff will coordinate the President's efforts to make our government more efficient and accountable by identifying wasteful spending and eliminating initiatives that do not provide sufficient benefit to the American taxpayer for the amount we are investing in them. He'll also work to improve how we measure the effectiveness of government programs.

It won't be easy. Just the sheer size and complexity of the Federal Government and the entrenched interests that often fight to protect certain programs—make this kind of work treacherous and too often thankless. But I commend the President for prioritizing better governance and I fully agree that somebody needs to be tasked with performing this role.

Given the enormity of this task, the President could not have found someone better suited for the job than Jeff Zients. As an expert in financial management and business strategy, Jeff has the intellect, creativity and tenacity to examine complex problems, implement solutions, and produce real results for the American people. As my friend for nearly 30 years, I know he has the ability to exercise sound judgment and the character and integrity to do what's right.

In his mid-twenties, Jeff joined the Advisory Board where he worked closely with America's top companies to become more innovative and efficient. Within 3 years, he became a partner in the company. He also helped create the Corporate Executive Board, which assists companies across various industries in financial management and business re-engineering. He played an instrumental role in taking both of these companies public, all the while creating hundreds of jobs in the Washington, D.C. area.

Jeff currently serves as the Managing Partner of Portfolio Logic, an investment firm that he founded several years ago. He is also the Chairman of Pediatric Services of America, the Nation's largest provider of pediatric nurse care. Outside of the corporate world, Jeff has worked to create better opportunities for young adults throughout Washington, D.C. and Baltimore. He established and currently oversees a non-profit organization that works with local companies to provide paid internships, mentoring opportunities, and job training initiatives.

As we all know, Jeff will be joining the President's team during the worst economic crisis in generations. At the same time, our deficits and long term debt are on an unsustainable course. If we want to lay the framework for long-term economic growth, we need to ensure that every penny of Federal spending is necessary and targeted. Jeff's years of experience in financial management and his ability to think "outside of the box" will be instrumental to the President's efforts to make our government more accountable and efficient. His private-sector business savvy will provide the perfect lens through which to examine the effectiveness of many public-sector initiatives. By making our Federal agencies more efficient and accountable, Jeff will play an important role in helping restore the American people's faith in our government.

I look forward to working with my old friend as he begins this important job. Mr. Chairman, I gladly introduce and recommend Jeff Zeints to the Committee for this new and important role.

Statement of Jeffrey D. Zients
Nominee to Serve As
Deputy Director for Management of the Office of Management and Budget

Before the Committee on Homeland Security and Governmental Affairs
United States Senate
June 10, 2009

Mr. Chairman, Ranking Member Collins, Members of the Committee:

I am honored and humbled by the opportunity to come before you as President Obama's nominee for Deputy Director for Management of the Office of Management and Budget.

Thank you, Senator Bennet, for your kind introduction. Since your time as editorial page editor on the high school newspaper, I have admired your intelligence and accomplishments across a wide range of disciplines. I am very appreciative of your service to our country and kind words about me.

I am very grateful to have my family with me this morning, supporting me today as they have through every step of my life. I would like to introduce my wife of 17 years, Mary, and my four children, Sasha, Matthew, Joshua and Jonny, and my parents, Alan and Debbie. Throughout the years, I have felt extremely privileged to draw upon the strength of my family, and I thank them for their continued support during this process.

As a native Washingtonian, I have watched many individuals serve in government across the years and always hoped, at some point, to be able to give back and serve as well. I want to thank the President and OMB Director Peter Orszag for their confidence in me as I hope to help them achieve one of the Administration's top priorities – improving government performance.

As you are aware, the Deputy Director for Management position was established in the Chief Financial Officers Act of 1990. The position has responsibility for four areas of policy set forth in statute -- procurement, financial management, information policy, and electronic government and information technology. Building on this foundation, the Deputy Director for Management works to improve performance across government.

The creation of the Chief Performance Officer position strengthens the traditional role of the OMB Deputy Director for Management. I believe it is consistent with the President's commitment to achieve better outcomes and results for the American people. As the President stated, "we need to restore the American people's confidence in their government – that it is on their side, spending their money wisely, to meet their families' needs."

51784.114

If confirmed, I plan to focus on the five areas the President has emphasized: creating an outcome-oriented measurement system, helping to transform the Federal workforce, improving acquisition practices including having the right mix of public and private labor, ensuring Recovery Act dollars are spent quickly and wisely, and achieving unprecedented transparency and accountability throughout government operations.

I believe my background helps prepare me for these challenges. For the last 20 years, I have worked in the private sector as a CEO, management consultant, and investor. For 15 of those years, I helped lead The Advisory Board Company and the Corporate Executive Board Company -- two firms that work closely with companies to improve operations, measure performance, and increase efficiency. They are leading providers of benchmarking and best practices to senior executives of more than 5,000 organizations, including over 400 of the Fortune 500 companies.

I recognize and appreciate that government is different from the private sector. There is much to be learned from the people who have dedicated their lives to public service. There are many programs that are efficient and effective. If confirmed, I would seek to apply and instill government best practices more broadly while, at the same time, drawing on approaches and models that have proved successful in the private sector.

As a CEO and advisor to CEOs, I found that leadership, measurement, and a motivated workforce create the foundation for good performance. Leadership starts with putting together the right team and articulating the right goals for the organization. Measurement means translating those goals into operating plans with clear metrics and frequent checkpoints. A motivated workforce requires creating a culture to attract, develop, and retain the best talent. Together, they lead to strong performance, accountability, and, ultimately, to improved results.

Along with Director Orszag and Deputy Director Nabors, and in collaboration with Members of this Committee and others in Congress and across government, I will strive to attain these goals. I have enjoyed my early interactions with you and your staff, and I look forward to working closely with each of you and across all of government to improve effectiveness, efficiency, and transparency and accountability.

Mr. Chairman and Members of the Committee, I would be pleased to answer any questions you may have.

51784.115

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names used.)
   Jeffrey Dunston Zients

2. **Position to which nominated:**
   Deputy Director for Management at the Office of Management and Budget

3. **Date of nomination:**
   May 12, 2009

4. **Address:** (List current place of residence and office addresses.)
   Home:
   REDACTED
   Office: Portfolio Logic Management LLC
   600 New Hampshire Avenue, NW, 9th Floor
   Washington, DC 20037

5. **Date and place of birth:**
   November 12, 1966
   Washington, DC

6. **Marital status:** (Include maiden name of wife or husband's name.)
   Married: Mary Menell Zients (Menell)

7. **Names and ages of children:**

   REDACTED

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
   Secondary: St. Albans School, Washington, DC
   September 1978-June 1984
   College: Duke University
   BA, Political Science
   August 1984-May 1988 (degree granted May 8, 1988)
   London School of Economics (Semester Abroad)
   Fall 1986

51784.116

9. **Employment record:** List all jobs held since college, and any relevant or significant jobs held prior to that time, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary.)

Spring 1987	**Stock Broker** **First Montauk Securities** **Gaithersburg, MD**
August 1988- **June 1990**	**Management Consultant** **Bain Consulting** **Boston, MA**
June 1990- **December 1990**	**President** **EcoHealth** **Boston, MA**
January 1991- **August 1991**	**Self Employed as Management Consultant**
August 1991- **July 1992**	**Management Consultant** **Mercer Management Consulting** **Boston, MA**
August 1992- **July 1996**	**Executive Vice-President** **Director, Strategy and Finance** **Other Senior Management Positions** **The Advisory Board Company** **Washington, DC**
July 1996- **July 1998**	**Chief Operating Officer** **The Advisory Board Company** **Washington, DC**
October 1997- **July 1998**	**Executive Vice-President** **The Corporate Executive Board Company** **Washington, DC**
October 1997- **October 2003**	**Chief Operating Officer** **DGB Enterprises** **Washington, DC**
July 1998- **June 2001**	**Chief Executive Officer** **The Advisory Board Company** **Washington, DC**

October 2003-Present	**Founder and Managing Partner** **Portfolio Logic LLC / Portfolio Logic Management LLC**

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with federal, State, or local governments, other than those listed above.

None

11. **Business relationships:** List all positions currently or formerly 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.

Former Positions

Advisory Board Company:	**Chairman, CEO, COO and other senior management positions**
Corporate Executive Board:	**Chairman and Executive Vice-President**
DGB Enterprises:	**COO**
Washington Baseball Club:	**CEO**
Revolution Healthcare:	**Director**
XM Satellite Radio:	**Director**
Children's National Medical Center:	**Director, Committee Chairman**
St. Albans School:	**Director, Chair of Financial Sustainability Task Force**

Current Positions

Portfolio Logic LLC:	**Managing Partner**
Portfolio Logic Management LLC:	**Managing Partner**
PSA Healthcare:	**Chairman**
Best Practices:	**Director**
Timbuk2 Design:	**Director**
Sirius XM Radio:	**Director**
CL TBT Investor LLC, formerly Capital Logic Partners LP:	**Director**
Urban Alliance Foundation:	**Director**
Citybridge Foundation:	**Director**
Zients Family Foundation:	**Trustee**

12. **Memberships:** List all memberships, affiliations, or and offices currently or formerly held in professional, business, fraternal, scholarly, civic, public, charitable or other organizations.

Economic Club of Washington (current)
World Economic Forum (formerly)

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None

(b) List all memberships and offices held in and services rendered to any political party or election committee during the last 10 years.

None

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more during the past 5 years.

See attached Schedule A

14. **Honors and awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Duke University Freshman Honors Society (1985)
Duke University Summa Cum Laude (1988)
Duke University Phi Beta Kappa (1987)

15. **Published writings:** Provide the Committee with two copies of any books, articles, reports, or other published materials which you have written.

None

16. **Speeches:**

(a) Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated. Provide copies of any testimony to Congress, or to any other legislative or administrative body.

None

(b) Provide a list of all speeches and testimony you have delivered in the past 10 years, except for those the text of which you are providing to the Committee. Please provide a short description of the speech or testimony, its date of delivery, and the audience to whom you delivered it.

None

17. **Selection:**

(a) Do you know why you were chosen for this nomination by the President?

I have twenty years of business experience as a CEO, management consultant, and entrepreneur with a deep understanding of business strategy, process reengineering, and financial management.

I served as CEO and Chairman of The Advisory Board Company and Chairman of the Corporate Executive Board. These two firms are leading providers of performance benchmarking and best practices across a wide range of industries.

I believe my experience will equip me well for this position.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

I have worked for many years in leadership positions in the private sector and have developed an expertise on how to make companies run more efficiently and more profitably. Over the past twenty years, I have focused on corporate governance, management, business efficiencies, financial systems, business leadership, and organizational strategies.

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B. EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

   Yes, I will sever all business relationships, as outlined in the ethics agreement that I have entered into with OMB's Designated Agency Ethics Official and that has been provided to this Committee.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

   No

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization, or to start employment with any other entity?

   No

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   No

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

   Yes

6. Have you ever been asked by an employer to leave a job or otherwise left a job on a non-voluntary basis? If so, please explain.

   No

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C. POTENTIAL CONFLICTS OF INTEREST

1. Describe any business relationship, dealing or financial transaction which you have had during the last 10 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.

   In connection with the nomination process, I have consulted with the Office of Management and Budget's Designated Agency Ethics Official and the Office of Government Ethics 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 OMB's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

2. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

   As CEO of the Washington Baseball Club LLC, I met with DC Mayor Anthony Williams and members of the DC City Council across 2003-2005 to discuss municipal financing of a baseball ballpark.

   In October 2006, I hosted a dinner for supporters of the effort to get DC full voting representation in the US House.

   On two occasions in 2008, I met with a Florida state healthcare official regarding pediatric nurse staffing reimbursement in the state of Florida.

3. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

   Yes

51784.122

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

   No

2. Have you ever been investigated, arrested, charged or convicted (including pleas of guilty or nolo contendere) by any federal, State, or other law enforcement authority for violation of any federal, State, county or municipal law, other than a minor traffic offense? If so, provide details.

   No

3. Have you or any business of which you are or were an officer, director or owner ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

   I have been associated with a number of companies and also with related entities and affiliates of such firms. From time to time, such firms are involved, in the ordinary course of their business, in administrative agency proceedings or civil litigation relating to various activities of their businesses. To the best of my knowledge, I have not been named as a party in any such matters.

   I have specific knowledge of one related matter. In January 2002, the IRS filed an action in U.S. Tax Court against David Bradley, owner of DGB Enterprises. The IRS questioned certain business deductions taken by the company, which passed through to Mr. Bradley. I testified in my capacity as the company's COO. In August 2003, the IRS dismissed the action resulting in no liability for Mr. Bradley.

4. For responses to question 3, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

   None

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

   None

51784.123

E. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

AFFIDAVIT

Jeffrey D Zients 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.

Subscribed and sworn before me this 14th day of May, 2009

Notary Public

JACQUELINE WELLS MEERING
Notary Public, District of Columbia
My Commission Expires August 31, 2009

Schedule A
Political contributions by Jeffrey D. Zients
1/1/2004 through 5/12/2009

Date	Payee	Amount
1/27/2004	OBAMA FOR ILLINOIS	$1,000.00
3/13/2004	OBAMA FOR ILLINOIS	$2,500.00
4/30/2004	TOM DASCHLE FOR SENATE	$1,000.00
5/7/2004	ADRIAN FENTY 2004	$500.00
6/17/2004	DEMOCRATIC SENATORIAL COMMITTEE	$1,000.00
6/23/2004	DCCC	$5,000.00
6/28/2004	RICHARD MOORE FOR NC ST TREASURER	$2,000.00
8/2/2004	KERRY VICTORY 04	$25,000.00
9/7/2004	HAROLD BRAZIL 2004 COMM	$1,000.00
9/17/2004	HAROLD BRAZIL 2004 COMM	$1,000.00
10/6/2004	KERRY EDWARDS TRANSITION	$5,000.00
10/15/2004	FRIENDS OF DOUG GANSLER	$500.00
1/21/2005	YASSKY FOR NY	$500.00
2/23/2005	JACK EVANS CONSTITUENT FUND	$400.00
3/16/2005	FRIENDS OF JOE LIEBERMAN	$2,000.00
5/24/2005	FRIENDS OF KENT CONRAD	$2,500.00
6/14/2005	SPITZER 2006	$1,000.00
7/8/2005	CANTWELL 2006	$2,000.00
8/12/2005	FRIENDS OF HILLARY CLINTON	$2,000.00
9/20/2005	FRIENDS OF DOUG GANSLER	$1,000.00
11/2/2005	ELLEN MOYER FOR ANNAPOLIS MAYOR	$500.00
11/3/2005	EVAN BAYH COMMITTEE	$2,100.00
11/17/2005	BOBBY SHRIVER FOR CONGRESS	$250.00
11/30/2005	FORWARD TOGETHER (MARK WARNER)	$5,000.00
12/12/2005	FEINSTEIN FOR SENATE	$2,100.00
1/1/2006	RALES FOR US SENATE BETHESDA	$2,100.00
1/6/2006	HOPEFUND (BARACK OBAMA)	$5,000.00
1/31/2006	LINDA CROPP FOR MAYOR	$4,000.00
2/13/2006	JACK EVANS CONSTITUENT FUND	$400.00
3/14/2006	YASSKY FOR CONGRESS	$1,000.00
5/22/2006	FRIENDS OF JOE LIEBERMAN	$2,000.00
5/31/2006	ERIK GAULL 2006	$500.00
7/20/2006	OBAMA 2010	$1,000.00
9/5/2006	KATHY PATTERSON FOR DC COUNCIL	$1,000.00
9/18/2006	BILL RICE FOR DC CITY COUNCIL	$500.00
9/27/2006	CHET CULVER COMMITTEE	$1,000.00
10/6/2006	JAMES WEBB FOR US SENATE	$2,100.00
10/20/2006	FRIENDS OF MARTIN O'MALLEY	$2,000.00
12/1/2006	MARY CHEH FOR COUNCIL	$500.00
12/29/2006	FENTY 2006 MAYOR	$5,000.00
1/19/2007	JACK EVANS CONSTITUENT FUND	$400.00
1/26/2007	OBAMA EXPLORATORY COMM	$2,100.00
3/30/2007	HILLARY CLINTON	$4,600.00

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Schedule A
Political contributions by Jeffrey D. Zients
1/1/2004 through 5/12/2009

Date	Payee	Amount
4/18/2007	KLOBUCHAR FOR MN	$1,000.00
6/18/2007	DNC	$28,500.00
6/25/2007	FRIENDS OF MARY CHEH	$500.00
7/3/2007	BILL RICHARDSON	$2,300.00
7/6/2007	FRIENDS OF DOUG GANSLER	$500.00
8/1/2007	JACK EVANS 2008	$500.00
9/24/2007	JIM HIMES FOR CONGRESS	$500.00
10/19/2007	VOTE JOTHAM STEIN	$1,000.00
11/14/2007	FRIENDS OF DOUG GANSLER	$1,000.00
11/21/2007	FRIENDS OF MARK WARNER	$4,600.00
12/3/2007	BENSON FOR CONGRESS	$2,300.00
12/3/2007	DEMOCRATIC GOVERNORS	$1,000.00
1/10/2008	FRIENDS OF MARTIN O'MALLEY	$4,000.00
1/31/2008	NATIONAL JEWISH DEMOCRATIC COUNCIL	$500.00
3/3/2008	NICK LEIBHAM FOR CONGRESS	$4,600.00
3/7/2008	JOIN OPERATION BRIAN SWEITZER	$1,000.00
8/6/2008	OBAMA VICTORY FUND	$30,800.00
8/28/2008	HILLARY CLINTON (REFUND FOR GENERAL)	($2,300.00)
9/12/2008	FRIENDS OF DOUG GANSLER	$4,000.00
11/4/2008	FRIENDS OF DOUG GANSLER	$1,000.00
12/16/2008	ADRIAN FENTY 2010	$2,000.00
2/24/2009	WHEELAN FOR CONGRESS	$1,000.00

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U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing questionnaire
For the Nomination of Jeffrey Zients
to be Deputy Director for Management, Office of Management and Budget

I. Nomination Process and Conflicts of Interest

1. Why do you believe the President nominated you to serve as Deputy Director for Management of the Office of Management and Budget (OMB)?

I believe that the President nominated me because of my twenty years of business experience as a Chief Executive Officer, management consultant and entrepreneur with an extensive understanding of business leadership, corporate governance, organizational strategies, financial management and process reengineering.

2. Were any conditions, express or implied, attached to your nomination? If so, please explain.

No.

3. What specific background and experience affirmatively qualify you to be the Deputy Director for Management?

I served as the CEO and Chairman of the Board of Directors of The Advisory Board Company and Chairman of the Corporate Executive Board. These two firms are leading providers of performance benchmarking and advise a wide range of industries on best business practices. During my time in private sector leadership positions, I have built an expertise in financial management and in making companies operate more efficiently and more profitably.

4. Have you made any commitments with respect to the policies and principles you will attempt to implement as Deputy Director for Management? If so, what are they and to whom have the commitments been made?

No.

5. If confirmed, are there any issues from which you may have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain what procedures you will use to carry out such a recusal or disqualification.

As stated in the ethics agreement that I have entered into with OMB's Designated Agency Ethics Official, and that has been provided to this Committee, I will not participate personally and substantially in any particular matter that has a direct and predictable effect upon my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written

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waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). The ethics agreement outlines the recusals that I will implement to disqualify myself from matters that could pose a conflict of interest.

If I am confirmed, I will resign from my positions with Portfolio Logic LLC, Portfolio Logic Management LLC, Sirius XM Radio, PSA Healthcare, Best Practices, Timbuk2 Design, Urban Alliance Foundation, Citybridge Foundation, CL TBT Investor, Zients Family Foundation, Richard Alexander LePere Trust, Dana Joan LePere Trust, Thomas R. Nides First Irrevocable Trust, and Thomas R. Nides Second Irrevocable Trust. For one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I have been advised that the duties of the position of Deputy Director for Management may involve particular matters affecting the financial interests of the following entities: PSA Healthcare, Best Practices and Timbuk2 Design. The agency has determined that it is not necessary at this time for me to divest my interests in these entities because my recusal from particular matters in which these interests pose a conflict of interest will not substantially limit my ability to perform the essential duties of the position of Deputy Director for Management. Accordingly, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of any of these entities, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

If I am confirmed, I will seek the advice of OMB's Designated Agency Ethics Official to avoid any potential conflicts of interests or the appearance of any conflicts of interest.

II. Role of the OMB Deputy Director for Management

6. President Obama not only nominated you to serve as the OMB Deputy Director for Management (DDM), but also announced that you would serve as the first Chief Performance Officer (CPO) of the government. Assuming that you are confirmed, what do you see as your principal functions of these offices, and what would be your priorities?

The law creating the DDM position, the Chief Financial Officers Act of 1990, assigns some very specific functions to that office including "...organizational studies, long-range planning, program evaluation, productivity improvement, and experimentation and demonstration programs." Those functions range far beyond the charters of the four statutory management offices (OFPP, OIRA, OFFM, and EGov/IT), locating in the DDM responsibility for establishing and monitoring the effectiveness of government-wide management policies. With the addition of the Chief Performance Officer responsibilities, the Administration is emphasizing the importance of making government more efficient, effective, and transparent.

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7. What do you believe are the major challenges facing the office of the DDM and CPO? What objectives would you like to achieve in your tenure? How do you propose to address these challenges and objectives?

The primary challenge facing the Administration in the area of government management is to restore the American people's faith in government's ability to perform effectively, efficiently, and transparently. To do that, we need to make significant and measurable progress in creating an outcome-oriented performance measurement program, reforming and reenergizing the Federal workforce, developing a common framework to achieve the right mix of public and private labor in the provision of government services, improving contract management and streamlining government procurement, and improving transparency and accountability at all levels. In addition to this ambitious agenda, we also need to fulfill the commitment by the President and Congress to spend Recovery Act dollars quickly and wisely. If confirmed, I look forward to working on all aspects of this agenda in close collaboration with the Congress and the agencies.

8. Have you discussed with Director Peter Orszag, and Deputy Director Robert Nabors your respective roles related to the functions of the office of the DDM and the CPO? If so, please respond to the following related questions in light of those discussions.

   a. What is your understanding of the role of the OMB Director and Deputy Director with regards to the role and responsibilities of the DDM and CPO?

The OMB Director expects to work as a team with the Deputy Director and the Deputy Director for Management, with each of us having defined areas of focus depending both on the demands of the moment and the skills and background that each of us brings to our positions. OMB Deputy Director Robert Nabors II, for example, brings substantial experience in the appropriations process from having served as the clerk of the House Appropriations Committee. In that role, he focused on the effectiveness of the programs under the jurisdiction of the Committee, and I would expect to work closely with him in reforming the government's performance measurement systems, for example. I also anticipate working closely with both the Director and the Deputy Director to integrate agency and program performance information into the annual budget process.

   b. The statutory functions of the DDM are subject to the direction and approval of the Director of OMB. Would all of your functions as CPO likewise be subject to the direction and approval of the Director, or would you report directly to the President with respect to any of your functions as CPO?

I will report to the Director of OMB as both Deputy Director for Management and Chief Performance Officer.

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III. Policy Questions

Management Generally

9. What is your understanding of the Obama Administration's agenda in the area of government management and performance, and how would you, if confirmed, help the Administration fulfill that agenda?

The Administration's agenda in the area of government management is focused on restoring the American people's faith in government's ability to perform effectively, efficiently, and transparently. To do that, we need to make significant and measurable progress in creating an outcome-oriented performance measurement program, reforming and reenergizing the Federal workforce, developing a common framework to achieve right mix of public and private labor in the provision of government services, improving contract management and streamlining government procurement, and improving transparency and accountability at all levels. In addition to this ambitious agenda, we also need to fulfill the commitment by the President and Congress to spend Recovery Act dollars quickly and wisely. If confirmed, I look forward to working on all aspects of this agenda in close collaboration with Congress and the agencies. One particular area of expertise I hope to bring to the discussion is in identifying best practices and benchmarks and then implementing them effectively.

10. What do you see as the major management challenges and program risks confronting the federal government?

    a. What do you see as DDM's and the CPO's role in addressing these challenges and risks?

As a result of the Committee's work over the years to fortify OMB's management authorities, OMB is well-positioned to strengthen the government's performance in the key areas of performance measurement, human capital, financial management, procurement, and transparency and accountability. Working closely with the Director and the Deputy Director, the DDM/CPO will lead the Administration's management reform agenda.

    b. What specific goals do you have, and how will you measure the success of your efforts in meeting these challenges and mitigating these program risks?

As DDM and CPO, my goals would be to build high-priority performance metrics widely used by all stakeholders; to demonstrably improve the government's effectiveness as measured by those metrics; to make measureable progress in revitalizing and reenergizing the workforce; and to significantly increase transparency and resulting accountability of the Federal government.

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Performance Management

11. Under the Government Performance and Results Act of 1993 (GPRA), agencies must develop long-term Strategic Plans and Annual Performance Plans and must publish Annual Performance Reports showing actual results. Moreover, since 2002, OMB has used the Program Assessment Rating Tool (PART) to evaluate management and performance of individual programs.

    a. What do you believe have been the strengths and weakness of these governmentwide mechanisms for assessing and improving performance, and what improvements would you make?

While the PART system for the first time measured at the program level which does have some utility, it did not lead to significantly increased use of performance information in decision making or to outcomes-based metrics that can be compared across programs or agencies. To be effective, a performance measurement system should be focused on the quality of the results that programs and agencies produce for the public. It should also give policymakers a way to view performance across programs with similar goals – and over time – while focusing on the highest priority programs. Last, it is critical that senior policymakers believe the performance system can produce valuable information they can use as they make decisions, whether as part of the budget process or in designing new initiatives. If confirmed, I look forward to working with Congress and other stakeholders both initially and over time on an improved performance measurement system that is consistent with these fundamental parameters.

    b. How do you think the governmentwide mechanisms for evaluating program performance can be improved, so that agencies can provide better information and guidance to those in the executive branch and in Congress who make decisions about program budget, funding, and statutory authorization?

As described above, a performance measurement system should be focused on the quality of the results that programs and agencies produce for the public. It should also give policymakers a way to view performance across programs with similar goals – and over time – while focusing on the highest priority programs. Last, it is critical that senior policymakers believe the performance system can produce valuable information they can use as they make decisions, whether as part of the budget process or in designing new initiatives.

12. The PART initiative has focused on individual programs, but not on crosscutting issues or areas where several programs or program types address a common goal of government. As part of the President's FY2010 Budget Proposal, the "Analytical Perspectives" volume states that, in its new approach to building a high-performing government, "cross-program and cross-agency goals would receive as much or more focus as program-specific ones."[1]

[1] Office of Management and Budget. *Analytical Perspectives, Budget of the U.S. Government, Fiscal year 2010.* Page 9

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a. Do you believe it is necessary to establish a systematic approach for evaluating and managing different programs with similar goals? If so, how would you propose to accomplish this?

Our toughest policy challenges demand solutions that cut across multiple agencies and programs. An effective performance measurement framework should begin with a common set of goals related to the overarching policy purpose and only then set performance metrics that appropriately measure success in meeting those goals.

b. If confirmed as DDM and CPO, do you plan to develop and implement a comprehensive and consistent evaluation framework across all programs – including tax expenditures and regulatory programs – using a common framework? Do you believe a goal to develop such a framework is unrealistic? Please explain.

A robust performance measurement framework should ideally include all of the different programs that have a role in solving our most critical policy challenges. Where we have a clearly defined outcome, it is critical that we understand all programs regardless of type that contribute toward that goal. However, creating a performance evaluation process that is too rigid or standardized might become a compliance exercise. I would instead propose to work collaboratively with agencies and other stakeholders to develop a framework that is useful for them but also lays out clear performance standards as well as accountability and transparency mechanisms.

13. Some argue that the government should develop a "cascaded performance budget showing the relationship between spending and results down through every level and manager in an agency, even out to remote field offices."[2] Do you agree? Please explain.

My experience in the private sector has been that connecting budget to priority goals and measurements is essential. I also believe any performance measure system should start at the top to develop overall goals and metrics. Whether a performance budget should extend to every single manager and level of an agency depends largely on the nature of the program and corresponding metrics.

14. In many cases, a single governmental program can further a number of different, perhaps inconsistent, outcomes.

a. How do you believe OMB should guide agencies in establishing program goals, priorities, and performance measures? Do you believe this guidance should be different for controversial programs?

The more controversial the program, the more important it is to include all stakeholders in developing a performance measurement process that is inclusive, iterative, and transparent. Such

[2] John Mercer, "Management Matters: What We're Paying For," *GovernmentExecutive.com* (Feb. 18, 2009).

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a process, particularly one that allows frequent review of performance plans and metrics, can satisfy many stakeholders that the process is fair and the resulting data are reliable.

b. Under your leadership, what would be the respective roles of the agency, Congress, non-federal parties, and OMB in making decisions about goals, priorities, and performance measures? Do you believe this should be different for controversial programs?

With controversial programs, it is even more important to make the process inclusive, iterative, and transparent, and to include all stakeholders.

15. The "Analytical Perspectives" volume of the President's FY2010 Budget Proposal also indicates that the Administration will conduct quality research evaluating the effectiveness of government spending, and states the goals of establishing a "comprehensive program and performance measurement system" and a "comprehensive research program to study the comparative effectiveness of different program strategies."[3]

a. What is your opinion of the desirability and feasibility of these goals?

These statements from *Analytical Perspectives* underscore a critical challenge of Federal management, which is that too often Federal managers have insufficient information on which to base critical decisions. Front line managers in the field often do not receive information useful to support their decision making. Such information is critical in a management environment as complex as the Federal government, where, for example, there can be as many as 17 layers between the Secretary of the Department of Veterans Affairs (VA) and a nurse at a VA hospital. Further, stakeholders such as OMB, Congress, GAO, and managers often lack credible, timely, and reliable information on which to base an assessment of the effectiveness of Federal programs and implementation strategies. Without a shared and useful assessment process, it is difficult to bring multiple parties to the table to make lasting performance improvements.

A comprehensive performance management system should include performance information, evaluation data, and research findings. A comprehensive system, however, does not necessarily mean one approach is right for all Federal programs. For some programs, frequent performance measurement can be highly effective at improving performance. For others, long-term evaluations are more applicable. Many will need a combination of both. Each program type requires a tailored approach that applies limited resources with maximum impact.

As the Administration develops its comprehensive performance improvement framework, each of these approaches will play an important role. I look forward to working closely with Congress on the development of this framework.

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[3] *Analytical Perspectives,* note 1 above, at pages 9-10.

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b. In developing requirements for evaluating performance effectiveness, how would you, as DDM and CPO, take into account the burden that these requirements would impose on agencies, to prevent the performance management efforts from becoming excessive and ultimately counterproductive?

My goal in taking on this role is to improve the performance of the Federal government, not to increase the burden on Federal program managers and distract them from effectively managing their programs. Instead of working to apply all reform efforts across all Federal agencies and programs, I would prioritize our efforts to agencies and programs likely to produce the greatest return for the public. I would also leverage the President's Management Council, made up of agency deputy secretaries, and other interagency management councils as a means to improve agency leadership on management and performance efforts. Instead of implementing new compliance requirements for Federal agencies, I will work with agency leadership so that our collective efforts are seen as useful to *their* efforts to accomplish their performance goals.

OMB can provide the necessary government-wide leadership and policy to develop some cross-cutting assessment capability. But significant and lasting performance improvements will only come as agencies continue to develop a results-oriented performance culture, with trained staff and robust processes that effectively coordinate agency headquarters and field offices in the communities in which the work is performed.

c. What has been your experience with respect to the development and implementation of systems for measuring and improving the performance of very large governmental or non-governmental entities?

As a CEO, board member, and company owner, I have experience in developing and implementing systems to measure and improve performance in the private sector. The two companies which I led for many years, The Advisory Board Company and the Corporate Executive Board Company, are leading providers of performance benchmarking and advise a wide range of industries on best business practices. Both companies work extensively with senior managers across industries to measure and improve the performance of their organizations.

Leadership

16. Often the single most important element in successfully implementing organizational change is the sustained commitment of top leaders. What do you believe you and others in the Administration could do to motivate agency leaders to improve their agencies' performance?

I agree that the most important element in implementing organizational change is ensuring sustained commitment by top leaders. From the start of his Administration, and directly with his Cabinet, the President has emphasized the need to improve the performance of the Federal government and to operate with a historic level of transparency and civic engagement. In order to accomplish this, I believe it is essential that agency leaders have clear goals and agreed upon

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metrics in place. By tracking performance against these goals and metrics, and making results transparent to all stakeholders, I believe we can significantly improve governmental performance.

17. What mechanisms do you believe OMB should use to elevate and institutionalize responsibility for coordinating the performance management activities of an agency? What about responsibility for management and organizational change within agencies?

The key is to expand agency capacity to use performance information to manage their agencies and programs. As a recent GAO study indicated, there is significant room for improvement in this area. Agency performance offices are currently undergoing a transformation from a primary focus on producing plans and reports to actively managing performance using timely data. In particular, the leadership of agency heads and their deputies will be critical to achieving management and organizational change within agencies.

The President's Management Council (PMC) and the recently-formed Performance Improvement Council (PIC) offer an opportunity for OMB's performance management efforts to be more collaborative with agencies. Through the PMC and the PIC, OMB will work with agencies to develop and share effective performance management practices.

Procurement Policy

18. What is your personal experience in managing the acquisition of goods and services? To what extent do you anticipate examining commercial best practices in acquisition and contract management and adopting them for government use?

As a CEO, board member, and company owner, I have had experience in the acquisition process. In addition, the companies in which I spent much of my career -- the Advisory Board Company and the Corporate Executive Board – are leading best practices research firms. Both have evaluated procurement processes across industries and disseminated best practices to their clients. While government procurement processes are different in some respects from corporate processes, there are some commonalities. There is also a clear opportunity to find and replicate best practices in government procurement across agencies.

19. The amount of goods and services procured by the federal government on an annual basis has grown dramatically over the last decade, from $189 billion in 1989 to $532 billion in 2008. Across the government, a number of trends have led to wasteful spending, including an over-reliance on noncompetitive contracts, misuse of inter-agency contract vehicles, inappropriate use of "cost-plus" contracts, poor requirements planning, and insufficient oversight of contractors. The 2009 Government Accountability Office (GAO) High Risk list once again lists a number of procurement functions across the government at high risk for waste, including contract management at the Departments of Defense, Energy, and NASA, as well as interagency contracting.

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a. What recommendations will you make to improve the efficiency of federal acquisitions?

Congress has given agencies many tools for conducting acquisitions efficiently, including tools that allow agencies to piggy-back on another agency's contract to leverage the government's buying power and for using simplified acquisition procedures. Improvements in technology enable even greater efficiencies in buying processes. We should make sure we are using best practices in applying these authorities and technologies to achieve the best value for the taxpayer. The President's March 4, 2009, Memorandum on Government Contracting establishes an important framework for improving Federal acquisition by identifying areas where management attention is needed most, such as on strengthening the acquisition workforce and using competition effectively.

b. What role should OMB play in ensuring that corrective action plans are implemented for the contracting functions on the GAO High Risk list?

I understand that agencies on GAO's high risk list have developed corrective action plans to mitigate risks in their acquisition programs. I would expect agencies to provide regular updates to OMB on their progress in implementing corrective measures, including key milestones as measured against metrics identified in their plans.

c. In March, President Obama directed the Director of OMB to develop new guidelines to assist agencies in identifying contracts that are wasteful, inefficient, or otherwise not meeting agency needs. The President further directed a review to develop new policies to ensure appropriate use of contract vehicles, assess the capabilities of the acquisition workforce, and clarify when outsourcing is and is not appropriate. What do you anticipate your role will be in this governmentwide review of contracting practices?

The role of the DDM is to provide leadership and oversight for policy development. While day-to-day policy leadership will be provided by the Administrator of the Office of Federal Procurement Policy, the DDM can make sure, at a higher level, that the various organizations that must work together to achieve acquisition success – such as acquisition offices and program offices (who provide critical support in acquisition planning, requirements development, and contract administration) – are effectively engaged in the critical initiatives laid out in the President's Memorandum. It will also include human capital officers who must work with program and acquisition offices in conducting workforce planning that addresses both work done in-house and that performed by contractors.

d. Spending on contracts often spikes in agencies toward the end of each fiscal year. Do you believe OMB should play a role in ensuring that agencies, as each fiscal year draws to a close, are contracting only for goods and services that are necessary, and are not rushing to obligate funds?

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Ultimately, we must rely on agencies to exercise good fiscal and procurement discipline when obligating taxpayer funds. For its part, OMB must continually work with agencies to make sure they have effective internal controls for managing their spending, which includes effective acquisition planning and guarding against rushed and wasteful spending.

20. Strategic Sourcing has been a key initiative of the Office of Management and Budget. As stated in OMB Memo of May 20, 2005, it "...is the collaborative and structured process of critically analyzing an organization's spending and using this information to make business decisions about acquiring commodities and services more efficiently and efficiently." Can you please discuss your views regarding strategic sourcing and comment on whether or not this will be a part of OMB's acquisition framework moving forward?

Strategic sourcing is a sound business principle that leverages the government's significant purchasing power and improves the value of taxpayer dollars. By aggregating demand and promoting the strategic acquisition of common goods and services across agencies, we can reduce inefficiencies, lower prices, and minimize transaction costs. Additionally, the process of conducting spend analyses and reviewing existing business arrangements generally results in improved acquisition management in any organization. I understand that OMB and GSA work together on various government-wide strategic sourcing initiatives, and, if confirmed, I will actively promote these and other acquisition practices that leverage the government's spend and deliver greater value.

21. A number of recent GAO reports, including those on DHS and DoD, noted concerns about the government's increasing reliance on contractors and raised serious questions about how to ensure that the government retains the core capabilities needed to perform its mission, that contractors do not perform functions that properly should be performed only by government employees, and that contractors are used in a cost-effective way. While contracting out can be an effective means of fulfilling some responsibilities of government, it is critical that the federal agencies have sufficient staff on board with the necessary skills to establish policy, maintain a strong institutional memory and effectively manage acquisitions and contract oversight in order to ensure quality, economy, and timeliness.

    a. What are the considerations and procedures that you believe should be applied in deciding whether a function is better performed by federal employees or by a commercial entity? In what ways is the decision on whether to outsource different for a government agency than for a private business?

First, we must make sure that all inherently governmental functions are performed only by Federal employees. This principle is unique to governmental entities. While all entities, including private contractors, make business choices about what they will produce themselves and what services they will rely on outsiders to help them provide, there are certain functions that the government must perform itself, not for economic reasons, but because the functions are so intimately related to the public interest as to require performance by Federal government

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employees. These include functions such as setting agency policy, awarding contracts, and hiring personnel.

Second, we must recognize there are critical functions that, even if not inherently governmental, should be performed by Federal employees to make sure organizations have the internal capability and capacity to maintain control of their operations. This category may include a wide range of professional and technical services. An agency may have both Federal employees and contractors performing many of these functions. However, the agency must make sure there is always enough in-house talent and capacity in these functions both to maintain control of the organization and of any contractors who are providing support.

Finally, for functions that can be performed by either sector, we must have processes that are fair and balanced, allowing Federal employees to be carefully considered for this work, and decisions to be made using sound economic analyses.

b. OMB Circular A-76 permits federal jobs to be "competitively sourced," provided the jobs are not inherently governmental. The circular defines inherently governmental. For contracts for any new job or service, the Federal Acquisition Regulation (FAR) rules regarding inherently governmental work must be followed. A-76 and FAR standards for inherently governmental work are not wholly consistent. Both of these standards are open to wide interpretation. Would you support a clearer definition of "inherently governmental" for federal acquisition rules if confirmed?

Yes, I would support a clearer definition of "inherently governmental" for Federal acquisition rules. As the President stated in his March 4, 2009, Memorandum on Government Contracting, the line between inherently governmental functions and commercial activities has become blurred. The confusion has been exacerbated by the lack of guidance to explain that there are also critical functions that, although not inherently governmental, should also be performed by Federal employees to ensure the agency maintains control over its operations.

c. Sec. 321 of the National Defense Authorization Act for Fiscal Year 2009 (P. L. 110-417) requires the Director of OMB to review and make appropriate recommendations on the definition of "inherently governmental" functions (which, by law, may not be performed by contractors) and also to develop criteria for use by agencies to identify positions, whether inherently governmental or not, that are so critical to agency mission and structure that they should be performed only by federal employees. Do you expect to participate in this review, and if so, what will your role be?

If confirmed, I expect to participate in this review and will look to the Office of Federal Procurement Policy to provide leadership in collaboration with members of the Chief Acquisition Officers Council (CAOC) and Chief Human Capital Officers Council (CHCO).

d. Reliance on contractors, especially for services that closely support inherently governmental work, raises a risk that government decisions are not adequately independent of contractor judgments. For example, in its report, *Department of*

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Homeland Security, Improved Assessment and Oversight Needed to Manage Risk of Contracting for Selected Services (September 2007), GAO-07-990, GAO concluded that contractors provided numerous services that closely supported inherently governmental functions and that program officials neither assessed the risk of using contractors for these functions nor exercised adequate control oversight. What would you do to ensure that inherently governmental decisions are not unduly influenced by contractors?

First, departments and agencies need to have the internal expertise and technical capability to manage and control their own operations. In addition, appropriate management attention must be given to contractors who are used to provide advice and recommendations that may influence the authority, accountability, and responsibilities of government officials. Such attention might include more frequent agency monitoring to make sure the contractor's activities have not expanded or otherwise changed to become inherently governmental. Other steps might include clearer identification of these personnel and their work product as contractors, especially in situations where they will be working side-by-side with Federal employees.

22. Under OMB's A-76 Circular, commercial-type functions are competed between public and private sources in a process commonly referred to as "competitive sourcing."

    a. GAO has reported that federal agencies have not developed comprehensive cost estimates associated with public-private competitions under Circular A-76. For example, in a recent review of competitive sourcing practices at the Department of Labor (DOL) (GAO-09-14), GAO found that DOL reports of savings from competitive sourcing were unreliable. In its estimates of savings, DOL excluded a number of substantial items, including the time in-house staff spent on competition activities, pre-competition planning, transaction costs, and post-competition oversight. GAO recommended that OMB require agencies to systematically report all costs associated with competitive sourcing. Do you agree with GAO's recommendation?

I agree with the principle that if competitive sourcing is used as a management tool, the associated costs should be accounted for in an accurate and transparent manner to give the agencies, Congress, and members of the public an accurate understanding of the return on investment.

    b. Many A-76 competitions drag on for years, putting federal employees in limbo about their future and undermining agency morale. What will you do to ensure that A-76 competitions are completed in a timely manner?

Before conducting a public-private competition, an agency must determine that the function is suitable for competitive sourcing. (That would not be the case, for example, if a potential outsourcing would weaken the agency's internal expertise and technical capability to maintain control over its operation.) If a determination were made that competitive sourcing is appropriate and the function should be subject to the forces of competition, the process must be

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fair to employees. Fairness includes a requirement that competitions be completed within a reasonable period of time. I would look to the Administrator of the Office of Federal Procurement Policy to review its rules and determine if new time limits are warranted to avoid the types of problems identified in the question.

c. The A-76 process does not apply when an agency decides who should perform new work. What will you do to ensure that federal employees are given fair consideration for the performance of new work?

If confirmed, I would work closely with the OFPP Administrator to review current rules and make adjustments, where necessary, to provide for appropriate consideration of Federal employee performance of new work. Of course, if the work were inherently governmental or a critical function (as described above), the work would need to be performed by Federal employees.

23. Increased reliance on contractors across the federal government has substantially raised the risks of both organizational and personal conflicts of interest. Do you have specific suggestions for improving agency methods for preventing and mitigating conflicts of interest?

Agencies must be able to mitigate the risk of contractor conflicts of interest and protect government decision making from being influenced by inappropriate or biased interests. The rules should include appropriate mechanisms and safeguards, such as screening for potential conflicts of interest of contractor employees whose work may influence agency decision-making and appropriate training for contractor employees so they understand the responsibilities and restrictions to which they are subject while performing government work.

24. Total spending on government contracts has roughly doubled since 2000, yet the number of federal acquisition specialists who help plan, write, and oversee these contracts has remained fairly constant, following a downsizing of approximately 50% in the 1990s. The shortage in this area of expertise will become even more acute over the next few years, when roughly half of the acquisition workforce is eligible to retire.

a. What steps should be taken to recruit, train and retain new talent into the federal acquisition workforce? What should OMB's role be in strengthening the acquisition workforce?

A qualified and appropriately staffed Federal acquisition workforce is critical in stewardship of taxpayer resources and in accomplishing agency missions. Acquisition professionals are involved in planning for, awarding, and managing acquisition programs to achieve agency objectives. Increased spending requires increased oversight, management, and transparency, and these responsibilities necessitate a corresponding adjustment in the acquisition workforce.

I understand that the acquisition community has worked to attract new professionals at various levels into the workforce as well as retain existing acquisition professionals. Centrally managed

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efforts, such as the Federal Acquisition Intern Coalition, have resulted in over 2,000 new applicants into the contracting community and avoided duplication of administrative costs across multiple agencies. I support efforts such as these to provide needed leadership in acquisition workforce issues.

b. The FY2008 Defense Authorization Act created a new Associate Administrator for Acquisition Workforce Programs, an SES-level position, within the Office of Federal Procurement Policy (OFPP), to coordinate and develop a strategic human capital plan for the acquisition workforce of the entire federal government and to serve as a focal point in designing the solution to acquisition workforce problem. Over a year later, this position has not been filled. Will you support filling this vacancy?

A qualified and appropriately staffed Federal acquisition workforce is critical to delivering value for taxpayer dollars and accomplishing agency missions. Increased spending requires increased oversight, management, and transparency, and this stewardship responsibility should be supported by an increase in trained acquisition professionals.

I understand that OMB and the GSA's Federal Acquisition Institute have taken affirmative steps to improve the government's recruitment and development efforts, and are undertaking the development of a human capital plan to better quantify the hiring, training, and development needs of the civilian agencies' acquisition workforce. The Department of Defense is also assessing its workforce needs, and both of these efforts will improve the government's ability to address acquisition workforce shortages.

If confirmed, I will ensure that OMB has sufficient staff to coordinate and develop a strategic human capital plan for the acquisition workforce of the entire Federal Government and to serve as a focal point in designing the solution to the acquisition workforce problem.

c. Currently, the Federal Acquisition Institute (FAI) is housed in the General Services Administration (GSA) and its director reports to GSA, and yet, FAI serves governmentwide function and is directly accountable to the OFPP's supervision. Do you believe this structure is effective?

A strategic plan to articulate our recruitment, retention, and development goals for the Federal acquisition workforce in civilian agencies is needed, and I will focus on its timely completion.

d. The FY2009 National Defense Authorization Act required OFPP and FAI to prepare an Acquisition Workforce Development Strategic Plan including a specific and actionable five-year implementation plan to increase the size of the acquisition workforce and to operate a government-wide acquisition intern program. Will you ensure that this plan is successfully and timely completed?

A capable acquisition workforce is critical to the effective functioning of the Federal government. OFPP has direct statutory responsibility for the professional development of the acquisition workforce, and strong and clear leadership of this activity is critically important to

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the effectiveness of the acquisition system. I understand that OFPP, with the Chief Acquisition Officers Council, identifies strategic considerations and human capital activities for the acquisition workforce and that the Federal Acquisition Institute (FAI) supports these through interagency coordination. FAI plays a major role in developing training, assessing workforce competencies, and implementing other human capital initiatives to support the workforce and, if confirmed, I will review the current management structure and the various roles and responsibilities of the agencies involved to maximize the value of FAI.

25. Interagency acquisition is the term used to describe the procedure by which an agency needing supplies or services obtains them using another agency's contract. Because of its benefits to federal agencies, including economies of scale, efficiencies, and the ability to leverage resources, the federal government's dependency on interagency acquisitions has been growing rapidly. While interagency contracts provide benefits if used correctly, GAO designated the management of interagency contracting a high-risk area in 2005 due, in part, to a lack of reliable data on its use and of clarity regarding contract management responsibilities. GAO found that agencies involved in interagency contracting have not always conducted required competitions, evaluated contracting alternatives, or conducted adequate oversight.

    a. What would be your approach to reviewing and assessing the overall trend in the government's dependency on interagency acquisition and, in particular, the problem of split responsibilities between agencies in the management of interagency contracting?

Interagency contracts offer important benefits to Federal agencies, including economies and efficiencies and the ability to leverage resources. As the world's largest buyer, the Federal government has significant opportunities to leverage its purchasing power. When managed properly, Federal agencies can achieve significant economies of scale. As noted, however, problems have arisen in implementation.

In its 2009 high risk list update, GAO acknowledged that a number of steps have already been taken to improve interagency contracting. For example, OMB developed a model interagency agreement and a checklist to give agencies a clear understanding of their respective responsibilities under interagency contracts. If confirmed, I will look to agencies to monitor their compliance with that guidance.

I also understand OMB has been working to implement the sections of the FY 2009 National Defense Authorization Act that require training guidance, regulatory changes, and reporting on interagency acquisitions, as well as improvements in the reliability of information on interagency contract activity in the Federal Procurement Data System. Better data and transparency on interagency acquisition activity will give Federal officials and the acquisition community a clearer understanding of how these vehicles are used and where further improvements may be needed.

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b. The Acquisition Advisory Panel, created by Congress in the Services Acquisition Reform Act of 2003, recommended that Multi-Agency Contracts (MAC) and certain large dollar single agency Indefinite Delivery, Indefinite Quantity Contracts, referred to as "enterprise-wide contracts" be centrally coordinated by OMB to avoid unnecessary duplication. Examples of enterprise-wide contracts include Navy's SeaPort-e which has $209 billion aggregate ceiling for 15-year period and DHS' Enterprise Acquisition Gateway for Leading Edge Solutions (EAGLE) which has $45 billion over 7-years. The Panel also observed that while proliferation of contract vehicles dampens the government's ability to leverage its buying power, some competition among interagency contract vehicles is desirable and even fundamental to maintaining the health of government contracting. Do you have thoughts on the Panel's conclusions? How would you address the problem of unnecessary duplication of similar contracts in various federal agencies?

I agree with that a healthy level of competition among contract vehicles can allow the differentiation necessary to fulfill the vast and varied needs of the Federal government. I also agree that unnecessary duplication of similar contracts dilutes buying power and does not take advantage of economies of scale. If confirmed, I will ask OFPP to develop a strategic framework for managing interagency contracts with a goal of delivering efficient and cost-effective purchasing solutions.

26. Cost, schedule and performance problems often arise because agencies do a poor job of setting requirements before negotiating contracts, project unrealistic cost estimates, or change requirements after entering contracts. What improvements could be made to the processes of setting requirements for contracts, especially for complex acquisitions, and of developing more realistic cost estimates?

My understanding is that existing laws, policies and procedures generally support the development of clear requirements and realistic cost estimates. However, it appears that oversight and management have not always been sufficient or effective. Agencies and OMB should work together to establish acquisition review mechanisms, such as boards or other best practices, to identify and remediate problems early. If confirmed, I will use my position on the various government-wide management councils to highlight strong practices, improve communications between the program and acquisition communities, and assist agencies in improving their performance management.

27. What is your opinion on the importance of an "open architecture" (OA) approach to acquisition? What do you believe are the key elements of an OA process? Do you have any plans for increasing agency use of OA?

I believe that an open architecture approach to acquiring information technology systems has the potential to reduce risk, increase competition and innovation, lead to greater reuse, and to reduce costs. I understand that it generally provides a more comprehensive and more widely vetted view of information technology requirements and enables opportunities for the government to look across agencies and bundle common requirements along marketplace trends and standards.

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Open architecture creates more entrants into the information technology market and benefit our collective IT abilities while improving the underlying business arrangements. If confirmed, I will work closely with the CIO, CTO, and the appropriate management councils to leverage this approach.

28. OFPP is now responsible for providing "overall direction of Government-wide procurement policies, regulations, procedures, and forms for executive agencies and to promote the economy, efficiency, and effectiveness in the procurement of property and services by the executive branch of the federal government." According to the President's proposed FY2010 budget, the Administration is asking for only $3 million, which is steady from FY2009 and is the lowest funding of any OMB office.

    a. In light of the fact that federal government contract spending is well over $500 billion annually, do you believe that the OFPP has adequate funding and staff to execute its statutory responsibilities effectively?

In his first few months in office, the President has identified contracting reform as a key part of his broader management reform agenda. OFPP is not alone in implementing these reforms; rather, staff from across OMB are working to promote policies to make government procurement more effective and efficient. In addition, it is worth noting that the significant additional resources Congress provided to OMB in FY 2009 will allow the agency to expand its attention to procurement, among other issues. If confirmed, I will work with OFPP and other OMB offices to support and improve government-wide contracting practices and policies.

    b. Do you believe that the current structure of the OFPP is effective for executing its statutory responsibilities?

If confirmed, I will review how the offices reporting to the DDM are meeting their statutory responsibilities and the increasing demand for policy and information. I will also assess whether these offices are organized to best leverage cross-functional management efforts and support a broader performance management agenda.

    c. What do you see as the appropriate relationship between OFPP and the acquisition policy roles of the GSA and of other federal agencies?

OFPP is the executive branch's principal acquisition policy office. Its unique position in the Executive Office of the President promotes unified policies across the executive branch, improves the integration of acquisition and budget policies, and furthers a more robust performance management agenda. I understand that OFPP works closely with GSA and the other Federal agencies on a regular basis – through their leadership of the Federal Acquisition Regulatory Council, the CHCO and others – to shape the development and implementation of critical acquisition policies.

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Financial Management

29. Over the last eleven years, three continuing major impediments have prevented the U.S. Government from receiving an opinion on its consolidated financial statements: (1) serious financial management problems at DoD, (2) the federal government's inability to adequately account for and reconcile intragovernmental activity and balances between federal agencies, and (3) the federal government's ineffective process for preparing the consolidated financial statements. What strategies do you think would help ensure that agencies take appropriate actions to address these long-standing challenges?

The lack of an opinion on the U.S. Government's consolidated financial statements result from long-standing and systemic challenges. OMB and Treasury jointly share the responsibility for preparing these statements and therefore jointly share the responsibility for taking appropriate actions to address these challenges. I understand that OMB and Treasury, in coordination with the Chief Financial Officers' Council, continue to work with the agencies to resolve existing intragovernmental imbalances and to develop standard business processes to mitigate future imbalances. In addition, OMB is working closely with the Department of Defense on its plans and implementation strategies to improve its financial management. Lastly, Treasury is implementing and strengthening its internal controls over its process for compiling the consolidated financial statements.

While these challenges are significant, I do not believe them to be insurmountable. I am committed to working closely with the OMB and Treasury teams to resolve these issues and improve the audit results on the consolidated financial statements.

30. What is your experience with developing and implementing systems providing integrated planning, programming, budgeting, and execution data to better demonstrate the relationship between dollars allotted and results achieved?

As a CEO, board member, and company owner, I have extensive experience and expertise in budgeting, tracking results, and conducting periodic capital and operating budget allocations.

31. What are your views regarding the importance of financial management technology in becoming a world-class finance organization and what are the consequences of not having a modernized, integrated financial management system?

New and innovative technologies can be leveraged to achieve better results in the context of the financial management challenges unique to the Federal government. In particular, technology can play a key role in reducing the cost of financial operations, improve the reliability of financial data by replacing manual processes with automated procedures and processes that allow Federal agencies to use financial data strategically to make better decisions.

32. What actions do you intend to take to ensure that financial management system initiatives are implemented on time and within budget, and provide the promised capabilities?

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I understand that the Federal government has historically faced significant challenges when implementing new financial management systems. I believe by focusing on two areas, the results can be improved. First, senior management needs to make clear that the initiative is a high priority for management across the organization. This buy-in will require the time, attention, and resources of senior management. Second, there needs to be a comprehensive project management plan with checkpoints. Most importantly, we must have the right project management teams in place with prior experience dealing with complex technology projects.

33. What skills and experiences do you possess that could help navigate the trade-offs between financial control, audit burden, and maintaining accountability in government programs that rely heavily, if not exclusively, on grants?

As a CEO, board member, and company owner, I have extensive experience in financial management and oversight. I have served on several corporate Finance and Audit committees, which are frequently asked to make tradeoffs among financial control, audit burden, and accountability. While types of financial management risks are not always common to both the private sector and the government, I believe that many of the necessary leadership skills and disciplines are. I look forward to partnering with other government leaders and leveraging my knowledge and experiences in private sector financial management.

34. The Improper Payments Information Act of 2002 requires agencies to reduce waste that occurs in the form of improper payments. Under OMB guidance to agencies covered by the Improper Payments Information Act, however, agencies only report improper payments for a program if they actually exceed $10 million **and** 2.5 percent of program outlays. This high threshold undermines the original intent of Congress in drafting the Improper Payments Information Act and results in millions in payment errors going unreported each year.

    Based on the most recent estimate submitted by agencies in their annual financial reports, the federal government makes more than $70 billion per year in improper payments, most of them overpayments to contractors, beneficiaries, and others. This calculation does not even include estimates from programs such as Medicare Part D and a number of programs at the Department of Homeland Security.

    This Committee recently passed the Improper Payments Elimination and Recovery Act, authored by Senators Carper, Coburn, and McCaskill, to address these issues. There was no floor action on this bill, so the problems in attempting to recoup improper payments continue to exist.

    a. If confirmed as DDM, what steps do you intend to take to ensure that agencies comply with the Improper Payments Information Act?

Addressing payment errors and other forms of government waste is a top Administration priority. It is critically important to have a firm understanding about the nature, extent, and root causes of improper payments. OMB continues to monitor agencies' corrective action plans to ensure the

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appropriate accountability mechanisms are in place such that agencies, Federal employees, and managers are doing as much as possible to prevent, reduce, and eliminate improper payments. It is my understanding that the agencies are currently measuring over 97 percent of the high risk outlays (approximately $1.8 trillion).

In addition, OMB, in coordination with the Chief Financial Officers' Council, continuously evaluates the overall implementation of the Improper Payments Information Act to identify further improvements and enhancements. OMB also continues to work with specific agencies that have on-going efforts to measure certain high priority programs.

If confirmed, I plan to closely review the efforts underway in improper payments and define new approaches for achieving success. I look forward to working with this Committee and Congress to ensure that agencies are taking all necessary steps to comply with this critically important law.

b. Would you consider changing the OMB guidance to agencies under this Act so that agencies are more accurately reporting the improper payments they make?

Yes. As mentioned earlier, OMB, in coordination with the Chief Financial Officers' Council, continuously evaluates the overall implementation of the Improper Payments Information Act. This evaluation also includes reviewing OMB guidance that directs agencies on how to implement the law and assessing if and where improvements can be made to that guidance. If confirmed, I will review all current policies and procedures to determine where changes can be made to drive better results.

c. What steps would you take to prevent improper payments before they occur so that the money being wasted now can be spent more productively?

Fundamental to the elimination of government waste is the presence of effective internal controls that prevent improper payments from occurring. I understand OMB is working with agencies to put in place the technology, processes, and people that will prevent improper payments from being made upfront. Where OMB and agency efforts alone will not address the causes of improper payments, I would work with this Committee to identify potential legislative reforms to prevent improper payments.

d. Most private sector firms and a handful of federal agencies use recovery audits as a tool to identify and recover overpayments they make. For example, in a three-year recovery auditing pilot in the Medicare program, more than $1 billion was collected in just three states. Would you expand the use of recovery auditing in the federal government?

Recovery auditing is an efficient and cost-effective tool to identify and recover overpayments. Recovery auditing provides the right incentives to agencies to identify and recover funds. Expanding recovery auditing might make sense but we should continue to emphasize complementary tools that prevent improper payments before they occur.

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Homeland Security

35. The Department of Homeland Security ("DHS" or "the Department") was created in 2003, and GAO has included Implementing and Transforming DHS on its biennial list of high-risk areas since that time. From the Department's inception, the integration of 22 federal agencies and some 200,000 employees into a single, cohesive department has been a daunting challenge. Almost six years later, the Department has made progress with the integration of its component agencies, its workforce, and its management systems, and has provided OMB with initial plans for addressing the risks identified by GAO. Much more work remains to be done, however. If confirmed, what would you do to assist and support DHS in improving its management and integration? What do you see as the highest priority management issues to be addressed at DHS?

If confirmed, I would work with Secretary Napolitano and her team on DHS management challenges. As you mentioned, in light of the enormity of creating a unified Department, the General Accountability Office (GAO) designated DHS' transformation as a high-risk area in 2003. My understanding is that DHS has developed with OMB and GAO an action plan to begin to address the GAO high risk areas.

The principal tenets of the plan include establishing key management processes and procedures and achieving an effective organizational structure. I am committed to continuing this partnership as DHS works to implement this plan. These efforts will require the effective and efficient use of financial and human resources, technology, streamlined processes and superb management.

E-Government and Information Technology

36. The E-Government Act of 2002 (P. L. 107-347) gave responsibilities to OMB to develop interagency E-Government services and to promote both interagency cooperation and the use of the internet for providing services to citizens. How effective do you believe OMB has been in developing these services in the past, and, in confirmed, how will OMB facilitate these initiatives under your leadership?

OMB's work over the last few years has established a foundation for coordinating E-Government and information technology across the Federal government. While the set of E-Government initiatives undertaken previously provide improved services to citizens, businesses, and government entities, the accountable, transparent, and participatory government envisioned by the President will require further steps.

Data.gov, launched on May 21, 2009, provides an example of such an action. By making economic, healthcare, environmental, and other government information available on a single website and allowing the public to access raw data and transform it in innovative ways, Data.gov opens up the workings of government.

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If confirmed, I look forward to working with the Federal CIO, Federal CTO, and the broader technology leadership team to evaluate opportunities to provide new services in new ways that are consistent with the President's agenda and to determine how to manage the combination of existing and new services.

37. The President's FY2010 budget request includes $33 million for the E-Government fund. This would represent a major increase for this fund, which despite large authorizations, has never been funded for more than $5 million. These funds will go to "major new initiatives in cloud-computing, investments in collaborative technology and electronic meeting capabilities ... and other initiatives advancing open Government and using technology to enable greater participation in Government by citizens, such as Data.gov."

    a. If confirmed, how will you work with Federal Chief Information Officer/E-Government Administrator Vivek Kundra in administrating the E-Government fund?

I would anticipate working in concert with the Federal CIO and the Administrator of the General Services Administration (GSA) to make sure our use of the E-Government fund is consistent with statutory requirements. I would also work with GSA and other Federal agencies to set the direction of these important new initiatives in the areas of cloud-computing and collaborative technology and to monitor their performance and assess results.

    b. What barriers, if any, do you believe exist that prevent agencies from moving to collaborative technologies and how would you as DDM help reduce these barriers?

Historically there has been neither sufficient focus nor clear incentives for agencies to collaborate on new technologies. If confirmed, I would work to focus agencies on the benefits of collaboration and drive the use of collaborative technologies throughout the Federal government.

Additionally, I would review the government's privacy and other web use policies to determine whether they should be updated to support the use of new technologies (e.g., wikis, blogs, social networking tools), while still protecting the privacy and confidentiality of government data.

38. The Office of Electronic Government and Information Technology has the responsibility for providing overall leadership and direction to the executive branch on E-Government. OMB's Office of Information and Regulatory Affairs (OIRA) also has certain responsibilities, under the Paperwork Reduction Act (P. L. 104-13), regarding the collection, management, and dissemination of government information.

    a. Do you believe functions related to the management of government information are appropriately allocated between those two offices, or should those functions or offices be reorganized?

I have not yet had the opportunity to look closely at the allocation of functions under the two statutes governing OMB's work on Federal government IT and information policy. If

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confirmed, I will examine the allocation of responsibilities between the E-Gov office and OIRA and their execution of those responsibilities.

b. If confirmed, how will you work with these two offices to ensure that the mandates of the Paperwork Reduction Act, E-Government Act, and other relevant statues are being met and there are clear lines of authority for relevant officials in Federal agencies?

If confirmed, I would work closely with the heads of both offices to carry out their statutory authorities and provide clarity on roles and responsibilities as needed.

c. What are you views on the proper management of e-mail records, website records, and other records created using new technologies?

If confirmed, I would work with OIRA, the Office of E-gov and the National Archives and Records Administration (NARA) to assure compliance with existing Federal statutes governing records management. I would do this recognizing the challenge agencies face when applying laws and regulations originally designed for a paper-based world to today's business environment, which increasingly relies on electronic records. I would also work closely with NARA as they rollout their Electronic Records Archive, which aims to streamline and re-define how NARA and Federal agencies manage electronic records.

39. An important goal of the E-Government Act of 2002 was to make the federal government more transparent and accountable. Subsequent laws, such as the Federal Funding Accountability and Transparency Act of 2006 (P. L. 109-349) – which mandated the website www.usaspending.gov – have established additional requirements for making government information available to the public online.

a. What steps would you take, if confirmed, to help agencies make government information more readily available to the general public and federal agencies more transparent overall?

Agencies are now using innovative practices to improve public dissemination and access to government information. More recently, agencies have been using new Web 2.0 or social media technologies to reach new and diverse audiences. In addition, the Administration recently launched www.data.gov, which gives the public access to high value, machine readable datasets generated by Executive Branch agencies. If confirmed, I will work with agencies to expand their use of the most effective information dissemination channels.

b. What steps will you take to improve the timeliness and usability of information released by the federal government?

My understanding is that OMB has issued, and will continue to issue, guidance where needed to achieve the goal of improved information dissemination to the public. If there are areas where existing guidance is falling short or if there are new initiatives—such as the President's Open

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Government initiative—then we will review the issue and work with agencies, issuing new guidance where necessary and appropriate.

40. On January 21, 2009, President Obama signed a memorandum directing the Chief Technology Officer, in coordination with the OMB Director and GSA Administrator, to develop an Open Government Directive that would instruct department and agencies to take specific actions to implement the principles that government should be transparent, participatory, and collaborative.

    a. If confirmed as Deputy Director, what actions would you take to help President Obama reach the goals of this memorandum?

The President's memorandum, signed on his first full day in office, sent a strong signal that his Administration will be more open and accountable to the American people. If confirmed, I look forward to working with the Chief Technology Officer and others to maximize agencies' efforts to increase government transparency, as well as opportunities for public participation and collaboration. As part of this effort, on May 21 the Administration announced a process to solicit suggestions from the public for achieving a more transparent and open government, and to develop recommendations. These recommendations could help inform a forthcoming OMB Directive, which will instruct agencies to take specific actions to use new methods of public involvement and collaboration to improve how our government delivers services and implements programs.

    b. Do you believe that the federal government may need to make changes to IT and telecommunication contracts as a result of these or other related open government related-efforts?

I will do a thorough review of Federal agency procurement of IT and telecommunications services and decide if any changes are warranted. Open Government will be an important consideration, and my emphasis would be on transparency, participation and collaboration as part of the overall deliverables services provided in the contracts.

41. The Paperwork Reduction Act and Clinger-Cohen Act placed responsibility with the Deputy Director for Management to oversee and influence the Federal government's IT portfolio. Unfortunately 14 years after these two laws were enacted, agencies continue to waste valuable time and limited resources on preventable problems with IT investments. Last year OMB identified that nearly 1/3 of the Federal IT budget – valued at approximately $23 billion – was at risk of being wasted because agencies failed to properly plan or manage their IT investments.

    GAO estimates the federal government will spend about $71 billion on IT projects in FY2009. This Committee recently approved the Information Technology Investment Oversight Enhancement and Waste Prevention Act of 2009, authored by Senators Carper, Collins, Lieberman and Voinovich, to help prevent the severe delays, cost over-runs, and even complete failures that federal government IT investments have endured in the past.

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Until the bill is enacted, OMB may consider taking additional steps to guide agencies in managing and overseeing major IT investments.

a. Please describe your experience in overseeing the management of highly complex, multiple component, multi-billion dollar IT investments.

While I have not overseen IT projects on the scale of the Federal government's, as a CEO, board member, and company owner, I have overseen multimillion dollar IT investments. I believe my deep and broad private sector management experience will allow me to set standards for Federal IT investments that will help prevent such waste. I look forward to working closely with the Federal CIO in this endeavor.

b. If confirmed, how will you evaluate if IT investments have been properly planned before they are approved by OMB?

OMB is committed to earlier involvement in large, critical IT budget decisions. Specifically, there must be an increased focus on early intervention in agency planning processes, and engagement before important investments have moved to the implementation stage. OMB is moving to streamline data collection and review processes with regards to IT project management – and to provide this data to a wider audience, in more detail, and in a timelier manner than previously available.

It also important to hold agency CIOs accountable for successes and failures. OMB will work to integrate the decisions on IT, staffing and other resource allocations with performance expectations for programs. Resources will not be allocated to programs not contributing to improved performance, or without a properly defined consideration of the best alternatives, prior to approval of new investments.

c. How will you differentiate authorities to plan, select, and manage IT investments, which all have statutory responsibly, between the OIRA, Office of E-Government and Information Technology, and OFPP?

Managing the development, acquisition, and implementation of IT investments requires significant coordination across OMB's management offices. Specifically, the Office of E-Gov has the lead for government-wide IT oversight and policy, OIRA is responsible for information policy (in the context of the Paperwork Reduction Act and other requirements), and OFPP oversees the government-wide acquisition regulations and policies. If confirmed, I will promote strong coordination and results-oriented management of IT investments among these offices.

d. How will you empower the E-Government Administrator to better manage government-wide and agency IT investments?

Current law gives the Administrator for E-Government substantial authority to manage Federal IT investments. Vivek Kundra, who has also been designated by the President as Federal Chief Information Officer, has initiated efforts to improve the management and oversight of IT

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investments. If confirmed, I will work closely with him to provide oversight and integrate his efforts with those of the rest of OMB to improve overall performance management in the Federal government.

e. How will you empower Chief Information Officers at individual agencies to enhance the planning and oversight of major IT investments across the federal government?

Current law gives the Administrator for E-Government substantial authority to manage Federal IT investments. Vivek Kundra, who has also been designated by the President as Federal Chief Information Officer, has initiated efforts to improve the management and oversight of IT investments. If confirmed, I will work closely with him to provide oversight and integrate his efforts with those of the rest of OMB to improve overall performance management in the Federal government.

f. Do you believe it is necessary to provide cost, schedule, and performance information on all IT investments, if not all major capital investments, online so the American public can see whether money is being spent wisely?

I agree the Federal government should provide performance information to the public on a frequent, recurring basis. Cost, schedule, and performance information can provide valuable insight as to the effectiveness and efficiency of our IT investments.

42. Federal statistical agencies play a critical role in providing key information to both policy makers and the public to help them make informed decisions. For this reason, they must be permitted a degree of autonomy from the political leadership of the agencies that are making policy decisions. This may include the systems that support their work, as analytical perspectives section of the FY2010 Budget states: "[f]or Federal statistical programs to effectively benefit their wide range of users, the underlying data systems must be credible."

a. If confirmed, how will you fulfill the mandate of the Paperwork Reductions Act for OMB to ensure "the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes?"

The government's approach should provide for equitable, policy-neutral, timely, and transparent release and dissemination of general-purpose statistical information to the public and reinforce the integrity and transparency of the processes used to produce and release the Nation's statistical products. If confirmed, I would work towards these goals, and also in support of the government-wide confidentiality safeguards for information collected for statistical purposes, as provided by the Confidential Information Protection and Statistical Efficiency Act of 2002.

b. How do you believe OMB can help statistical agencies maintain their independence?

The Paperwork Reduction Act (PRA) requires OMB, among its roles as coordinator of the Federal statistical system, to ensure the efficiency and effectiveness of the system as well as the

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integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes. The PRA also requires OMB to develop and oversee the implementation of government-wide policies, principles, standards, and guidelines concerning statistical information. The 2001 Information Quality Act similarly requires OMB, as well as all other Federal agencies, to maximize the quality, objectivity, utility, and integrity of information, including statistical information, provided to the public. If confirmed, I will work closely with the Congress, my OMB colleagues, and the agencies to leverage the existing statutory structure and OMB's associated standards and guidelines to maintain the policy-neutral development and dissemination of Federal statistical products.

c. Recently the IRS has begun consolidating its IT resources, including those under the Statistics of Income Division, the office which compiles statistics from tax return data. The National Academy of Science's *Principles and Practices for a Federal Statistical Agency* states that authority to control information technology systems is a common characteristic related to independence for statistical agencies. Do you believe IT consolidation could threaten the independence of statistical agencies?

Although IT consolidation can offer many advantages, especially in improved efficiency and security, these potential benefits are not realized automatically – much depends on how Departments choose to implement their IT consolidations. As the National Academy of Sciences has affirmed, maintaining control of their data and their data systems is an integral part of statistical agencies' ability to preserve the integrity, objectivity, impartiality, utility, and confidentiality of the information they collect for statistical purposes. Thus IT consolidation should be implemented with sensitivity to the characteristics and requirements of the statistical agencies' missions.

43. The vast majority of the information infrastructure that the United States depends on is not owned or operated by the Federal government. In fact, most of it is owned by the private sector and in some cases foreign nations. Yet, the Federal government creates, stores, and transmits a good deal of sensitive information across this infrastructure in order to accomplish its mission. Under the Federal Information Security Management Act of 2002 (FISMA), OMB is required to develop and oversee the implementation of policies, principles, standards, and guidelines on information security for federal agencies. Despite the progress that has been made, our nation is still at a great deal of unacceptable risk.

a. Please discuss your familiarity and experience with cybersecurity issues.

As a CEO, board member, and company owner, I have had some experience in dealing with cybersecurity issues in the private sector.

b. If confirmed, what role do you see yourself playing to secure the federal government, as well as the nation in general, from a cyber attack?

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Security of the Federal networks and infrastructure is a major concern of the Administration. As you know, the President has ordered a 60-day review of all cyber security activities in the Federal government. The results of that review may alter the allocation of responsibilities for cybersecurity, and I look forward to fulfilling the responsibilities that the review places with OMB in this area.

c. Given the office's statutory responsibilities, how would you empower the Administrator for E-Government to effectively influence, oversee, and secure the federal network?

I would fully support the Administrator for E-Government in efforts to oversee the implementation of the Federal Information Security Management Act, including the automation of reporting from the agencies and the development of new performance metrics.

d. Do you believe that OMB could use performance management more effectively to help better secure federal networks?

I understand that the metrics collected under the FISMA annual reporting requirements have not changed substantially in several years. While they may have made sense at one time, they are largely focused on compliance with the law and not on performance. The development of new performance metrics would help the government more effectively secure Federal networks.

e. How will the you and the Administrator for E-Government work with the Chief Technology Officer, the Department of Homeland Security, and the relevant officials in the White House to meet the objectives of FISMA? Please be as specific as possible.

OMB holds the primary responsibility for FISMA and will carry out those responsibilities. However, cybersecurity is a bigger issue than any single department can tackle. Under my leadership, the management side of OMB will reach out to other areas within the Executive Office of the President, such as the CTO and the National Security Council. Indeed, we already have been involved in the 60-day cyber review and have worked closely with NSC on that activity. Through our work with FISMA and the Comprehensive National Cyber Initiative, we will continue to work closely with DHS as they seek to protect Federal networks.

44. There have been concerns over the past few years about whether OMB has sufficiently enhanced information security across the Federal government. Specifically many agencies have complained that the guidance issued by OMB under FISMA is not timely, inconsistent from year to year, and does not measure whether agencies are secure. In his responses to pre-hearing questions, OMB Director Orzag stated that he would "rely on the Deputy Director for Management to provide recommendations about how to make the [FISMA] process work more efficiently."

a. If confirmed, how will you recommend to make the FISMA process more efficient?

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I understand that OMB is working now to automate annual FISMA reporting, which will allow a more effective process as well as more detailed staff analysis, benchmarking across agencies, and the collection of more nuanced information than was previously available. In addition, the 60-day review of cybersecurity processes and organization ordered by the President will enhance the execution of FISMA authorities.

b. What performance metrics do you think are necessary to ensure that the billions of dollars we spend on cyber security is effective in enhancing our overall cyber security posture?

Carefully-developed performance-based metrics have the potential to provide visibility and improve performance. I would follow a collaborative approach in developing such metrics, taking input from the agencies and Inspectors General, as well as from the private and public sectors.

c. In implementing FISMA, do you suggest the federal government balance compliance and effectiveness to properly secure its networks?

OMB is required to report both on compliance with the law and the security effectiveness of the Federal networks. Therefore, performance metrics should be a blend of both compliance and effectiveness.

45. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) created the Recovery Act Accountability and Transparency Board which, among other things, is responsible for maintaining the Recovery.gov website to release key information about spending under the Recovery Act. While the board is responsible for the content of the website, OMB has played a role in giving guidance to agencies on how to comply with the requirements of the Act and provide information to populate the website.

a. In your view, what is the relationship between OMB and the Board?

OMB and the Board share related responsibilities and common objectives in carrying out the accountability and transparency requirements of the Recovery Act. Therefore, it is critical that these two organizations work in close partnership with one another.

As the question notes, OMB and the Board have complementary roles in providing information to the public on where and how recovery dollars are spent. Specifically, OMB guidance establishes the reporting framework that enables the Board to post timely, reliable, and relevant information to Recovery.gov. In establishing this framework, it is my understanding that OMB has worked closely with the Board to obtain their input and perspectives. In turn, I understand the Board has welcomed ongoing input and support from OMB on issues related to the Recovery.gov website, audit, and other Board functions. I believe this type of collaboration should continue to define the relationship between OMB and the Board.

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b. If confirmed, what steps would you take to ensure that the transparency requirements of the Recovery.gov website are being met while ensuring that the Board maintains its independence?

As noted above, OMB is playing a critical role in establishing and implementing a framework to meet the transparency and data reporting requirements of the Recovery Act. OMB's objective, as I understand it today, is to help populate a database of Federal agency and recipient information related to recovery activities that the Board can draw from to present information on Recovery.gov. While OMB plays a critical role in making data available, it is my understanding that the Board makes the final determination on the manner in which this data is presented to the public.

c. Given the current delays and data quality problems of information on www.usaspending.gov, as well as other data disclosure systems, if confirmed, what steps will you take to ensure that the transparency mandates of the Recovery Act are met?

Achieving unprecedented transparency of all Federal spending, recovery or otherwise, is a major objective of the Administration. If confirmed, I hope to play a key role in helping them to be successful on this front.

My understanding is that OMB is currently concentrating its efforts on testing and deploying solutions for Recovery.gov that may be replicable for *www.usaspending.gov*. Most notable, significant work is underway to define a solution for obtaining timely and reliable Federal spending data from both recipients and sub-recipients. As you know, Federal efforts in *www.usaspending.gov* have fallen short of the requirement to report sub-recipient data. I understand the lessons learned from these challenges have been useful in understanding and overcoming challenges for Recovery Act reporting.

I look forward to leading these efforts. My first priority will be to better understand the nature of the challenges associated with Recovery Act data collection and *www.usaspending.gov* and to quickly facilitate solutions that advance both initiatives. With Recovery Act reporting from recipients and sub-recipients set to begin in October, it will be important to concentrate resources in the immediate term on ensuring the recovery data collection effort is successful and stable going forward. However, along the way, we should be planning on a broader deployment of the recovery solution so that transparency of Federal spending extends to all taxpayer dollars.

46. This Committee has held several hearings related to the implementation and oversight of the Recovery Act. Beyond the transparency requirements, OMB has a significant role to play in managing agencies' implementation of the Recovery Act.

a. What do you see as the primary management challenges in administering the Act governmentwide?

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I believe the primary management challenges of the Recovery Act align closely to the objectives described in the OMB guidance to agencies, namely, ensuring that: (1) funds are awarded and distributed in a prompt, fair, and reasonable manner; (2) recipients and uses of funds are transparent and the public benefits are reported clearly, accurately, and in a timely manner; (3) funds are used for authorized purposes and fraud, waste, error, and abuse are mitigated; (4) agencies avoid unnecessary delays and cost overruns; and (5) the goals of the Act are achieved, including both specific program outcomes and improved results on broader economic indicators. The overarching challenge is to balance the need to move Recovery Act funds to recipients quickly while at the same time making smart investments that will achieve the Act's economic and programmatic objectives.

b. How would you seek to promote effective management and oversight of stimulus funds?

In some cases, the standard procedures that agencies use to ensure the integrity of Federal programs will achieve desired results in achieving these objectives. However, the Recovery Act poses unique implementation challenges that in many cases will require Federal agencies to go above and beyond standard procedures. OMB can play a critical role in helping lead Federal agencies to identify and deploy new and enhanced practices to mitigate implementation risks and therefore drive better results.

c. What additional guidance do you believe OMB needs to make available to agencies and recipients to facilitate tracking and reporting requirements?

To date, OMB has issued extensive guidance related to tracking and reporting of Recovery Act funds. For Federal agency reporting, OMB has established and initiated a series of requirements, including separate accounts for Recovery dollars, daily reports on funding announcements, and weekly reports on the status of obligations and outlays. For recipient reporting, OMB has defined key terms and established the standard terms and conditions related to recipient data reporting responsibilities that will be included in Recovery Act grants agreements and contracts. As a result of public comments received, ongoing outreach to stakeholders, and input from the GAO, it is my understanding that additional OMB guidance is under development with regard to estimating the impact of Recovery dollars on job creation/retention; a central reporting solution being deployed for recipients to report information required under Section 1512 of the Act; and requirements for Federal agencies and recipients on data quality assurance.

This additional guidance will be help further clarify key requirements and facilitate more reliable and timely reporting on Recovery Act spending and activities. If confirmed, I will work to identify any additional areas of implementation where additional guidance might be of value.

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Regulatory Affairs and Paperwork Reduction

46. Have you and the OIRA Administrator-nominee Cass Sunstein discussed the role of OMB and OIRA in regulatory oversight? What approach do you believe would be most effective and would add the greatest value in working with the regulatory agencies?

I have broadly discussed this question with OIRA Administrator-nominee Cass Sunstein. OIRA's primary function is to ensure compliance with the Paperwork Reduction Act and to conduct inter-agency review of agency rulemakings, as directed by Executive Order 12866 and as consistent with law. While this function is different from other OMB offices, we agree that accomplishing OIRA's goals effectively requires collaboration and coordination with regulatory agencies.

47. In review of draft regulations, how do you believe OIRA can fulfill its functions assigned by the President, but without intruding upon the authority of individual agency heads to make policy decisions under authority delegated to them by Congress under applicable statutes?

As Administrator-nominee Cass Sunstein stated at his confirmation hearing, rulemaking authority has been conferred by statute on Federal agencies, not on OMB. Under Executive Order 12866, which governs Federal regulatory review, agencies do the primary work and OIRA has a reviewing and coordinating role. I agree with this framework and, if confirmed, I will work closely with the agencies and departments as I evaluate our initiatives.

48. Are there particular ways in which you believe more transparency and better documentation should be called for in order to keep the public and Congress better informed of OIRA's interactions with interested parties and the regulatory agencies? Are there activities and situation involving OIRA where you believe transparency is not desirable?

The President has emphasized his commitment to the importance of transparency. With respect to increasing the transparency of OIRA's interactions with the public and with regulatory agencies, I would need to study these issues further before supporting specific proposals. If confirmed, however, I am committed to ensuring that the President's priorities are met, and that OIRA complies with all relevant requirements concerning regulatory transparency.

Real Property Management

49. Since January 2003, federal real property has been on the GAO's list of programs at high-risk of waste and mismanagement. In its January 2009 update of the High-Risk List, GAO found that the Administration and real property-holding agencies have made progress towards strategically managing federal real property and addressing long-standing problems, but underlying problems still exist, including excess and underutilized property, deteriorating facilities, unreliable real property data, overreliance on costly

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leasing, and security challenges. What initiatives do you plan to undertake to reform the management of federal real property?

The Federal government's stewardship of real property is critical to achieving agency missions and to spending taxpayer dollars effectively. If confirmed, I will make it a top priority to pursue opportunities for rightsizing the Federal real property inventory by selling property and terminating inefficient leases.

Human Capital Management

50. The FY2010 Budget states, "Transforming the Federal workforce is a critical component of enhancing public service for the Nation."[4]

    a. In what ways do you believe the Federal workforce is in critical need of transformation? What challenges do you believe the federal government faces in the area of human capital management and what do you believe should be done to address them?

The government faces critical challenges in the scale of the workforce projected to retire in the next decade, the need for succession planning, and the outdated technology and cumbersome processes it uses to hire new employees. We also need to broaden the appeal of public service, and make government a career of choice for more Americans. To address these urgent needs, OMB and OPM should work with agencies on their comprehensive workforce plans, streamline the hiring and onboarding processes, improve training opportunities, and enhance the ability of government performance systems to recognize and reward strong performance.

    b. As DDM and CPO, how would you work with the Officer of Personnel Management (OPM) with respect to human capital issues? What do you believe should be the respective roles of OMB and OPM with respect to human capital issues?

OMB and OPM should work closely together to develop and refine a strategic plan for human resource management in mission critical occupations across government. OPM has leadership responsibility for developing programs consistent with that plan, setting human resources policies, marshalling lessons learned from agency best practices, and operating core systems, including those for retirement and health benefits. OMB can help link human capital strategies to program performance and outcomes through the budget process, and can integrate the government's strategy for human resources into the broader management reform agenda.

51. As DDM and CPO, how would you plan to work with both career and non-career executives and management to renew and improve the attractiveness of the federal government as an employer?

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[4] Office of Management and Budget. *Analytic Perspectives, Budget of the U.S. Government, Fiscal year 2010.* Page 11.

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The Administration recognizes that to prepare for the coming wave of retirements, we must take steps to make Federal service more attractive, largely through the steps outlined above: creating a comprehensive workforce plan, streamlining the hiring and onboarding processes, expanding training opportunities, and enhancing the ability of government performance systems to recognize and reward strong performance.

52. The FY2010 Budget emphasizes that the Government "needs to make greater investments in its existing workforce, helping workers build skills and gain expertise to meet new challenges."[5] Unfortunately, when budgets are tight, agencies' training budgets often suffer. What can you do, if confirmed, to help ensure that the Administration's intent to invest in the existing workforce does not fall victim to budget pressures?

If confirmed, I plan to work closely with OPM Director John Berry and agency leaders to emphasize the importance of training for Federal personnel at all stages of their careers. I firmly believe this is a critical piece of our larger Federal workforce initiatives that will lead to increased productivity. I understand that it is difficult to protect training funding from larger resource constraints, though I am looking forward to finding opportunities to highlight productivity increases that result from effective training. The better job we do of demonstrating that connection, the greater likelihood Federal managers will prioritize training when they allocate their internal resources. I look forward to working with OPM, agencies and the CHCO Council to improve the government's use of effective training and other personnel development practices to continue to increase employee engagement, skills, and ultimately results.

53. The DDM serves as the Vice Chair of the Chief Human Capital Officers (CHCO) Council, and the Director of OPM serves as the Chairman of the Council. The CHCO Council is a forum to discuss pressing human capital issues in the federal government, such as the hiring process and training; to share best practices from various agencies; and to provide recommendations to the Chair and Vice Chair for government-wide guidance. As Vice Chair of the CHCO Counsel, the DDM is in a unique position to convey recommendations and policies regarding human capital management from OMB to the employing agencies and also to learn of issues and concerns from the agencies to bring to OMB's attention. How would you intend to use your position on the CHCO council to help bring needed reform to workplace issues?

As you note, the DDM's role as Vice Chair of the CHCO Counsel provides a unique opportunity to work with agency human capital leaders and OPM. Keeping those lines of communication open will be critical to our success. In my role as DDM, I hope to provide a nexus between agency human capital leaders and other management areas to look at policy across the Federal agencies.

54. The Budget states that "agencies need to improve methods for evaluating employee performance, implementing mechanisms for rewarding both success and smart risk-

[5] *Id.* at page 10.

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taking for individuals as well as teams, and creating incentives to retain talent."[6] What do you understand to be the current impediments to effective evaluation of employee performance within the federal government, and what steps need to be undertaken to achieve improvement?

Government performance depends on the quality of the workforce. I believe performance appraisals are an important tool to provide a direct-line-of-sight between an individual's performance with that of the organization to increase employee engagement and motivation, and help employees better understand their contribution to mission accomplishment. I look forward to developing a better understanding of agencies current performance appraisal systems and increase the importance of performance reviews by prioritizing manager and employee training to increase effectiveness of the process. Performance appraisal systems must be fair, credible and transparent. Furthermore, it is important for leadership to regularly communicate performance results both across and throughout the organization, providing valuable feedback and direction to employees.

55. Over the past eight years, many agencies have experimented with pay-for-performance personnel systems that attempt grant agencies greater flexibility in linking employees' pay to their performance than is permitted under the government-wide civil-service pay system. Some of these efforts have been successfully implemented, while others have failed. What has been your experience with working with pay-for-performance personnel systems in government agencies, and what has been your experience with systems under which pay is less flexibly tied to performance? What conclusions have you drawn from these experiences?

While I do not have first-hand experience with pay-for-performance systems in government agencies, I have extensive private sector experience with these systems as a CEO, board member, and company owner. I have learned that success requires an organization to first have an effective personnel management system in place including clear articulation of goals by leadership, development of metrics tied to those goals, well-trained managers, regular communication, and robust evaluation systems. If confirmed, I look forward to working with OPM and agencies to review the current pay-for-performance systems and to conducting a rigorous evaluation of what works in this area.

56. Over the past several years, Congress and the executive branch have sought to address very serious backlogs for obtaining a security clearance. In 2004, the Intelligence Reform and Terrorism Prevention Act (P.L. 108-458) tasked OMB with coordinating clearance policy and ensuring reciprocity of clearances between agencies. This resulted in the formation of the Performance Accountability Council at OMB through Executive Order 13467. This Council is the body responsible for enacting policies related to suitability determinations and security clearances, and it is chaired by the Deputy Director for Management. The Council has issued several reports and moved to make

[6] *Id.*

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changes to the clearance process. Would you recommend any changes to the current security clearance reform process, and if so, what changes would you recommend?

If confirmed, I look forward to reviewing these important issues and understanding the potential of the work that has been done thus far to meet the objectives for reform included in the Intelligence Reform and Terrorism Prevention Act.

Inspectors General

57. The Deputy Director for Management has traditionally been the point person within the Administration for issues relating to the Inspectors General in the federal departments and agencies. Under previous executive orders, the Deputy Director for Management chaired the two IG councils, one for presidentially appointed and Senate-confirmed IGs and another for those IGs appointed by their agency head. The Inspector General Reform Act of 2008 replaced those councils with a single, statutory IG council made up of both groups of federal IGs, and chaired by an IG elected by the membership. However, the Act continues to envision an active role for the Deputy Director for Management, who is to serve as the executive chairperson of the new IG Council.

    a. What is your familiarity with the Offices of Inspector General (OIGs) within the federal government and what is your view of their mission and performance?

OIGs play an extremely critical role in identifying and mitigating fraud, error, waste and other improprieties in Federal programs. Also, by their mission, independence, subject matter expertise, audit capability, and proximity to agency operations, OIGs are uniquely positioned to: determine emerging and ongoing risks of agency mismanagement; investigate the scope of problem areas, root causes, and responsible individuals; shine a light on agency activities in a way that facilitates transparency and accountability; and recommend effective reforms and improvement actions.

    b. Are there any changes or improvements you would like to seek in the OIGs?

I look forward to working with the OIGs in my role as Executive Chairperson of the new Council and will meet with the Chair, Vice-Chair, and the Executive Council to seek their views on changes or improvements that may be needed in the OIGs.

    c. If confirmed, how would you view your role as Executive Chairperson of the IG Council and, more generally, with regard to the IG community?

58. When IGs find themselves in disputes with agency management about their investigations or findings, they sometimes turn to OMB for mediation. What do you see as your role in such situations?

When requested, OMB should be available to help Federal agencies identify solutions to ongoing problems. In the case of a dispute between an IG and agency management about an IG

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investigation or findings, it is important that OMB use extreme prudence in deciding what action to take. OMB's involvement must not compromise the independence of the IG or otherwise interfere with the IG's investigations or findings. Instead, OMB should work closely with both the IG and agency management to determine productive steps that OMB can take to help resolve issues.

IV. Relations with Congress

59. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

Yes.

60. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed?

Yes.

V. Assistance

61. Are these answers your own? Have you consulted with OMB or any other interested parties? If so, please indicate which entities.

These answers are my own. I consulted with staff from OMB in developing them.

AFFIDAVIT

I, Jeffrey Zients, being duly sworn, hereby state that I have read the foregoing Pre-Hearing Questionnaire and that the information provided in the answers therein is, to the best of my knowledge, current, accurate, and complete.

Subscribed and sworn before me this 1st day of June, 2009.

Notary Public

JACQUELINE WELLS MEERING
Notary Public, District of Columbia
My Commission Expires August 31, 2009

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Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

May 15, 2009

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510-6250

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Jeffrey D. Zients, who has been nominated by President Obama for the position of Deputy Director for Management, Office of Management and Budget.

We have reviewed the report and have also obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Robert I. Cusick
Director

Enclosures - REDACTED

QUESTIONS FOR THE RECORD SUBMITTED BY JEFFREY ZIENTS
Nomination for Deputy Director for Management, Office of Management and Budget
Committee on Homeland Security and Government Affairs Hearing June 10, 2009

Senator Susan M. Collins
Additional Question for the Record
Nomination Hearing of Jeffrey Zients
June 10, 2009

1. In your responses to Senator Lieberman and in your responses to pre-hearing questions, you indicated your willingness to respond to requests for information from the Committee. I would be remiss in my duties as Ranking Member, however, if I did not ask that you treat requests from the Chairman and from me equally. Do you agree to treat requests from the Chairman and from me equally?

   Response: Yes. I will treat requests from both the Chairman and Ranking Member equally.

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Senator George V. Voinovich
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1. Mr. Zients, Senator Akaka and I spend much of our time working to address issues that the Government Accountability Office (GAO) has identified as high risk. One of the areas we have focused on is the Department of Defense's (DoD) security clearance program, which has been on GAO's High Risk List since 2005. Problems documented by GAO led Congress to call for substantial changes to the clearance process in the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). In furtherance of IRTPA's requirements, the previous Administration designated the Office of Management and Budget (OMB) as the executive branch agency responsible for setting policy for the security clearance process, and together with DoD, the Office of the Director of National Intelligence, the Office of the Assistant to the President for National Security Affairs, and the Office of Personnel Management, OMB has made some real progress in improving the timeliness of the security clearance process and has developed a comprehensive security clearance reform proposal that has bi-partisan, bi-cameral support, but I am told the proposal is not moving forward despite a clear mandate in IRTPA to reform the clearance process. If confirmed, do you intend to implement the security clearance reform proposal produced by OMB and other executive agencies last year, and if not, how do you intend to address Congress' mandate for security clearance reform?

Response: I recognize that improvements to the security clearance system are necessary and that a more efficient system will contribute to the Federal government's recruitment objectives. The objectives for reform included in the Intelligence Reform and Terrorism Prevention Act (IRTPA) will be a significant priority for me at OMB. If confirmed, I will review the status of the initiative and determine if any enhancements to the current plan are necessary to best meet the IRTPA goals. In doing so, I will work to ensure that no momentum on the initiative is lost. I commit to work with this Committee, other interested Congressional offices, GAO, and relevant agencies to address the important issues affecting security clearance reform.

2. One specific proposal that was made last year was to revise the security clearance application form, known as Standard Form 86. That revised form was ready for use at the end of December 2008, but I am told it has been put "on hold" pending further review. Senator Akaka and I wrote Director Orszag last month urging him to approve the modified form, but we have not received a response to our request. Will you commit to reporting back to our subcommittee within two weeks of your confirmation regarding when that form will be approved?

Response: Yes. I understand Director Orszag has recently responded to your letter. I will report back to the subcommittee within two weeks of my confirmation regarding the status of the SF-86 review process.

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3. Given our long-standing interest in clearance reform, Senator Akaka and I have held five hearings on security clearance reform efforts since 2005. We tried to hold a sixth hearing on the subject in May, but OMB refused to participate in the hearing, saying that there was no political appointee with significant knowledge of the matter available to testify. If confirmed, will you commit to appear at an Oversight of Government Management Subcommittee hearing regarding security clearance reform efforts within two months of your confirmation?

Response: Yes. I will appear before the Subcommittee within two months of my confirmation to discuss security clearance reform.

4. Twenty-six federal agencies administer more than one thousand different grant programs with different processes for grant applicants to follow. To streamline and simplify those processes, the Chairman and I enacted the Federal Financial Assistance Management Improvement Act of 1999 with Senator Durbin and then-Congressman Rob Portman. GAO reported in 2005 and 2006 that some progress was made under our law, including the creation of Grants.gov, but the legislation sunset in 2007. USASpending.gov and Recovery.gov are government websites recently created as a result of legislative directives; until Grants.gov is similarly reauthorized, how do you intend to ensure that it gets the same attention and priority as these other, more recently created government websites?

Response: The Administration recognizes that the successful functioning of the Grants.gov website is critical to the success of the Recovery Act. While recent efforts have stabilized the Grants.gov solution, OMB and the agencies are now working to evaluate alternatives for the longer-term modernization of this system. If confirmed, I look forward to working on these issues and exploring new approaches to improving grants management.

5. In 2006 GAO suggested that Congress consider reauthorizing the Federal Financial Assistance Management Improvement Act of 1999. Earlier this year, Chairman Lieberman and I introduced a bill to do just that, and in January, Director Orszag committed to work with us on that legislation, the Federal Financial Assistance Management Improvement Act of 2009. That legislation passed the Senate in March; however, thus far, we have not received comments from OMB on our bill. If confirmed, will you ensure that OMB begins to work with us on that bill within 90 days of your confirmation?

Response: Yes, if I am confirmed, I am committed to working with you and Senator Lieberman within 90 days on this important issue. I believe that improving grants management should be a priority, and that we should continue implementing process improvements that lower costs and reduce burdens on government agencies and Federal funding recipients.

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6. On March 9, Director Orszag issued a Memorandum for the Heads of Departments and Agencies regarding "Recovery Act Implementation – Improving Grants.gov and Other Critical Systems" that discussed risks to Grants.gov that are associated with the American Recovery and Reinvestment Act of 2009. On April 8, he issued a second Memorandum for the Heads of Departments and Agencies regarding "Improving Grants.gov." On April 29, the Government Accountability Office made two recommendations in response to those memoranda and OMB's efforts to address Grant.gov issues associated with the Recovery Act. What steps has OMB taken in response to those recommendations, and what additional steps do you believe are needed to address Grants.gov issues associated with the Recovery Act?

Response: It is my understanding that OMB is working with the CFO Council on these recommendations. Currently, Grants.gov contains an alert notice for recipients to advise them that certain agencies are using alternate application processes and systems for Recovery Act programs and that recipients should carefully read the instructions for the proper submission procedures for that application. If confirmed, I will work with the OMB team and other key stakeholders to ensure the Grants.gov solution can handle the increased activity brought on by the Recovery Act. I also believe it will be important to thoroughly evaluate options for modernizing information technology to support grants activities that help meet a variety of critical goals -- a solution that reduces burden on grant applicants, a stable platform that can handle increased activity, and a cost effective business model that limits the resources necessary to maintain the system.

7. As we discussed in my office, I have developed legislation to require agencies to develop more rigorous performance management systems for federal employees. I'm curious if you've had a chance to review the legislation and, if so, if you believe the bill would contribute to the Administration's goal of improving government performance? Would you be willing to work with me on this legislation?

Response: Yes, I have reviewed the proposed legislation. If confirmed, I look forward to working with you and OPM Director Berry to improve the federal government's performance through its people and its programs. Government performance depends on the quality of the workforce and a fair and credible performance appraisal and management system is the foundation. Employee engagement is directly linked to achievement of agency missions.

8. What principles will guide your decision making regarding performance management systems for federal employees? If confirmed, would you support legislation to improve individual performance?

Response: Performance management and appraisal systems must be fair, credible and transparent. Performance appraisals should be an important tool to provide a direct-line-of-sight between an individual's performance with that of their organization. I look forward to working with agency leadership to increase employee engagement and motivation in critical areas. If confirmed, I will work closely with Congress, OPM, agencies, and employee unions to improve

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performance management and appraisal systems through both administrative and legislative mechanisms.

9. The Department of Defense (DoD) has by far the most items on GAO's High Risk List. For 2009, eight of the thirty high risk areas fall solely under DoD's jurisdiction. One of those areas, DoD Supply Chain Management, is an issue that Senator Akaka and I have focused on in our government management subcommittee because the issue has been on GAO's High Risk List since 1990. Eighteen years is far too long for any program to be mismanaged, but especially one with resources amounting to more than $160 billion. If confirmed, will you commit to personally working with Senator Akaka and me to address this issue?

Response: While I am unfamiliar with the details of the supply chain issue, if confirmed, I am committed to working collaboratively to improve the effectiveness and efficiency of all government programs. Tracking and sustaining DoD's progress over time will require leadership focus from all stakeholder organizations. While I understand that DoD has made progress related to its supply chain management, GAO has pressed DoD to incorporate performance measures into its improvement initiatives and decision-making model. I fully support these efforts.

10. What thoughts do you have on how we might improve DoD's supply chain management?

Response: While not familiar with the complexities and specific challenges DoD faces in managing its supply chain, I am certainly aware of the need for a cost effective and efficient strategy for delivering supplies to our military men and women, when and where they need them. Translating this objective into operating plans with meaningful metrics is crucial to sustainable improvement.

11. Since 1990, GAO has periodically reported on government programs and operations that it identifies as high risk. This effort has allowed us to focus on some of the major challenges costing the government billions of dollars each year. In 1990, there were fourteen areas on GAO's High Risk List, and this year, that number has grown to thirty areas. If confirmed, how will you improve agencies' corrective action plans in furtherance of efforts to remove those programs from GAO's High Risk List?

Response: Focusing top agency leadership on the GAO's high risk list will be a top priority. More can and should be done so that each agency has a senior official responsible for agency operations and management who can focus relentless attention on these high risk issues. I will work with OMB and GAO to review each agency corrective action plan and improve current efforts to address GAO high risk issues. OMB has a significant role in working with agencies to ensure existing corrective action plans contain meaningful performance measures and targets and review the resources necessary to carry out those actions.

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12. What other actions would you suggest agencies undertake to address issues on GAO's High Risk List?

Response: First, senior leadership must make the issues on the GAO High Risk list a high priority. As agencies develop corrective plans they should apply proven risk mitigation practices. Identifying root causes and determining appropriate mitigation efforts are examples of actions agencies can take to pro-actively address risk.

Furthermore, agencies should incorporate their High Risk corrective action plans and strategies into their annual budget and performance plans and reports. They should also maintain a collaborative and productive relationship with key stakeholders including Congress, OMB, and GAO to conduct regular reviews, especially on issues that involve multiple agencies. An important part of this process is to publish corrective action plans on both the agency and OMB websites so there is transparency and clear accountability on their progress.

MARK R. WARNER
VIRGINIA

UNITED STATES SENATOR
WASHINGTON, D. C.

Senate Homeland Security and Government Affairs Committee
Statement in Support of Jeffrey Zients
By U.S. Sen. Mark R. Warner of Virginia
June 10, 2009

Mr. Chairman, I appreciate an opportunity to strongly endorse the nomination of Jeff Zients to serve as the Deputy Director for Management at the OMB and to serve as the federal government's first-ever Chief Performance Officer.

Both in my career in private business and during my service as Virginia's Governor, I always tried to follow this business school principle: what gets measured gets done.

In fact, my first speech on the floor of the U.S. Senate dealt with this very topic – the need for greater government transparency and accountability. In those remarks, I said that, while the American people are not expecting miracles, they should at least have an expectation of competence.

I suggested we put in place the people with the right skills, and insist on the appropriate measurements, so that we can then demand transparency and accountability.

Let me tell you how my good friend Jeff Zients is uniquely qualified to meet these expectations as Deputy Director for Management.

First, Jeff has been a distinguished leader in the private sector for 20 years. He has been a successful CEO, a management consultant, an entrepreneur and a corporate board member.

Throughout his career, Jeff has demonstrated tremendous character. His colleagues and competitors speak about his utmost integrity and his ability to solve problems and build consensus around fair solutions.

And second, for 15 of those 20 years, Jeff helped build and run two companies, The Advisory Board Company and the Corporate Executive Board Company. These are companies that are focused on the development and dissemination of performance metrics.

Jeff's companies helped more than 5,000 corporations develop benchmark metrics and best practices to improve operations, measure performance and increase efficiency.

That's exactly what we need in a first-ever federal Chief Performance Office.

I commend President Obama for nominating Jeff Zients. He truly is the right man at the right time.

Thank you,

Mark R Warner

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